

**INFORMAL INSTITUTIONS AND PUBLIC POLICY IMPLEMENTATION
IN MALAWI: THE CASE OF PUBLIC BROADCASTING REGULATION**

MA (POLITICAL SCIENCE) THESIS

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**UNIVERSITY OF MALAWI
Chancellor College**

April 2010

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MA (POLITICAL SCIENCE) THESIS

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Submitted to the Faculty of Social Sciences,
in partial fulfilment of the requirements for the degree of
Master of Arts (Political Science)

**UNIVERSITY OF MALAWI
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April 2010

DECLARATION

I, the undersigned, hereby declare that the text of this thesis titled: INFORMAL INSTITUTIONS AND PUBLIC POLICY IMPLEMENTATION IN MALAWI: THE CASE OF PUBLIC BROADCASTING REGULATION is my original work. Where other people's work has been used acknowledgements have been made.

MACLAN KANYANG'WA

Signature

Date:

CERTIFICATE OF APPROVAL

We, the undersigned certify that we have read and recommend to the Postgraduate Studies and Research Committee and the Senate for acceptance of this thesis titled **INFORMAL INSTITUTIONS AND PUBLIC POLICY IMPLEMENTATION IN MALAWI: THE CASE OF PUBLIC BROADCASTING REGULATION** submitted by **MACLAN KANYANG'WA** in partial fulfilment of the requirements for the degree of Master of Arts in Political Science.

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April 2010

DEDICATION

Dedicated to the memory of Ethel Kanyang'wa Nangondo

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ABSTRACT

Against a set of policy reforms to meet democratic criterion, public broadcasting in Malawi has in recent years been hit by crisis pertaining to control and ownership, content and funding. While pressure is growing to strengthen existing laws, little attention has been paid to unwritten laws embedded in everyday social practice governing the behaviour of actors in this policy area.

This study elucidates how informal institutions undermine the effective implementation of public policy in Malawi using the case of public broadcasting regulation. Using a qualitative approach relying on multiple data sources namely key informant interviews and document analysis, the study reveals that informal institutions both undermine and complement formal institutions in public broadcasting policy implementation. Trust in ‘political big men’, party based networks, *chiponda* and informal labour market institutions undermine effective implementation of formal public broadcasting policy in Malawi while issue networks and informal funding mechanism are complementing the work of formal institutions. Notably, the ‘big man’ is a central institution that builds impetus for other informal institutions regardless of whether they supplement or supplant existing formal rules.

The study findings challenge present emphasis on formal institutional reforms. The study suggests that weaknesses in the formal institution should be looked at as an incentive for the emergence of informal institutions which can explain the apparent failure in public broadcasting regulation. The study suggests that manipulating the supply of labour, through training, will increase opportunities for the mobility of employees that, in turn, will create incentives for adherence to formal institutions by making the sector more competitive.

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LIST OF ACRONYMS AND ABBREVIATIONS

AFORD	: Alliance for Democracy
ANC	: African National Congress (South Africa)
AU	: African Union
BBC	: British Broadcasting Corporation
CABS	: Central African Broadcasting Service
CEO	: Chief Executive Officer
DDG	: Deputy Director General
DG	: Director General
DPFEA	: Declaration of Principles on Freedom of Expression in Africa
DPP	: Democratic Progressive Party
EU	: European Union
FXI	: Freedom of Expression Institute
GoM	: Government of Malawi
JUMA	: Journalists Union of Malawi
KAS	: Konrad-Adenauer-Stiftung
MACRA	: Malawi Communications Regulatory Authority
MBC	: Malawi Broadcasting Corporation
MCP	: Malawi Congress Party
MISA	: Media Institute of Southern Africa
MoI	: Ministry of Information
MP	: Member of Parliament

MPC	: Malawi Posts Corporation
MPRS	: Malawi Poverty Reduction Strategy Paper
MTL	: Malawi Telecommunications Limited
NAMISA	: National Media Institute of Southern Africa
NPL	: Nation Publications Limited
NRP	: New Republican Party
OPC	: Office of the President and Cabinet
PAC	: Public Appointments Committee
PAC _b	: Public Affairs Committee
PB	: Public Broadcasting
PCD	: Presidential Committee on Dialogue
PSB	: Public Service Broadcasting
PSM	: Public Service Model
SABC	: South African Broadcasting Corporation
SADC	: Southern Africa Development Community
SADC PF	: SADC Parliamentary Forum
TVM	: Malawi Television
UDF	: United Democratic Front
UNESCO	: United Nations Education Scientific and Cultural Organisation

CHAPTER 1

INTRODUCTION

1.1 Background

The Constitution of the Republic of Malawi, adopted at the reintroduction of multiparty democracy in May 1995, provides citizens with the right to freedom of expression and to report and publish freely, and to be accorded the fullest possible facilities for access to public information (GoM, 1995:p.17). Policy instruments such as the 1998 Communication Act provide direction for regulating both public and private media so that they serve *public interest* (GoM, 1998:p.34). A programme in which a large part of the audience is interested is by the very fact in the *public interest*. A public interest approach to media policy focuses on strengthening media's contribution to good governance and accountability, to participatory communication for development, and to cultural pluralism and social agency (Buckley et al, 2008: p.6).

Public broadcasting is in a crisis pertaining to control and ownership, accountability, and funding in recent years in the face of the reforms to meet democratic standards. Typical weekly media monitoring reports of positive news and negative news share for political parties show consistent bias towards 'ruling party' (MACRA, 2008). For the purpose of this study, a 'ruling party' means the party of the incumbent regardless of the number of seats held in the national assembly since Malawi is a presidentialist establishment (where the president is elected in popular vote such that he or she in turn appoints government). In the 2006/2007 budget, the Malawi Broadcasting Corporation (MBC) and Malawi Television got 50 percent of their budget. The 2007/08 budget session marked the first time in the history of public broadcasting that MBC and TVM were denied funding by parliament as a result of perceived bias towards a 'ruling party'. In

the 2008/09 budget the two public broadcasters had a nominal K2 budgetary allocation. This crisis points to a significant discrepancy between policy objectives, that is to tread a path that mediates among different interests, and policy outcomes of which in the case under study represent capture by vested interests.

1.2 Problem Statement

The crisis of public broadcasting persists in a presidentialist establishment with multiple veto points. Tsebelis (2002: p.19) defines veto players as individuals or collective actors whose agreement is necessary for a change of the status quo. In addition, since 1994 the executive and legislative branches have been controlled by different parties (Table 1 and Rakner et al, 2004: p.7). Theory suggests that under presidentialism, multiple veto points make it difficult to pass legislation; successful bills are often the product of policy bargains and logrolls that are virtually impossible to reverse once legislated. Moreover, when the executive and legislative branches are controlled by different parties, either may veto policy changes initiated in the other branch (Moe & Caldwell, 1994: p.177 cited by Eaton, 2000: p.359).

The multiple veto points present a strong base for a demand for strengthening media laws among media scholars and advocates of press freedom (Berger, 2007; Manda, 2006; KAS Media Programme, 2003; Balule & Kandji, 2004). However, the reasoning that strengthening media laws and ratifying an access to information law will avert public broadcasting crisis runs in sharp contrast to a growing body of theory about new democracies which assumes that political actors tend to attenuate formal institutions in favour of political ties of a personal or communal nature, for example, clientelism, corruption and trust in political ‘big men’ (Bratton, 2007; Helmke &

Levitsky, 2006; 2004 and Bratton & Walle, 1997). These scholars attribute significant explanatory powers to informal institutions in determining the outcome of public policy programmes.

Table 1: Composition of the Legislature 1994-2009

Year	Ruling Party	No of MPs	Opposition	No of MPs	Difference
1994	UDF	85	Aford, MCP	92	-7
1999	UDF	93	Aford, MCP	97	-4
2004	UDF	49	Aford, MCP, NRP and others	138	-89
2005	DPP	6	MCP, UDF, NRP and others	187	-181

Data Source: Malawi SDNP Available: <http://www.sdnp.org.mw> Accessed: 25 April 2009 and Patel & Tostensen, 2007

This study uses the case of public broadcasting regulation to shed light on the behaviour of informal institutions in undermining the effective implementation of public policy in Malawi. Specifically, it explores a newly emerging theory of interaction between formal and informal institutions articulated by Gretchen Helmke and Steven Levitsky (2004; 2006) regarding the extent to which “rules of the game” that exist on paper are enforced or complied with in the game of politics. The central argument is that rather than official rules, unwritten codes are

created, communicated and enforced outside of officially sanctioned channels to structure political life.

The study adopts Helmke and Levitsky's (2004: p.727) definition of formal institutions as rules and procedures that are created, communicated, and enforced through channels that are widely accepted as official. This includes state institutions (courts, legislatures, bureaucracies) and also "organisational rules" or the official rules that govern organisations such as political parties, and interest groups. Leftwich (2006) defines formal institutions as agreed and predictable rules about ways of doing things normally established by binding laws, regulation and legal orders which describe what may or may not be done.

Informal institutions, on the other hand, are constituted by convention, norms, values and accepted ways of doing things. Leftwich (2006) observes that these are embedded in traditional and social practices and culture which can be equally binding. Transactions that rely on informal institutions are regulated by a set of expectations about other people's behaviour. These expectations derive from a common understanding of the rules of the game and the penalties for deviation and are based on shared belief and shared identity of network members. Further, these norm-based institutions can supplement or supplant laws and formal rules (*World Bank*, 2002: p.171).

Attention to informal institutions and how they affect public policy formulation and implementation in Malawi is not new. Rakner et al (2004) studied *the formal and informal institutional makings of the budget process* to explain the apparent lack of political will to

formulate, implement and monitor the budget process and public financial management in accordance with the overall goals of the Malawi Poverty Reduction Strategy Paper (MPRS). Their study reveals that at each stage in the budget process, formal and informal institutions interact. These informal processes undermine the formal institutions. To this effect decisions are influenced by informal practices in a manner that reduces transparency, limits distribution and civil society input. The study concludes that from the process of planning and formulation, the budget process in Malawi provides no realistic estimates for revenue spending.

Rakner et al (2004) do not discuss the specifics vis-à-vis the nature of interaction between formal and informal institutions as suggested by Helmke and Levitsky (2004; 2006) who spell out a four-fold relationship between the former and the latter where institutions can be *complementary, accommodating, substituting and competing*.

Using the Helmke-Levitsky framework, Siavelis (2005) examined the effects of accommodating institutions in attenuating problems arising from Chile's 'awkward' institutional arrangement; and how they also helped to moderate the actions of presidents who have powers to be quite authoritarian. Further, Liebert (2007) applied the typology to policy implementation. In his study of the role of informal institutions in United States of America's Immigration Policy Liebert establishes how informal institutions tend to undermine the effectiveness of immigration policies.

The present study is prompted by reforms and the evolution of laws governing the media in Malawi since 1994 to see if the apparent failure to regulate public broadcasting in the public

interest can be explained by the work of informal institutions. Further, this study is an attempt to discuss the interaction between the two sets of institutions from Helmke and Levitsky's framework or typology of institutions.

1.3 Study Question

The question that needed investigating is: given democratic formal institutions (reflected in multiple veto points) for the delivery of public broadcasting in the public interest, what factors undermine effective implementation?

1.4 Specific Questions

Specifically, the study sought to answer the following questions:

- a) What are the formal institutions underlying public broadcasting policy implementation in Malawi? What are their strengths and weaknesses?
- b) What are the informal institutions affecting public broadcasting policy implementation?
- c) How do the formal institutions and the informal institutions interact?
- d) What are the effects of the interaction in (c) on public broadcasting policy outcomes?

1.5 Significance of Study

This section elaborates on the importance and implications of this study for researchers and scholarly work in the field, practitioners, and policy makers.

1.5.1 Scholarly Research and Literature in the Field

Literature review suggests that attempts to explain public broadcasting experiments have centred on regulation and formal institutions. Bratton (2007) argues that this bias is reasonable for

established democracy, where political actors are guided by a rule of law and where written constitutions are reinforced by a widespread ethic of “constitutionalism”. These conditions rarely hold for emergent democracies where legal limits on state power are usually novel and untested. The focus on informal institutions and the application of the theory of informal institutions provides a case which could be vital for local public policy researchers.

1.5.2 Improving Practice

The study presupposes that employees and executives create, communicate and enforce informal institutions. The findings provide recommendations on how practitioners and champions of media freedom can help in weakening incentives that sustain dysfunctional informal institutions. The study covers conditions and situations that permit deviation from informal institutions. Such situation can be enhanced while those that encourage adherence to problem creating informal institutions can be discouraged.

1.5.3 Improving Policy

Awareness of the existing informal institutions and the nature of their interaction with informal institutions and the effects of this interaction is a valuable tool that will build capacity for policymakers to take into account the informal institutions when making policy. This is not limited to public broadcasting regulation as lessons learn in this case study may also apply other policy sectors in Malawi.

1.6 Organisation of the Thesis

The first chapter of the report has provided the background to the study. The chapter has outlined the problem statement and the study questions. The chapter provided rationale and justification for the study hinting on contribution of the study to scholarly research and literature in the field,

how the study findings might help improving practice and how it possibly will improve policy. Finally, the introduction also lays the framework for the way the thesis has been organized.

The next chapter reviews existing literature on public broadcasting. It looks at the history of broadcasting in Malawi and public broadcasting in the context of the digital age. The chapter looks at comparative cases of PB regulation in the SADC and the African region. Further, the chapter reviews implementation literature and conceptual processes underpinning public policy regulation. At the end the chapter reviews the analytical framework of Gretchen Helmke and Steven Levitsky for institutional analysis.

The third chapter unpacks the qualitative research design, the case study strategy, population and phenomena under study, sample size and sampling techniques. It also discusses the methods that were used to collect data and eventually how the Constant Comparative Technique was used to analyse data. Chapter four presents findings of the study.

The last chapter summarises the major findings of the study providing recommendations for scholarly work and literature in the field, recommendations for practice and policy implications.

CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Overview

This chapter opens with a brief history of public broadcasting in Malawi. It provides a review of existing literature on public broadcasting regulation and policy making processes. It also situates public broadcasting in the context of the digital age. The chapter discusses comparative cases of PB regulation. Further, the chapter reviews public policy implementation literature and conceptual processes underpinning public policy regulation. At the end, the chapter dissects the analytical framework of Gretchen Helmke and Steven Levitsky for institutional analysis vis-à-vis interaction between formal and informal institutions.

2.2 Background of ‘Public Broadcasting’ in Malawi

Britain federated its two protectorates of Nyasaland, now Malawi and Northern Rhodesia, now Zambia with its colony of Southern Rhodesia, now Zimbabwe in 1953 and called it Federation of Rhodesia and Nyasaland. Southern Rhodesia established a working radio station at Salisbury in 1932 but it was not until 1941 that Northern Rhodesia set its own radio station in Lusaka. The Second World War is said to have provided incentives to establish the Lusaka Radio Station whose purpose was to broadcast war related information. Right from the beginning, the Lusaka Radio specialised broadcasting in vernacular language becoming the pioneer of the three countries.

When the British found it was very expensive for Northern Rhodesia to operate the specialised programmes, they persuaded the government of Southern Rhodesia and Nyasaland to share operational costs while the British government took care of capital funds. This arrangement gave birth to the Central African Broadcasting Service (CABS). But broadcasting service provided by CABS from Lusaka was not satisfactory for Nyasaland. So after some complaints they decided to install in 1960 a relay transmitter in Zomba, then capital of Nyasaland.

The Malawi Broadcasting Corporation (MBC) was established by an Act of parliament on 1st January 1964 as a tool for development and nation building. Malawi Television (TVM) was officially opened on 1st April 1999 as a wholly owned private company by government but practically started in 1996 as a project with 25 members of staff in the News and Current Affairs, Technical Engineering and Administration sections. TVM is a PSB mandate by government to enhance the implementation of all its socio-economic programmes.

2.3 An Overview of Existing Research on Media Regulation and Public Broadcasting

Schlesinger (2004) observes that broadcasting is configured by politics, law, and regulation, by technological change, by the balance between market and state, and by the values and beliefs contending in the national public sphere. To this effect public broadcasting regulation has been the subject of research from a variety of disciplines spanning political science, economics and law among others. Part of the literature reviewed draws attention to the mass media, specifically public broadcasting, as institutions of the public sphere and their role in the consolidation of democracy.

Other literature underscores reforms in the media to create an “empowered communication environment” for example research by the World Bank (Mitchell, 2007). Other scholars have paid attention to discrepancies in the conceptualisation of public broadcasting in different parts of the world (Banda, 2006). Some studies have compared regulatory regimes for public broadcasting in different parts of the world. Specific work, in this regard, includes studies by Konrad-Adenauer-Stiftung (KAS) on Southern Africa Development Community (SADC) media laws (KAS, 2005) and Berger (2007) who explores media legislation in ten emerging democracies in Africa. Some scholars have sought to highlight challenges facing public broadcasting in the digital age as well as the era of commercialization. A Detailed analysis of the abovementioned literature follows in Section 2.4 below.

2.4 Observations from the Literature on Public Broadcasting

This section starts with an examination of the debate on the term ‘public broadcasting. A discussion of public broadcasting and the digital age follows. Thereafter, the section examines the role of public broadcasting in good governance followed by a discussion on reforms in formal institutions.

2.4.1 Defining Public Broadcasting

Although, as literature below will reveal, it is widely accepted that public broadcasting is key to democracy and good governance, the term *public broadcasting* remains elusive. In many parts of the world public broadcasting owes its existence to nation building and nationalism. The public service model of broadcasting is inherited from the British Broadcasting Corporation (BBC) model (Banda, 2006). However, it is increasingly being interpreted to accommodate national specificities. A regional study into the conceptualisation of public service broadcasting reveals

that: in South Africa, the Public Service Broadcasting (PSB) model is associated with the task of national unity and reconciliation. In Malawi, PSB is seen as representing Malawi ‘to the world and to observe the norms of a democratic society’ (MoI cited by Banda (2006). Banda agrees that PSB is shaped by political circumstances.

Researchers have alluded to the confusion in the understanding of public broadcasting. What some countries consider public broadcasting is in real terms state broadcasting or government broadcasting.

It is crucial to distinguish between public broadcasting, public service broadcasting, state broadcasting and government broadcasting. Banda (2006) defines state broadcasting as that which is controlled by the state and represents state interests. It is funded by public money (Banda, 2006). Government broadcasting is controlled by government of the day and represents the view point of the executive. It is at least funded out of public money. Public Broadcasting (PB) is owned by the public and is accountable to it. It is funded, at least out of public money. Public Service Broadcasting (PSB) has a specific remit to broadcast material in the interest of the public interest. In the case of PSB a public service broadcasting media organisation need not necessarily be publicly owned. Even privately owned broadcasters may have such a role of PSB. However, a public broadcaster (funded by government) should always have a public service remit (Article XIX: p.37 and Rumphorhosrst, 2003: p.1-3 cited by Banda (2006)). The impasse that has characterised public broadcasting in Malawi demonstrates that PB has been misunderstood.

In summary, most of Sub-Saharan Africa answers to state or government broadcasting. Banda recognises efforts that many countries are making towards transforming state/government broadcasting into public broadcasting.

It is observable that the debate on what constitutes public broadcasting is far from conclusive. It is important, therefore, in trying to understand public broadcasting that one must come up with a definition that would guide a particular study. Such an attempt must start with what is contained in the laws. Consequently, the emphasis placed by the Communications Act (section 87 (2a); that a public broadcaster function without political bias and independent of any person merit special consideration in this investigation. In terms of content, therefore, one can argue that the public broadcaster (the organisation) must be seen to be non partisan. That is why, perhaps, in its media monitoring MACRA emphasises on percentage coverage given to political parties by different radio stations in their dissemination of news and information. Public broadcasting must not be seen discriminate against a group of people on the basis of their political affiliation. In fact Section 87 (2b) of the Communications Act obliges the public broadcaster to support the democratic process. The foregoing would in fact constitute public ownership and control.

Even though cultural diversity can be reflected in different types of programmes and content rather than news, this study is preoccupied with news and information function of the media. Mac Quail (1987: p.203) argues that the central ingredient of the newspaper and those media modelled on it, radio and television is what 'we' call news. It therefore merits special attention in a discussion of media content because it is one of the few contributions of mass media to the

range of forms of human expression. It is also an activity to which a large part of the journalistic (and thus media) profession defines itself.

For the purpose of this study the public broadcaster must also be publicly funded through the national assembly.

2.4.2 Is Public Broadcasting Still Necessary?

The advent of the digital age has raised serious question about the necessity of PB because there is no longer a scarcity of channels for dissemination of news and information. A neo-liberal perspective has it that if there is any public demand for something in the current digital environment, it will show up on the Internet or elsewhere, therefore, whatever defence existed in the past for public broadcasting no longer exists. The system should be “zeroed out” (McChesney, 1997). One of the weaknesses in this view, as rightly suggested by McChesney, is that it invariably points to private control, regardless of the social implications (McChesney, 1997). The case in point, as put by the European Union (EU) is that the coexistence of public and commercial media has largely contributed to innovating and diversifying the supply of content and has had positive impact on quality. However commercial media do not guarantee quality and independence from commercial interests or that it would be free to air, universally accessible and constant overtime (EU Parliamentary Assembly, 2004).

In Malawi the media environment exemplify the observation by the EU Parliamentary Assembly in the sense that, for 12 million people newspaper circulation is still small. For instance at the end of 2005 the circulation of leading newspapers such as *The Daily Times* was 12, 000; *The Nation*- 16, 000; *Malawi News*-28 000 and the *Week End Nation*-40 000 (Manda, 2006).

Furthermore these newspapers circulate in English language. In the broadcasting area, set aside MBC, the rest of the radio stations with national reach (*Power 101 FM, Capital Radio 102.5, and MIJ FM*) have urban appeal (Manda, 2006). Therefore, McChesney argues that for those committed to actual participatory democracy it is crucial to protect and expand public service broadcasting as well as the broader sphere of non profit and non-commercial media. McChesney (1997) proposes, therefore, that the issue of broadcasting (and media) ownership needs to be made a public issue. He argues that countries need not only provide resources and institutional protection for public broadcasting; they also need to reform it mightily, so that it serves more directly as an agent of democracy, rather than bureaucracy.

2.4.3 Public Broadcasting and Good Governance

The centrality of public broadcasting and the media in general, in a democracy is widely accepted (Dahl in O'Donnell, 1996; Linz & Stephan, 1996; Dominick, 2005; Clive Barnet, 1998; Boyd-Barret, 1995, Mitchel, 2007). The media play an important role in a democracy and its consolidation. Constitutive features for a democracy as conceived by Robert Dahl are elected officials, free and fair elections, the right to run for office, inclusive suffrage, freedom of expression, alternative information and association autonomy (O'Donnell, 1996). Linz & Stephan (1996) further note that:

Behaviourally, a democratic regime in a territory is consolidated when no significant national, social, economic, political or institutional actors spend significant resources attempting to achieve their own objectives by creating a non democratic regime or by seceding from the state. Constitutionally, a democratic regime is consolidated when government and nongovernmental forces alike become subject to and habituated to, the

resolution of conflict within the bounds of the specific laws, procedures and sanctioned by the new democratic processes.

Boyd-Barret (1995), further, notes that the media provide a public sphere, an open space for people to discuss their ideas freely and democratically. Drawing from a 1962 work by Jurgen Herbamas, a public sphere was an ideal forum within which newspapers and journals were read and discussed in face to face groups, whose discussions were framed with reference to and on behalf of broader social interests than merely the interests of those who were physically present, and which helped transfer the relationship between aristocracy and bureaucracy (Boyd-Barret, 1995). He argues that institutions of public sphere are vital based on the need in a democratic society for citizens to have access to information, advise and analysis that will enable them to know their rights and to pursue them.

Since the BBC Charter (1926) (The Charter establishes the BBC recognising its editorial independence at the same time setting out its public obligation) there have been observable trends in the argument for democratising information. This includes the New World Information and Communication Order in the 1980s. The demand for a new international information order was an outgrowth of third-world resentment of the imbalances in international news flows, as summarized in the phrase, 'one-way-flow'; the lack of respect for third-world peoples' cultural identity that such imbalances reflected, the monopoly positions of transnational communication corporations, which were perceived as a threat to the countries' national independence; and the inequitable distribution of communication resources in the world (Carlson, n.d). The thesis has proponents and critics.

2.4.4 Formal Institutions and Public Broadcasting Reforms

Fombad (2002) observes that despite extensive legalisation of private broadcasters in the Southern African Development Community (SADC) region governments have continued to control all that is transmitted on the PSM. Southern Africa has become worthwhile over the past 10-15 years in terms of movements in broadcasting. This is especially so with the independence of the Republic of South Africa (RSA). PSM is one of the building blocks of democracy and should be legally protected and strengthened because its vulnerability to partisan manipulation threatens the very sustainability of democracy or the credibility of a democratic transition.

Interestingly, the power of the legislature in initiating the public interest approach to media is recognised by regional institutions such as the SADC Parliamentary Forum (PF) and the African Union (AU). The SADC PF makes a strong observation that:

The people have the right to expect that radio and television contribute to access of information for all citizens and to actively further development, based on the fundamental values of democracy; public broadcasting in particular provides access to a wide range of information and ideas from all sectors of society, and thus serves as a forum for public debate and an instrument of popular empowerment by giving the people a voice; state broadcasters should be transformed into public broadcasters serving all citizens of a country irrespective of their gender, political and cultural beliefs and therefore are accountable to the public at large through a board that protects editorial independence and is protected against interference of a political or economic nature, appointed in an open and transparent process and accountable to the legislature (SADC PF, 2006).

SADC PF resolves that legislators have the duty:

To act in the public interest, to play a central role in expediting broadcasting reforms as leaders who have the mandate and public trust; to give practical meaning to the agreed principle that democracy demands public debate, transparent decision-making, the free exchange of ideas, opinions and information with the media, public broadcasting in particular, serving as both forums for this public debate and sources of information on which decisions are based; to enhance the political will and a sense of urgency in the countries to seriously embark on the process of broadcasting reforms (SADC PF, 2006).

The AU's African Commission on Human and Peoples Rights the intergovernmental organisation that supervises the African Charter in 2002 adopted an authoritative "Declaration of principles on Freedom of Expression in Africa (DPFEA)". Among other things, the DPFEA demands freedom of independent media regulatory bodies from government interference. It also demands that government controlled broadcasting should be transformed into public service broadcasting organisations that are accountable to parliament. It also proposes promotion of a public complaints system for both print and broadcast media based on rules and codes of conduct agreed to by all stakeholders, preferably under self regulation. Further, there should not be undue restriction on the exercise on individual's rights as a media practitioner and that the state should prevent attacks on media workers.

Berger (2007) observes that given its genesis in an official structure of the AU, the DPFEA is probably the potentially most powerful instrument for promoting legal environment conducive for media freedom in Africa.

2.4.5 Comparative Literature on Institutional Reforms in Public Broadcasting

A comparative study on legislative trends in ten emerging democracies in Africa commissioned by UNESCO (Berger, 2007: p.3) suggests how democratisation should include democratisation of the media landscape movement away from state monopoly on institutions and control of content, towards allowing citizens to establish their own media. Berger (2007: p.3) adds that there is need to meet legitimate expectations for non partisan information. The third one is the acceptance of dissent and the freedom to criticise the authorities, instead of circumscribing this through licensing conditions, insult and criminal defamation laws, and a host of other legislation predating, and unfitting to, a democracy.

In many emerging democracies, Africa in particular, the World Bank (Mitchell, 2007) observes that legal and financial institutions reliable in issues of governance and anti corruption as well as enforcement and enhancement of accountability in the public sector such as the judiciary, police, and financial auditors are weak and among the most corrupt. As a result a complimentary approach takes the users of public services as a starting point. Rather than attempt to increase service provider accountability to policy makers alone, the idea is to also engage citizens at the bottom of the public service delivery chain by providing them with easy access to information on the workings of public programmes intended for their benefit. In this way citizens will be empowered to demand certain standards and monitor the abuses by officials. Improving public access to information is a crucial part of this bottom up complimentary approach and media have a crucial role to play (Mitchell, 2007).

Informed by its work in many parts of the developing world the World Bank (Mitchell, 2007) puts up a strong case for improving the legal environment for communication – all the laws related to communications. These include not only those related to regulatory and licensing environments; but taxation and import regimes; freedom of information laws; public order acts; and criminal liable acts. For example, the Bank has in some countries found for example that even if a Freedom of Information law was passed it could not be carried out because it contradicts an Official Secrets Act or a Public Order Act. In the Malawi case, civil society is still pushing for the Access to Information Act.

The World Bank proposes many reforms to create an “empowered communication environment”. Such reforms include; reforms of Ministries of Information – looking at communication like any other sector in government – seeing how it can deliver better services to people; developing national communication and media policy; getting government out of the business of owning media; turning state broadcasters into public broadcasters; making them less a regulator and more of a development communicator; decentralizing communication; focus on core services etc (Mitchell, 2007). Further Mitchell makes this observation:

From our work in many countries we have found that the main reason the state continues to own media is because it knows that it cannot compete in a free information environment. We also see lots of calls for Freedom of Information Acts. These may be useful but unless governments can deliver information – many do not even know what information they have and there is little government record documentation, and unless people know how to access it these laws will be extremely

limited in scope. By reforming MoIs we help give governments this ability and confidence.

Konrad Adenauer Stiffung (KAS Media Programme, 2003) study shows that apart from the Communications Act other principal statutes governing the mass media (in general) in Malawi, are the: Printed Publications Act, 1947 (Act 18 of 1947)-which governs the print media and which provides for the registration of newspapers with the Government Archives; Censorship and Control of Entertainment Act, 1968 (Act 11 of 1968)-which regulates the pre approval of content that is distributed to the public and which provides for the regulation of entertainment productions; Official secrets, 1913 (Act 3 of 1913-which protects official state secrets against disclosure; and Commercial Advertising (Traditional Music) Control Act, 1978 – which regulates the use of traditional Malawi music in advertising. Among these statutes it is only the Printed Publications Act that does not regulate public broadcasting. Media organisations with the aid of the civil society are working on the enactment of a statute on the access to information that harmonises the different statutes regarding provision of public information.

KAS Media Programme observes that some of the provisions in the Communications Act (1998) have diverse implications for the independence of the regulator. For example Section 7 and 8 gives the president powers to appoint the members and chairperson of MACRA without reference to anyone else not even parliament. The minister is to appoint the director general. MACRA is also supposed to comply with directions that the minister may give them in relation to radio communication frequency. The minister may [however] make regulation exemptions from the requirement to hold a licence. It is clear from the study that the framers of the Communications Act concentrated these powers in the president and the minister while the

regulatory authority and the regulated institutions are supposed to steer clear from political control.

With regards to funding, Section 94 of the Communications Act provides for the following means by which a public broadcasting organisation is going to get funds; parliament, grants, subsidies, donations, bequests, subscriptions, rents, interest or royalties from government or any other person. Funding also includes commercial advertising and sponsored programmes. MBC can also get funding from licencing fees (GoM, 1998).

In South Africa the legislation that governs the broadcast media includes the Independent Communication Authority of South Africa Act, 2000 (Act 13 of 2000), the Independent Broadcasting Act, 1993 (Act, 153 of 1993 and the Broadcasting Act, 1999 (Act 4 of 1999)-both which regulate broadcasting sector in South Africa. The Final Constitution of South Africa (Constitution of the Republic of South Africa Act 108 of 1996) safeguards the independence of the broadcasting regulator against interference by the state. The South African Constitution is the only constitution in the world to do this. Coincidentally South Africa Broadcasting Corporation (SABC) until recently has been touted as having been able to fulfil its role as being a public broadcaster instead of it being a state broadcaster and a mouth piece of the ANC government. South Africa is the only country in the world where regulatory agency for PB is constitutionally guaranteed independence (KAS Media Programme, 2005).

However, a battle for control of SABC began after then African National Congress (ANC) President Thabo Mbeki expressed his desire to retain his presidency ahead of ANC Conference

in Polokwane in 2007. His intention was met with stiff opposition from supporters of Jacob Zuma. Zuma supporters accused president Mbeki of using the public broadcaster to promote his propaganda and they singled out SABC Chief Executive Officer Dali Mpofu as being a prime leader of a plot against Zuma. In April 2008 Mpofu conceded that the public broadcaster was under political pressure while addressing a conference on media and electoral democracy held in Pretoria by the South Africa's Independent Electoral Commission. Eventually SABC CEO Dali Mpofu suspended Head of News Snuki Zikalala, and in turn SABC Board slammed Mpofu with the same punishment (Rodganger, 2008).

The South African case raises an important question, therefore, that given the same institutions that have been touted for the successful implementation of public broadcasting why is it that presently they are failing to attenuate political control. It, therefore, provides a strong case for inquiry into how a change in the informal institutional environment might make it difficult for formal institutions to operate effectively.

2.5 Observations from Public Policy Implementation Literature

The variety of instruments available to policy makers to address public policy problems, as was the case with public broadcasting at the re-introduction of multiparty democracy, is wide (Howlett & Ramesh, 2005: p.84). Using the level of state provision criterion, for example, one can develop a taxonomy that arranges the various instruments of public policy on a voluntary-compulsory scale. The truly voluntary instruments are devoid of state involvement, the totally compulsory ones permit no room for private discretion (Howlett & Ramesh, 2005: p.86). Public broadcasting in Malawi as regulated by the Communications Act and implemented through the Malawi Broadcasting Corporation (MBC) and Malawi Television (TVM) falls under compulsory

instruments. Under compulsory instruments policy makers can choose between regulations, public enterprise and direct provision.

Michael Reagan (cited by Howlett & Ramesh, 2005: p.87) defines regulation as a process or activity in which government requires or prescribes certain activities or behaviour on the part of individuals and institutions, mostly private but sometimes public, and does so through a continuing administrative process, generally through a designated regulatory agency. Regulation takes various forms and includes rules, standards, permits, prohibitions, legal orders, and executive orders; Public enterprise can be seen as an extreme case of regulation “where the rules have been made particular so as to cover all activities, as would be of an organisational management. This makes them more intrusive than regulation because government can technically do whatever it wishes by virtue of its ownership; under direct provision government directly performs the task in question, delivering goods and services directly by government employees, funded from the public treasury.

Public Broadcasting (PB) in its present form embodies direct provision. The risks associated with direct provision render contemporary debates on public broadcasting in Malawi and Africa in general addressing the obvious, precisely, the ineffectiveness of formal institutions, given predicted neopartrimonial forms of rule associated with emerging democracies. Direct provision carry inherent risks as put by Howlett & Ramesh (2005: p.91) such as, firstly, delivery of programmes by the bureaucracy often characterized by an inflexibility that is unavoidable in liberal democratic societies which value the rule of law and must abide by formal operating

procedures. In the event of public broadcasting for example, opposition legislators, through the Appropriation Act (2006, 2007 and 2008) have effected cuts in PB funding.

Buckley et al, (2008) have rightly argued that some sources of funding carry inherent risks: the possibility of withholding public funding gives governments leverage to influence media. Secondly political control over the agencies and officials involved in providing goods and services may, and often does, promote political meddling to strengthen the governments' re-election prospects rather than to service the public. In the case of public broadcasting, Malawi Communications Regulatory Authority (MACRA) monitoring data on political coverage reveal a higher percentage bias by public media institutions towards the ruling party and its agents. Further, political control may also lead to incoherent directives to agencies delivering the goods and services because of the contradictory pressures that beset government. Bureaucratic agencies are not subject to competition. They are often not sufficiently cost conscious, for which the taxpayers ultimately pay. Fourthly, the delivery of programmes may suffer because of inter and intra agency conflict within government. These disadvantages associated with direct provision have a direct bearing on it as choice of policy for public service broadcasting if it is to serve the public interest.

A puzzle for many scholars and practitioners is trying to understand why similar institutions in various settings produce different outcomes. Literature on implementation of public policy provides a wide range of views with regard to determinants of policy success. Ingram and Mann (1980 cited by Liebert, 2007), for example, observes that determinants of policy success include realisable policy expectations, effective policy tools and actual implementation that is to say;

policy implementation assigned to an agency that is well staffed, has resources, and has a champion is likely to succeed. Further, they argue that a policy must have public support. There must also be clear communication of policy standards, incentives for compliance with new policy. Howlett and Ramesh (2005: p.154-155) point out that the following factors can also determine whether or not a given policy will succeed: the nature of the problem, social conditions, availability of technology, political circumstances, administrative apparatus, political and economical resources as well as public support.

Dye (1978: p.311) points that we generally assume that when we pass a law and spend money the purpose of the law and expenditure should be achieved. There is a growing uneasiness among policymakers and the general public about the effectiveness and the cost of many public services.

We must, therefore, distinguish between policy output and policy impact. The policy impact is its effect on real world condition. Factors to be considered in understanding policy impact are among others: its impact on the target group or situation or situation, its impact on situation or groups other than the target (spill over), its impact on future as well as immediate conditions, its direct costs, in terms of resources devoted to the programmes and its direct costs including loss of opportunities.

Howlett and Ramesh (2005: p.155) argue that the extent of behavioural change the policy requires of the target determines the level of difficult in implementation. Further the political and economic resources of the target groups may affect implementation of policies. Powerful groups affected by a policy can condition the character of implementation by supporting or adopting it.

2.6 Theoretical Framework

This study is an analysis of institutions. This section discusses the concept of institutions and the domain of institutional analysis. Specifically, it reviews the framework of Gretchen Helmke and Steven Levitsky for institutional analysis concerning interaction between formal and informal institutions.

2.6.1 Institutional Analysis

Bratton (2007: p.1) notes that the term “institution” has been abusively overstretched into one of the loosest in the social science lexicon. Leftwich (2006) argues that institutions are best thought of as durable social rules and procedures, formal or informal, which structure the social, economic and political relations and the interactions of those affected by them. Institutions are significant because they constitute and legitimize political actors and provide them with consistent behavioural rules, conception of reality, standards of assessment, affective ties, and endowments and thereby with capacity for purposeful action (Howlett & Ramesh, 1995: p.26). Institutional analysis, therefore, studies how institutions behave and function according to both empirical rules-informal rules-in use and norms-and also theoretical rules-formal rules and law. It also deals with how individuals and groups construct institutions, how institutions function in practice and the effects of institutions on society.

In a discussion about political institutions in Africa, Bratton (2007: p.1) argues that most practitioners of the “new institutionalism” focus on formal institutions, thus undermining the impact of the informal realm. He, therefore, asks this question:

In judging new political regime, do they (Africans) make reference to its formal institutions such as elections, multiple parties, and control of the executive by independent legislatures and courts? Or do they revert to tried and true informal ties of clientelism, corruption, and trust in political “big men”? (Bratton: 2007: p.1)

From the foregoing literature it is clear that the Communications Act and the unavailability of the Access to information Act have received most attention. The literature favours reforms in formal controls. As put by Bratton (Bratton: 2007: p.1) this bias is reasonable for established democracy, where political actors are guided by a rule of law and where written constitutions are reinforced by a widespread ethic of “constitutionalism”. These conditions rarely hold for emergent democracies where legal limits on state power are usually novel and untested

2.6.2 Helmke-Levitsky’s Typology of Institutions

The study adopts Helmke and Levitsky framework for studying informal institutions. In their framework for studying informal institutions, they differentiate between effective and ineffective formal institutions, defining effectiveness as the “extent to which rules and procedures that exist on paper are enforced or complied with in practice” (Helmke & Levitsky, 2006: p.13). Another dimension of the Helmke-Levitsky framework is the compatibility of actors’ goals - “what they seek to accomplish through a particular informal institution and their expectation about the likely outcomes generated by formal institutions”. In some cases the actors’ goals are compatible with expected formal institutional outcomes, while in others they are in conflict with those outcomes. Bringing all the above mentioned arguments together, Helmke and Levitsky propose a four-fold

typology of interaction between formal and informal institutions: complementary, accommodating, competing, and substitutive.

Table 2: A Typology of Interaction between Formal and Informal Institutions

Outcomes	Effective formal Institutions	Ineffective formal Institutions
Convergent	Complementary	Substitutive
Divergent	Accommodating	Competing

Source: Helmke, Gretchen and Steven Levitsky (2004: p.728).

The complementary type denotes that type of interaction where informal institutions co-exist with effective formal institutions enhancing the performance or efficiency of the latter. In situations where the actors' goals are at odds with expected formal institutional outcomes, the type of interaction is accommodating. This type is described as "a 'second best' strategy for actors who dislike outcomes generated by the formal rules but are unable to change or openly break those rules" (Helmke & Levitsky, 2003). Competing type refers to interaction involving informal institutions and weak or ineffective formal institutions. In this type of interaction actors choose to use informal institutions even if such action is in violation of formal rules. And finally, substitutive type of interaction refers to the scenario in which informal institutions substitute the role of ineffective formal institutions.

The Helmke-Levitsky typology of institutions is relevant to this study because "although several essays provide systematic evidence of how informal institutions erode the quality of democratic institutions, others point to the ambiguous, double edged, and even positive effects of informal institutions (Helmke and Levitsky, 2006: p.18).

A number of scholars have applied the Helmke-Levitsky framework to the analysis of informal institutions and democracy in Latin America (Helmke & Levitsky, 2006). Siavelis (2005), for example, examines the effects of accommodating institutions in attenuating problems arising from Chile's 'awkward' institutional arrangement; and how they also helped to moderate the actions of presidents who have powers to be quite authoritarian. Siavelis (2005) posit that Chile's formal institutions are regularly categorised as among the least conducive to effective democracy in Latin America. The country has a weak legislature, a majoritarian electoral system, a partially appointed senate system. While theory predicts deadlock and democratic breakdown Chile has been described as the most successful (Siavelis, 2005).

Further, Liebert (2007) applied the Helmke and Levitsky framework to policy implementation. In his study of the role of informal institutions in United States of America's Immigration Policy he establishes how informal institutions tend to undermine the effectiveness of immigration policies. He also establishes positive effects of these informal institutions. Liebert (2007) observes that the typology is a good starting point for analyzing institutional interaction in the context of a country. Liebert's analysis introduces modifications, namely the categorization of formal institutions as ineffective and or "unavailable" as opposed to exclusively "ineffective". This study takes into account this modification because the absence of the access to information law has received widespread recognition in media reforms in Malawi.

Bratton and Walle (1997) argue that Africa has received less attention in the most contemporary studies on democratisation with Latin America getting most consideration. Consequently they propose perspectives suited to understanding emerging democracies in Africa.

This study tested the Helmke-Levitsky (with Liebert's modification under consideration) typology on public broadcasting regulation in the African context. This study illustrates on the double edged effect of informal institutions as they apply to public broadcasting policy implementation.

Table 3: Liebert's Modification of the Helmke-Levitsky Typology

Outcomes	Effective formal Institutions	Ineffective/unavailable formal Institutions
Convergent	Complementary	Substitutive
Divergent	Accommodating	Competing

Source: Liebert (2007).

2.6.3 Identification and Measurement of Informal Institutions

Identifying and measuring formal institutions is straightforward. Because formal institutions are usually written down and officially communicated and sanctioned measurement often requires little knowledge of particular cases. Identifying informal institutions is more challenging (Helmke and Levitsky, 2004: p.733). Helmke and Levitsky suggest that efforts to identify informal institutions should answer three basic questions: what are the actors shared expectations about the actual constraints they face, what is the community to which they apply and how are the informal rules enforced? In terms of enforcement, if informal behaviour is rule bound, the violation must trigger external sanctions. Informal sanctioning mechanisms include hostile remarks, gossip, ostracism and other displays of social disapproval to extrajudicial violence.

Helmke and Levitsky (2006) suggest that one may use statistical analysis with large N samples whereby a hypothesis is generated about the behaviour pattern that are consistent with the existence of a particular informal institution. Secondly, a study might focus directly on actors' expectations about the informal rules of the game. By examining actors mutual understanding of the rules, one, can distinguish more carefully between formal behaviour patterns and informal institutions. So using ethnographical studies one can identify shared expectations about informal rules of the game through interviews and observation of actors who are affected by that behaviour. This study is a case study with small N and hence focuses on actors' expectations and mechanisms of enforcement.

2.7 Conclusion

The foregoing literature shows that it is difficult detach public broadcasting from the historical-political context of the country. Malawi, therefore, shares most of its PB experiences with neighbouring countries-the former British colonies of Zambia and Zimbabwe. It, therefore, does not come as a surprise that public broadcasting is modelled along the BBC underpinning philosophy of entertainment, education and information. The question arises where this model has allowed for the BBC to operate independent of government control while in the local setting politics and ideologies characterize public broadcasting.

The literature shows that the debate regarding the definition of public broadcasting is far from conclusive. It is appropriate in trying to understand public broadcasting, therefore, to come up with a working definition that captures important elements that would guide a particular investigation.

Furthermore, the advent of the digital age does indeed make everyone a publisher and that there is no scarcity of channels. It is easy to think that this means then that public broadcasting ceases to be an issue. The foregoing literature suggests, however, the need to be mindful of the fact that technology benefits more some sectors than others and that leaving broadcasting to commercial users does not guarantee diversity of usage. It follows that PB must be safe guarded.

Consequently, it can also be seen that advocacy for media reforms has received a lot of attention not only within the southern Africa region or Africa alone but also globally. The review has also demonstrated the weaknesses in other institutions of governance such as legal, finance and anti-corruption on the continent make it imperative to improve the workings of the media especially the delivery of information to improve transparency.

The literature shows that there have been efforts to improve the law and that; in fact, many countries have initiated reforms but that the impact of such reforms has yielded modest dividend. Public policy implementation literature suggests that it is possible for similar institutions to produce different outcomes in various setting. The analytical framework of Gretchen Helmke and Steven Levitsky about the relationship between formal institutions and informal institutions does seem to provide tentative answers to this paradox. Informal institutions have the power to either undermine or complement the effects of formal structures. The foregoing literature does little to shed light on the role of informal institutions. It is therefore becomes easy to assume that the discrepancy between the objects of public broadcasting regulation in Malawi and the outcome of the same is a function of informal institutions. For that reason, there is need for more exploratory research.

CHAPTER 3

STUDY DESIGN AND METHODOLOGY

3.1 Overview

The subsequent discussion highlights the methods which were employed to answer the study questions such as identifying formal institutions, identifying informal institutions, mapping out the nature of interaction between the two sets of institutions and finally establishing the effects of the interaction. It begins by a discussion on the study design, population and phenomena under study, sample size and sampling techniques. It also discusses the methods that were used to collect data and eventually how that data was analysed.

3.2 Study Design

The design of this study was qualitative. A qualitative approach is one in which the inquirer makes knowledge claims based primarily on constructivist perspectives (multiple meanings of individual experiences, meanings socially and historically constructed, with the intention of developing a theory or pattern) or advocacy/participatory perspectives (Creswell, 2003: p.15). Qualitative study reports are typically rich with detail and insights into participant's experiences of the world. Strauss and Corbin (1990) as cited by Hoepful (1997) claim that qualitative methods can be used to better understand any phenomenon about which little is yet known. They can also be used to gain new perspectives on things about which much is already known, or to gain more in-depth information that may be difficult to convey quantitatively. Qualitative study has an emergent (as opposed to pre-determined) design, and researchers focus on this emerging

process as well as the outcomes or product of the study. The researcher collects open ended, emerging data with the primary intent of developing theories.

In qualitative study actual methods of data collection are traditionally based on open ended observations, interviews and documents, a vast array of materials such as sounds, e-mails and scrap books. The study questions may change and may be refined as the inquirer learns what to ask and to whom it should be asked. The thinking process is iterative, with cycling back and forth from data collection and analysis to problem reformulation (Creswell, 2003: p.181).

Strategies available to qualitative researchers include narratives, phenomenologies, ethnography, grounded theory, or case studies. This investigation is a case study. Gerring (2004: p.341) remarks that the term “case study” is a definitional morass. He agrees, however, that to refer to a work as a case study might mean that its method is qualitative. It might also mean that the research is ethnographic, clinical, participant observation, or otherwise “in the field” or that the researcher is investigating properties of a single case. It could also be that the research involves process tracing. Notably, in a case study, the researcher explores in depth a programme, an event, an activity, a process or one or more individuals (Stake, 1995 cited by Cresswell, 2003: p.14). Stake further observes that cases(s) are bound by time and activity, and researchers collect detailed information using a variety of data procedures over a sustained period of time.

The case study adopted a *bottom up approach* to the study of public policy implementation (Sabatier, 1993; Sabatier, 1986 and Sabatier & Mazmanian, 1980). A *top-down approach* to the study of policy implementation emphasizes on policy design. The top down approach looks at

policy process as a series of commands with political leaders articulating clear policy preference which is carried out at increasing levels of specificity as it goes through the administrative machinery that serves government (Sabatier, 1986).

Criticism of the top down approach's neglect of a focus on lower level officials lead to the development of a bottom up approach to the study of public policy implementation . The bottom up approach starts with public and private actors involved in implementing programmes and examines their personal and organisational goals, their strategies, and the network of contacts they built. The key advantage is that it directs attention to the formal and informal relationships constituting the policy networks involved in making and implementing policies (Sabatier, 1986).

The bottom up approach was necessitated by the nature of the questions and the purpose of this study. Firstly, the study recognises the existence of a myriad formal rules as well as the design of the public broadcasting regulation. What needed understanding was basically- what happens in practice. Answering this question required mapping-out different types of institutions, their interrelations and evolution over time in the arena through interaction with people who lie at the lower level of policy implementation. Therefore, the majority of the respondents in this study were employees who are responsible for the execution of policy programmes rather than policy making.

It is important, however, to take notice of the limitations associated with the case study method. For instance, in general terms the case study lacks scientific rigour. The case study has also been criticised for its lack of amenability to generalisation and the fact that it requires a lot of time to

summarise huge amounts of data (Wimmer & Dominick, 2005: p.138). This study is not an exception. In specific terms, this study focussed on informal institutions which are not easy to identify notably considering that they follow channels which are concealed from the public such that they are not documented.

3.3 Sample

The initial phase of data collection involved archival study. Primary sources of information included political parties, specifically the UDF, the MCP and the Democratic Progress Party. These political parties were purposively selected as their significant representation in parliament means that they are central to policy making. Secondly, the first two political parties participated in the formation of the present Communications Act. Further the movement of the UDF from a ruling party that enjoyed the privilege of controlling PB in a first post single party government makes them an interesting case for studying informal institutions.

The main part of the field study involved interviewing executives and employees currently working and those who once worked for MBC and TVM. Officials of three main political parties DPP, MCP and the UDF were also interviewed. The other source of information included civil society organisations that have lobbied for policy reforms in media context. These organisations include the National Media Institute of Southern Africa (NAMISA), the Media Council of Malawi (MCM) and media experts. Interviews with bureaucrats and members of the Media and Communications Committee of parliament were also conducted. Together 62 key informant interviews were conducted.

3.4 Sampling Technique

The study employed purposive sampling. Purposive sampling is a type of sampling where participants for study and subjects for data analysis are selected on researchers understanding of providing rich details. Purposive sampling has many methods under it. The study employed maximum variation sampling. The principle is that if you deliberately try to interview a very different selection of people, their aggregate answers can be close to the whole populations “The method sounds odd, but works well in places where a random sample cannot be drawn. This is an extension of the statistical principle of regression towards the mean - in other words, if a group of people is extreme in several different ways, it will contain people who are average in other ways” (Hoepful, 1997). Maximum variation sampling aims at capturing and describing central themes or principal outcomes that will cut across a great deal of participants or programme variation. For small samples a great deal of heterogeneity can be a problem because individual cases are so different from each other. The maximum variation sampling strategy turns apparent weakness into strength. In total 62 key informant interviews were conducted. The interviewees are described in Appendix B.

3.5 Data Collection

As a qualitative research, this study relied on multiple data sources namely: review and analysis of documents, key informant interviews, and direct observation. The following section identifies and explains the different data collection forms employed by the researcher and provides rationale for their use.

3.5.1 Review of the Development of Media Laws and Regulation

The study question investigates the work of informal institutions in the implementation of legislation on public broadcasting. The search for answers to this question began with a review of media-related policies and digging into the history of their development. Such is the case considering that theory suggests that some informal institutions originate from formal rules that are incomplete (laws can not cover all contingencies) and that some formal institutions are weak (Helmke & Levitsky, 2004: p.732). In the case of complementary type, for example, institutions modifying the relevant formal rules may change the nature of the gaps that the informal institutions had been designed to address which may create incentives for actors to modify or abandon the informal rules. The idea was to establish gaps in the existing regulation and further identify weaknesses in different rules. The study undertook a historical review of secondary data to document the evolution of the arena or the subsystem under study, for instance, how communication policy developed and why. This required mapping different types of institution, their interrelations and evolution over time. The documents ranged from official records, the Communications Act, newspaper accounts, diaries and reports.

Review of the development of media laws and regulation was easy because they are officially communicated. The Communications Act is available on-line and its copies are available in different public and institutional libraries. The same applies to Standing Orders of the National Assembly which establish institutions such as the committee system. Editorial policies, strategic plans and a variety of other documents are also easily accessible.

The review yielded significant findings regarding some aspects of the first question- what formal institutions underlie public broadcasting policy? Of particular interest, access to the story clippings at the library of Nation Publications Limited document the development of the Communications Act. However, the review did shed little light on the weaknesses and strength of the said formal rules available in a number of documents. One of the challenges is the incompleteness of detail due to missing reports. The media, for example, do not follow each and every proceeding of the National Assembly and activities associated with development of policies such as consultations. To this effect, there was need to contact human sources to get an impression of what they consider to be the actual constraints which they face.

3.5.2 Interviews with Executives and Employees

To answer the question regarding the actual constraints the employees face, there was need to conduct in-depth interviews with current and former employees of the two stations. These interviews were conducted over a period of one year (between March 2008 and July 2009).

These interviews were also used to gain access to official documents such as annual reports and employee records. The idea was examine their personal and organisational goals, their strategies, and the network of contacts they built. The assumption is, as advanced by Breed (1955), whether admittedly or not, every media organisation has a policy. This policy needs not be overt as reflected in formal rules; it can be covert reflected in norms and content. Personnel were divided into two main categories of executives including directors and controllers while employees are all newsroom and staff in the programmes department. The executives and employees include current and former employees. Twenty-two semi-structured in depth interviews were conducted. The researcher documented the responses in a systematic manner as if it were a survey.

Securing interviews with current employees proved more difficult than former employees. A snow balling technique was instrumental in identifying employees who could provide detail on a specific question and access to specific documentation.

3.5.3 Interviews with Key Policy Actors

Interviews with political parties and policy actors emanated from the need to understand weaknesses in the present policy including the communications Act, bureaucratic procedures and presidential prerogatives. The quality of data generated through on-line discussions and interviews with staffers call for expert views. Political parties constitute an important actor in policy formulation. Political parties are an important constituent in terms of access to public media. The researcher conducted a mix of interviews with Members of Parliamentary Committee on Media and Communication, NAMISA, Media Council of Malawi and purposively selected experts as well as key informants from government especially the Ministry of Information and Civic Education.

3.5.4 Discussion Forums

The researcher collected significant data through informal discussions with stakeholders and interaction with journalists via discussion forums. With limited access to official documents, there was need to contact other individuals (rather than employees) who knew first hand or those who were capable of forming general impression from their contacts with employees of these organisations. To collect data from other people who knew first hand or those that had knowledge about practices in the field under study discussion forums were included as a data source. It is interesting to note that the issue of public broadcasting media houses was discussed

on the NAMISA forum during the time of this investigation. The media fraternity in Malawi operate an email list serve called NAMISA forum. namisa@googlegroups.com , a vibrant chat group for journalists in Malawi, has been operational for three years.

The weakness associated with this source of data is that some reviews were not critical therefore could not inform the present study. Nevertheless, the forum provided a diversity of views underscoring the general interest that the media fraternity has on issues of public broadcasting.

3.6 Data Analysis

Qualitative data can be analysed with different techniques. Literature suggests that two best known techniques are the Constant Comparative Technique and the Analytical Induction Technique. The Constant Comparative Technique was articulated by Graser and Strauss (1967) cited by Wimmer and Dominick (2005). The process consists of four steps:

- Comparative assignment of incidents to categories
- Elaboration and refinement of categories
- Searching for relationships and themes among categories
- Simplifying and integrating data into a coherent theoretical structure.

The Analytical Induction Strategy (Stainback and Stainback (1988) cited by Wimmer and Dominick, 2005)) blends hypothesis construction and data analysis. It has the following steps:

- Define a topic of interest and develop a hypothesis
- Study a case to see if a hypothesis works. If it doesn't work reformulate it
- Study other cases until the hypothesis is in a refined form
- Look for negative cases that might disprove the hypothesis. Reformulate again
- Continue until the hypothesis is adequately tested.

The Constant Comparative Technique was found to be fitting in this study because theory by Helmke and Levitsky has already suggested the categories of informal institutions (Table 2 and Table 3). The two authors have also hinted on how one might actually categorise formal institutions as statutory instruments, presidential powers, bureaucratic procedures, the oversight role of parliament and organisational rules. Further, Helmke and Levitsky have acknowledged the challenges associated with measuring informal institutions. They have suggested procedures which one might find useful when identifying and measuring informal institutions. These procedures are discussed in section 2.6.3.

The analysis started with the identification of the formal institutions thereby putting them into predetermined categories such as statutory instrument, bureaucratic procedures, and the oversight role of parliament (the committee system), the existence of autonomous agencies and finally the prevalence of organisational rules. Formal rules regarded as crucial to public broadcasting which were not available were identified as unavailable. Examples of unavailable formal institutions include Access to Information Law and editorial policy for TVM.

Upon identification the formal rules were examined to ascertain their strength and weaknesses so as to categorise them as effective and ineffective formal institutions along the Helmke-Levitsky framework. This categorisation was based on the responses of the employees and key informants.

The next step was to identify informal institutions. The Helmke- Levitsky framework provides predetermined categories of informal institutions. This study therefore identified informal

institutions by asking three questions put by Helmke and Levitsky discussed under Section 2.6.3. These questions are: What are the actors shared expectations about the actual constraints they face, what is the community to which they apply and how are the informal rules enforced? Based on these questions the informal institutions were identified and placed into categories.

In line with the Constant Comparative Technique the next step was to refine the categories moving back and forth across categories fitting the institutions into the Helmke-Levitsky framework.

The next step required mapping out the interaction between the formal and informal institutions so as to ascertain the outcome for each interaction. This led to the development of a matrix of the interaction between formal and informal institutions which is depicted as Figure 3 in the next chapter.

3.7 Units of Analysis

The unit of analysis is the major entity that is being analyzed in the study. It is the 'what' or 'whom' that is being studied. In social science study, the most typical units of analysis are individual people. Other units of analysis can be groups, social organisations and social artifacts. The study sought to shed light on the behaviour of institutions. The unit of analysis was therefore an institution.

3.8 Ethical Consideration

Considering that informal institutions are associated with behaviour which departs from ethical norms of journalism (and ethical conduct of politicians) this case study involved personal

interviews with employees in the sector (and politicians) many of whom felt uncomfortable with the topic. Securing consent for interviews proved more difficult. An attempt has been made not to disclose the names of the participants in the study where such disclosure would impact negatively on their interests. Further, efforts were made not to employ deceitful tactics in order to gain access to documents. Participants in the study were informed in advance about the purpose of the study and the value of their participation (Appendix C). No single participant was coerced to participate in this study.

3.9 Limitations of the Study

Securing intensive interviews and informal discussion with politicians, including gaining access to sites proved difficult. Where the interview were granted, it was difficult to generate coherent and reliable narratives. Consequently, this undermines the amenability of the study to generalisation. This dissertation had a set period of one year while case studies require a sustained period of time longer than a year. Furthermore, the challenges associated with the identification and measurement of informal institutions as articulated by Helmke and Levitsky meant that the researcher had to be familiar with particular cases and rely on personal contacts. It therefore, has been suggested that a more ethnographic study of the phenomena would be valuable.

3.10 Conclusion

The foregoing discussion has examined the application of the qualitative design to the study of institutions. It has been noted that a case study is more useful in trying to understand the interaction of formal and informal institutions. Consequently, multiple data sources have been

used. Further, the foregoing discussion has brought to light the rigour associated with qualitative studies including incomplete documents and data emanating from lack of access and loss of institutional memory.

There has been an effort to triangulate the data collection strategies so as to draw a picture that sheds light on the interests of actors and the rules of the game which they create, and why they are created. On the overall, the multiple data sources provide wonderful insights into the policy area as the subsequent chapter will reveal.

In spite of the limitations associated with case studies, in addition to challenges associated with identifying informal institutions, the categories developed by Helmke and Levitsky made informal institutions easy to identify thereby increasing the reliability and the validity of the results. Furthermore, one notes that the Constant Comparative Technique blends well with the Helmke-Levitsky framework in developing an understanding of institutions, especially those in the informal realm. Further, the use of multiple data sources render a lot of weight to the credibility of the findings presented in the subsequent chapter and the conclusion drawn in chapter five.

CHAPTER 4

STUDY FINDINGS AND DISCUSSION

4.1 Overview

This chapter discusses findings based on the four specific questions of the study. The first section discusses the evolution of formal institutions underpinning public broadcasting policy implementation. The second section identifies informal institutions affecting public broadcasting policy. It also maps out the interaction between formal and informal institutions. The last section discusses the effects of the interaction of the formal and informal institution on the public broadcasting policy outcome.

4.2 Formal Institutions

Formal Institutions that inform the operation of public broadcasting organisations in Malawi can best be described as a mixture and interaction of political institutions, economic and social or media institutions. At the present, the principal law regulating public broadcasting in Malawi is the Communications Act (1998). The formal institutions, which inform the operations public broadcasting media organisations, can best be described as statutory instruments, such as the MBC Act of 1991, the Communication Act (1998) and the president's constitutional powers over state organisations, bureaucratic procedures exemplified by the role of the minister of information and the boards of MBC and TVM. In addition, the formal institutions include oversight role played by the committee system of parliament through Public Appointments Committee, and Media and Communications Committee. Organisation rules laid out in the MBC and TVM editorial policies were taken as part of formal institutions just like MACRA.

4.2.1 Statutory Instruments

A statute is a law established by an act of the legislature (Lectric Law Library, n.d). Statutes can also be thought of as written laws approved by the legislatures, parliaments or elected or appointed houses of assembly (Duhaime.Org, n.d). Statutes are also known as legislation. They are different from law developed through local customs called common law. In this study the Communications Act and its forerunners such as the MBC Act of 1994, the MBC Act of 1964 and the powers that are vested in the president by the constitution are categorised as statutes, even though a constitution is the *authority* that gives the legislature the power to enact a statutes. The case in point is that some of the powers of the president derive from the Communications Act. For the purpose of this study the absence of Access to Information law was coded as unavailable formal institution.

4.2.1.1 The Communications Act of 1998

The development of the Communications Act demonstrates considerable adherence to rules and procedures including that of reporting, consultations among stakeholders and following of procedures as outlined by Standing Orders of Parliament. For instance when the Communications Act was read in parliament on 18 November 1998, Minister of Information, Sam Mpasu told MPs that there were not significant changes to the MBC Act. It was then referred to the legal affairs committee to make few recommendations based on their consultations. In addition, a Danish-funded taskforce visited Zimbabwe, Tanzania, Ghana and South Africa to learn about the operations of the Communication Sector in these countries (*The Nation*, Thursday 19 November, 1998). Further conferences with stakeholders were held to factor their input in the final document.

The Malawi Communications Act (1998) provides for the reconstitution of the Malawi Broadcasting Corporation (MBC) by among other things; reorganizing it as a public service broadcaster. Under the Act, MBC is mandated to provide programmes to educate, entertain and inform; encourage free and informed opinion on all matters of public interest; reflect the wide diversity of Malawi's cultural life and respect for human rights, the rule of law and the Constitution of Malawi. To do this the Act directs MBC to function without any political bias and to be independent of any person or body of persons, support the democratic process, refrain from broadcasting any matter expressing its opinion or the opinion of its management on current affairs or on matters of public policy, other than broadcasting matters [GOM, 1998, Section 87(c)]. It is also empowered to provide balanced coverage of any elections; and have regard to public interest. MBC is also supposed to collect TV licence fees for the operation of television services in the country.

The Communications Act has been a subject of legal battle regarding the conduct of MBC especially during election campaigns. For example, in the case of *Dr. Charles Kafumba & Others versus the Electoral Commission & another (High Court of Malawi, Miscellaneous Cause No. 35 of 1999)* three Malawi citizens instituted an action in the High Court against the Malawi Electoral Commission and the Malawi Broadcasting Corporation seeking a determination by the court that the Electoral Commission had a duty in law to ensure the electoral process was free and fair; that equal access to the media for all competitors in the election was an integral part of holding free and fair elections; that the Electoral Commission had failed to ensure for all competitors equal and fair access to the state media (FXI, n.d).

The court dismissed the claim against the Electoral Commission, who were the first defendants in the case, after finding from the available evidence that the Commission had "done all that it can do to ensure that all political parties have free and equal access to the MBC." The court agreed with the plaintiffs' contention that current practice by the MBC violated Section 45 (1) (f) of the Communications Act and Section 58 of the Parliamentary and Presidential Elections Act, which provide that all political parties and elections candidates be given equitable or equal treatment during election or campaign period. The court found the MBC in breach of the relevant law as well as the Malawi Constitution and directed it to comply with those provisions. Costs were awarded to the plaintiff (FXI, n.d). The dismissal of the claim against the Malawi Electoral Commission shows that even though public broadcasting media houses are an important stakeholder in the fair conduct of elections, the Electoral Commission has no control over their activities and that the latter can openly violate the rules openly.

Key informants from political parties and civil society groups agreed that there are weaknesses in the Communications Act. For example NAMISA suggested that there are only few areas in the Communications Act that needed amendment such as the appointment of the director general and the deputy director general of MBC and TVM and the need to trim the powers of the minister. Even politicians acknowledge the challenge related to implementation emanating from lack of constitutionalism. The MCP described the Act as archaic especially given the powers vested in the minister of information. However the party argued that even if the Communications Act was amended just like many other laws it would still not make any difference because politicians would simply ignore the law. This view acknowledges a widespread lack of the ethic of constitutionalism stated by Bratton regarding African politics.

4.2.1.2 Presidential Powers (Prerogatives)

The president is mandated by the Malawi Communications Law (1998) to appoint the Chairpersons of the Board of MBC and TVM. He is also mandated to appoint the other members of the board of MBC in consultation with the Public Appointments Committee. In practice presidential directives have come to be known as prerogatives extending beyond the appointment of the board of MBC to include appointment of the Director General and his or her redeployment where necessary. The formal institutions identified do not cater for the presidential powers and the privileges that he enjoys over state media such as special broadcasts and making appointments hence they cannot be fully understood in terms of the provision of the Act. Because of its linkage to “trust in political big men” this institution is further dealt with in Section 4.3.1.1.

4.2.2 Bureaucratic Procedures

A government is said to be bureaucratic when it “is carried on largely by ministerial bureaus and in which important policies and decisions are rendered by the administrative chiefs of small bureaus (Johari, 2004: p.379). The operation of public broadcasting in Malawi cannot be delineated from bureaucratic procedures which bring together the activities and functions of the minister of Information and Civic education as line ministry, the appointment of the boards of MBC, TVM and MACRA as part of administration of state owned corporations.

4.2.2.1 The Ministry of Information and Civic Education

The Ministry of Information and Civic Education has, for many years, shouldered responsibility of providing policy direction and guidance to parastatals that fall under it such as the Malawi Telecoms (MTL), the Malawi Posts Corporation (MPC), the Malawi Communication Regulatory

Authority (MACRA), the Malawi Broadcasting Corporation (MBC), and Malawi Television. The Malawi Communications Regulatory Authority (MACRA) is mandated to seek the general direction of the minister of information as to the manner in which it is to carry its duties. The direction from the minister has to be put in writing.

Interviews with key informants and archival study could not to provide the specific areas of focus for policy direction other than those related to appointments. In practice however the Directors of MBC and TVM seek or get direction from the minister on a more or less day to day transaction basis. For instance the minister instructed MBC and TVM not to participate in a workshop on the transformation of these organisation organized by NAMISA on April 12, 2007. The management of the two organisations was present but never participated in the discussions. Rather than the Communications Act the activities of respective ministers of information in the conduct of public broadcasters is informed by the MBC Act of 1964 that gave considerable powers to the minister to intervene directly in editorial matters. For instance, under Section 16 the minister could require MBC to broadcast any material that he/she wished. Under Section 17 the minister could order MBC not to broadcast anything he/she considered contrary to public interest.

4.2.2. 2 Boards of MBC and TVM

Members of MBC and TVM boards are expected by law to be citizens resident in Malawi, possessing qualifications in any of the fields of broadcasting, education, engineering, law, business, finance, public administration and public affairs. No person may qualify by law to be a board member of these institutions if he is a member of parliament, a minister or deputy minister,

is a member of a committee of a political party at district, regional or national level. The Board of MBC is responsible for appointing a Director General (DG), to be the CEO of MBC and subject to the general supervision of the board. The board may also appoint other employees subordinate to the DG. The DG will appoint other junior staff.

The views of the boards were often ignored at the Authority, MBC and TVM making them a weak institution. Helmke and Levitsky (2004: p.727) have argued that informal institutions should be distinguished from weak formal institutions. Their position is that many, formal institutions are ineffective, in that rules that exist on paper are widely circumvented or ignored. Therefore, the Boards of MBC, TVM and Authority are representative of weak institutions which combine with ‘trust in political big men’. Consequently, a more elaborate discussion of the role of the boards and the role of the ministry of information as parts of bureaucratic procedures comes under Section 4.3.1.1 given that they combine with “Trust in Political ‘Big Men’” to produce divergent outcomes.

4.2.3 Oversight Role of Parliament (The Committee System)

Parliament performs a considerable number of its responsibilities through a system of committees. The committee system is a network of committees and various sub-committees, each with a separate chairperson. Each committee has jurisdiction over policy in a particular area. Currently the Malawi National Assembly has 15 parliamentary committees. Four of them have their functions provided by the constitution (Malawi National Assembly, n.d). Those established by the constitution include Legal Affairs, Budget, Public Appointments, Defence and Security. There are those committees established by Standing Orders which are department

related. Committees which are relevance to this discussion include the Public Appointments Committee, the Media and Communications Committee (department related), and a subcommittee known as Committee on Supply.

4.2.3.1 Public Appointments Committee (PAC)

The functions of PAC in general include reviewing such public appointments as shall be referred to the Committee by the Assembly; enquiring into the competence of public appointees under the Constitution; confirming the nominations by the President of certain public appointees under the Constitution or any other written law; determining and recommending to the House the Conditions of Service of the members of the Electoral Commission; determining the appropriate procedure for declaring assets by those in political and public offices and recommend actions to be taken by the Assembly to ensure ethical conduct by public officers. Specifically in public broadcasting PAC is mandated by law to veto the appointments by the president of Board members of the two public broadcasting institutions and the Authority.

The findings of the study have demonstrated that since the reintroduction of the multiparty democracy and perhaps in the history of the modern Malawi there has never been a time when PAC became more conspicuous, than it has been between 2004 to 2009, inquiring into the competence of public appointees. While this cuts across policy areas such as foreign affairs, internal affairs, among others, appointments covered by the Communications Act have also been affected. Recently PAC ejected from the MBC Board of Directors three members after serving a two year contract without PAC confirmation. The argument of PAC was that none of them knew anything about broadcasting and they had failed interviews.

However, as seen in many instances, the president has overruled PAC on rejected appointments such as appointment of Agrinna Mussa as Malawi envoy to South Africa, appointment of Tumaliyse Ndovie as Director General of the Anti-Corruption Bureau among others. The overruling of PAC decisions by the president are symptomatic of the weighty prerogatives that the president has over policy programmes and in effect contradict the spirit of multiple veto points. The president's 'prerogative' powers seem to outweigh his consultative powers.

4.2.3.2 Media and Communications Committee

The Standing Orders of the Malawi National Assembly provide for the establishment of departmentally related committees of parliament for different sectors. The media and communication sector is overseen by the Media and Communications Committee.

The Committee is responsible for studying programme and policy objectives for the ministry of information, statutory corporations such as MBC and TVM which fall under the ministry of Information and Civic education. The committee is also mandated to study and review all relevant legislation and report to the house. The committee also has power of summons of the minister of information and government officials and public officials and officers of statutory corporations such as the chief executives (director generals of MBC and TVM) as regards the effectiveness of implementation of policies under their guidance (Malawi National Assembly, 2003).

The Media and Communications Committee is also mandated to study, assess, and analyse the relative success of the ministry as measured by the results compared with stated objectives. The

committee is supposed to make timely findings and recommendations to house and recommendations on proposed legislation in the sector. In terms of staffing; the committee has a parliamentary researcher and a committee clerk with and opportunity for services of technical consultants (Malawi National Assembly, 2003).

During key informant interviews members Media and Communications Committee agreed that the committee is weak because its views are often ignored. One member of the committee attributed the weakness to the lack of powers of arrest in the case of non compliance. He argued that in some countries, giving the example of Kenya, committees have powers of arrest. In the local context when members of the committee summoned authorities of the two institutions to explain performance of the two institutions they refused to appear on instructions from the Minister of Information without any repercussions. The committee can be said to duplicate MACRA. It is not legislated as to be obeyed. It is not served and by active media owners. The committee emphasises on the ministry.

4.2.3.3 The Committee of Supply

The standing orders of the Malawi National Assembly (209-217) provide for the Committee of Supply during budget sittings of the Assembly. The purpose of this committee is to examine vote by vote allocation to government ministries and institutions. It is this committee which decides the final allocation for each government institutions. The committee comprises members of parliament representing different constituencies. It is this committee that has been influential in the budgetary allocations to public broadcasting media houses over the period under study. Owing to the presence of a strong opposition, for a period of three years, public broadcasting experienced large cuts in public funding proving the strength of this institution. The significant

role played by this institution acted as an incentive for the development of informal funding mechanisms to be discussed later as competing and accommodating institutions.

4.2.3 Autonomous Agencies

The concept of autonomous agencies is rooted in administrative and civil service reform efforts aimed at building efficient and accountable public sector institutions. Autonomous agencies are twofold; those that are designed to give statutory independence to agencies in charge of functions that require protection from politicians' short-term orientations and capture by government in turn, including long-term policy-making (e.g., monetary policy) or quasi-judicial/regulatory functions (type one) and those agencies are expected to improve operational efficiency in service delivery areas through greater managerial discretion and flexibility with relatively secure funding and organisational autonomy (type two) (World Bank, n.d.).

According to the World Bank (n.d) within each type, agencies can be more or less *institutionalized*. Institutionalized agencies are subject to more deeply entrenched checks and balances, and tend to form a class of agency rather than one-off. By contrast, governments may create autonomous agencies as *ad hoc responses* to respond to particular political problems, to protect priority activities from opposing political influences, or to bypass the low technical capacity of public sector personnel (World Bank, n.d). Public broadcasting in Malawi is regulated by the Malawi Communications Regulatory Authority as an autonomous agency under type one. MACRA can also be said to be institutionalised since it is established under Malawi Communication Law.

4.2.3.1 The Malawi Communication Regulatory Authority (MACRA)

Part V of the Malawi Communications Act (GoM,1998) provides for Malawi Communications Regulatory Authority (or the Authority) to regulate the provision of broadcasting in Malawi to, among other things, meet demand for broadcasting services, to ensure the provision of regular news services and programmes on matters of public interest in Malawi; to provide for the broadcast of programmes in support of the democratic process through civic education, promote the provision of a diverse range of broadcasting services on a national and local level; to promote the integrity and viability of public broadcasting services, and to ensure equitable treatment of political parties and election candidates by all broadcasting licensees.

The Authority runs a media monitoring unit which covers weekly news and political broadcasts for selected media houses. MBC and TVM are among the institutions monitored by the Authority.

MACRA's Media Monitoring 26 weekly reports of positive and negative news between August 2007 and February 2008 that cover MBC Radio one, Capital Radio, MIJ FM, Radio Islam, Star Radio, Joy Radio and Television Malawi show that MBC and TVM positive coverage of average 67% to 100% percent of the DPP on the average with the opposition taking the same percentage in negative coverage (MACRA, 2008). MACRA's media monitoring data for MBC and TVM in a typical week of broadcasting is represented in Figure 1 and Figure 2.

Figure 1 : MBC Positive and Negative News Share for Political Parties

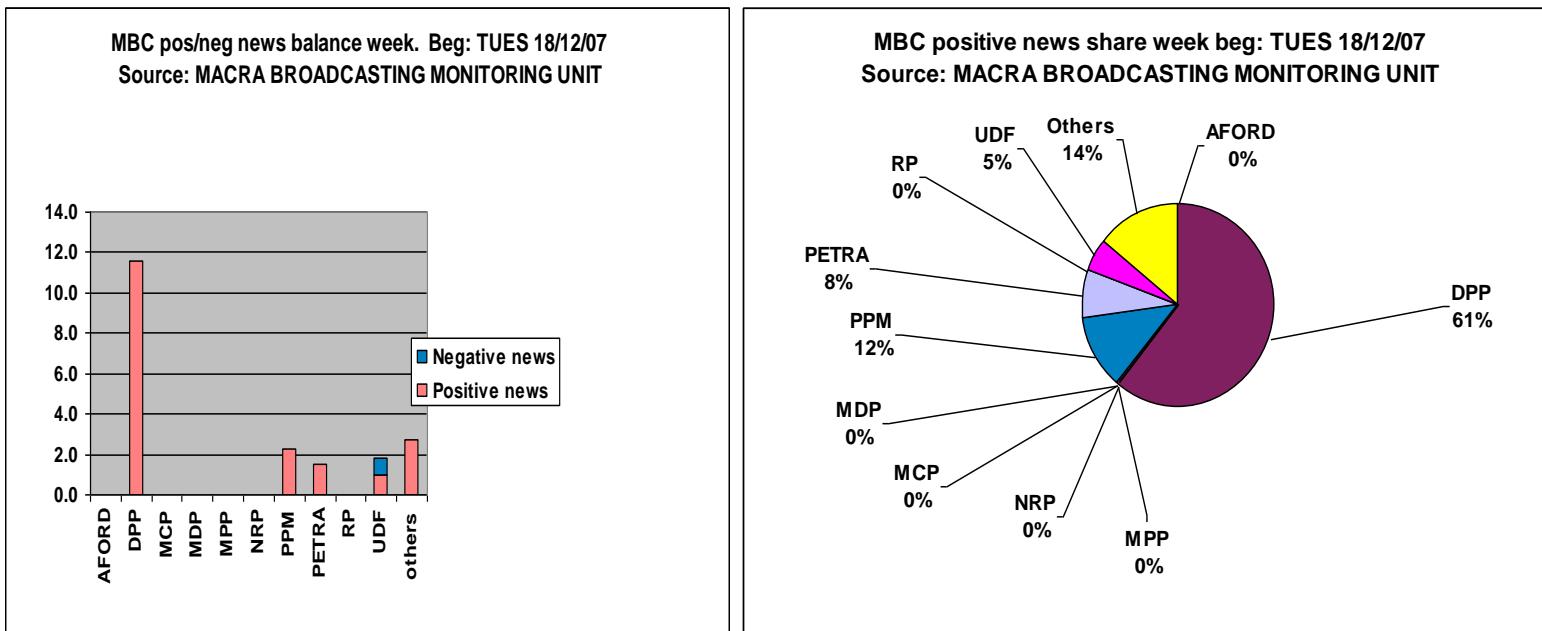
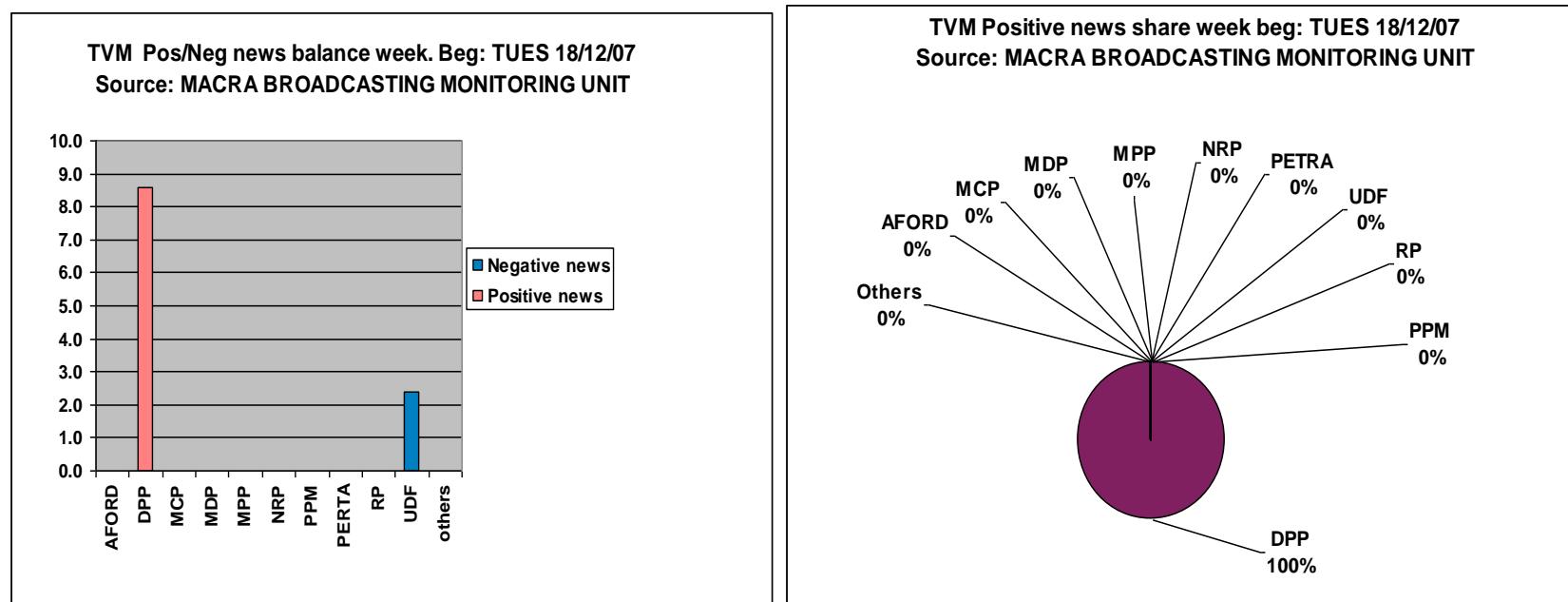


Figure 2 : TVM Positive and Negative News Share for Political Parties



(Graphs courtesy of MACRA Media Monitoring UNIT)

The data suggests that MACRA is able to monitor weekly political broadcast news coverage. These reports are sometimes published in the local press. In addition, the study reveals MACRA has summoned MBC and TVM to account for the disparities depicted by the graphs and on public complaints. Using the same evidence MACRA has summoned managers of Joy radio and eventually sealed the radio for breach of licence but allowing MBC and TVM to continue. Informal institutions could account for the swiftness that MACRA reacts to data generated from their media monitoring.

4.2.4 Organisational Rules (Official Rules)

Helmke and Levitsky (2004: p.727) catalogue of formal institutions includes what Robert C Ellickson (cited by Helmke & Levitsky, 2004: p.727) calls “organisation rules” or the official rules that govern organisations such as corporations, political parties, and interest groups. Every newspaper (includes those media modelled on it, radio and television) has a policy covert or overt. The principal areas of policy are politics and business (Breed, 1955: p.327). Breed defines policy as the more or less consistent orientation shown by a paper in its editorial; its news column and headlines; and selection of issues and events. Breed argues that “slanting” almost never means prevarication. Rather it involves omission, differential selection and preferential placement, such as “featuring” a pro-policy item, “burying” an anti-policy story in an inside page and many others. Breed distinguishes between professional norms; technical norms deal with the operation of efficient news gathering, writing, and editing; ethical norms embrace newsman’s obligation to his readers and include such ideals as responsibility, impartiality, accuracy, fairness and objectivity.

4.2.4.1 MBC and TVM Editorial Policies

In adopting Ellickson's definition this study considers MBC's written code of conduct as its organisational rules. TVM does not have a written editorial policy (TVM, 2004) representing unavailable formal institutions.

The major area that used to give the MBC its editorial independence was Section 13(b) of the MBC Act of 1991. According to the section, MBC was empowered to "lay down the main lines of programme policy" in order to achieve its aims. The section provided for the right of journalists and editors to make decisions consistent with the Malawi Constitution on freedom and international standards. The MBC Act (1991) established MBC as a corporate body. It further regulated its powers, functions and duties. MBC was under duty to carry on radio and television services for the information, education of radio listeners and television viewers in Malawi (MBC, 1997). Even though the MBC Act of 1991 was replaced by the Communications Act of 1998, Television Malawi claims to derive its mandate from section 12 (a) of this Act (TVM, 2008). This may be the case because the present Act does not establish TVM. This incident supports the claim by Helmke and Levitsky that gaps in existing rules might actually strengthen incentives for adherence to informal rules.

The Code of Conduct (1993) for MBC was agreed between Public Affairs Committee (PAC_b) the Presidential Committee on Dialogue (PCD). PAC_b was founded in 1992 by the religious community and other pressure groups to enter into a dialogue with Kamuzu Banda's PCD in the transition period from the one-party to the multiparty system of government in Malawi. The code has these aims for MBC; to inform the public of events of importance and interests in an

accurate, fair and comprehensive manner, to educate the public or sectors of the community in Malawi on matters of public interest, on the instructions of the government to broadcast non partisan educational material covering such areas as health, education and agriculture (MBC, 1997).

The Malawi Broadcasting Corporation has a written policy which according to the organisation informed by the MBC Act (1991) and the Code of Conduct (1993) for MBC. The policy covers both technical and ethical norms. The policy demands that all news and information processed by MBC should be treated on merit, must be compatible with the Malawi Constitution. MBC is “not campaigning” on behalf of any one nor do individual journalists”. The MBC’s editorial must ensure that the important political, religious and philosophical and societal forces and groups in the can adequately express themselves in the programmes. Programmes should not necessarily serve a party or group, a community of interests, a denomination or a particular world view. Ideally commentaries are clearly separated from news (MBC, 1997). These guidelines do reconcile favourably with the Communications Act of 1998.

The study confirmed limited access and reference to documentation as regards operational policy for public broadcasters. Most respondents had not seen the editorial handbook which outlines the specific detail for the reporting and organisation of news. The foregoing means that the rules that exist on paper are neither widely circulated nor oriented. As put by Helmke and Levitsky the editorial handbook exemplifies ineffective formal institutions considering that day to day practices are not guided by its content.

4.3 Informal Institutions

The following discussion looks at informal institutions that account for the behaviour of employees, politicians and stakeholders in the public broadcasting implementation process. From the Helmke-Levitsky typology of institutions this study found informal institutions which are competing, complementary and accommodating. The study did not establish substitutive informal institutions.

4.3.1 Competing Institutions

In the case of competing interaction, formal rules and procedures are not systematically enforced, which enables actors to ignore and violate them. Competing informal institutions combines with ineffective formal rules to produce a divergent outcome.

4.3.1.1 Trust in Political ‘Big Men’

A fundamental political institution in public broadcasting crisis in Malawi is what Bratton has described as ‘trust in political big men’. The trust in political big men undermines the effectiveness of formal institutions such as the Communications Act, the Boards of MBC, TVM and MACRA, parliamentary committee system, organisational rules of MBC and political parties among others. For example formal rules stipulate that the president appoints boards for MBC and TVM while the boards are responsible for appointing the director general and the deputy director general for MBC and TVM the president appoints the directors for these organisations directly. The study shows that neo-patrimonial norms permit the president unregulated control over state broadcasters. For example the appointment of Bright Malopa as Acting Director of TVM surprised the institution’s Board Chairman Inkosi ya Makosi M’mbelwa IV, who was apparently bypassed. The board of directors is ideally the highest governing structure of any institution

(Kansilanga, 2009). On being asked if this was not irregular Deputy Minister of Information and Civic Education, John Bande stated that the changes were a normal government procedure (Kansilanga, 2009). Trust in political ‘big men’ in this context can be described as an informal institution endogenous to formal powers vested in the president to endorse appointment of public officers.

While the Minister of Information and Civic Education has powers to facilitate the appointment of the director general and deputy director general it is the president who has traditionally been appointing and recommending appointments to this position through ‘prerogatives’. One interviewee claimed that he had once been short-listed for interviews for the post of Director General advertised in 2007 only to read from the press that someone had been appointed to the post.

Both MBC and TVM provide live coverage for functions attended by the president followed by a repeat of the broadcasts live on tape in the evening. In the 1999 Presidential and Parliamentary Elections the issue of special treatment for the president arose. A meeting in Mangochi between the Electoral Commission and political parties agreed that all candidates should be given equal coverage on MBC during any campaign period and that no single party should be covered more than the other (Article XIX, 2000).

The Acting Director General of MBC, Sam Gunde told Article XIX that President Muluzi (at that time) would be given live coverage. He said presidents ought to enjoy privileges. When Article XIX asked him if this was part of the law his answer was “NO”. He argued that it was an

MBC convention- a principle that has been there through time (Article XIX, 2000). This argument contradicts the spirit of the judgement in the case ‘Dr. Charles Kafumba & Others versus the Electoral Commission & Another’ which held that:

To give live coverage to one party and its candidates is not only in breach of the above Sections (45 (1) (f) of the Communications Act and Section 58 of the Parliamentary and Presidential Elections Act but it is also discriminatory. If campaign messages are broadcast live at a presidential function, then equal treatment means that campaign rallies of other political parties or... other presidential candidates be broadcast live. That would give (them) an opportunity to reply to some of the matters raised. That is what equitable treatment of political parties and elections candidates would entail....Equal treatment of all competitors is a component of free and fair elections (FXI, n.d).

Text books on reporting have discussed classic elements of news criteria. Criteria most often considered as determining news worthiness include these: timeliness-is it a recent or is it old news? Proximity-is the story relevant to local leaders; conflict-is the issue developing, has it been resolved does anybody care? Eminence or prominence-are noteworthy people involved? If so, that makes the story more important. The other criterion for news selection is consequence and impact-what effect will the story have on readers? Lastly even though it might not be an earth shattering event does it contain unique and interesting elements? This is referred to as human interest (Itule & Anderson, 2007:p.15). The same criterion is outlined in the MBC Editorial Handbook (MBC, 1997:p.28-29). The editorial policy demands that all news and information processed by MBC should be treated on merit, must be compatible with the Malawi Constitution (MBC, 1997:p.10). This means that newsworthiness of an event will determine

whether or not it gets into the running order. It will also determine the exact position of an item in the running order. A running order is a sequence of news items in a particular bulletin.

Newsroom practices at both MBC and TVM underscore prominence essentially understood as following government hierarchical structure from the president, vice president, minister, down the line. In turn major sources of news are government officials. Very rare are stories initiated by the reporter unless something to do with government programmes. Consequently, the running order for news normally presents any news item of the president at the top regardless of significance. The president is to be followed by the ministers in their order of importance and government officials followed by information on the activities by the ruling party.

The opposition, especially its ‘big men’ will also make headlines especially when they are to be portrayed negatively. To this effect the crisis of public broadcasting can also be viewed along the dimension of a long drawn battle between political ‘big men’ rather than political parties themselves. The introduction of two programmes; *Makiyolobasi*, *Mizwanya* and the airing of a collection of speeches by former head of state, Bakili Muluzi is a case in point. Muluzi is heard in the speeches castigating MCP president John Tembo while praising president Bingu wa Mutharika in the run up to the 2004 general elections. While seven candidates contested the 2009 presidential elections Tembo and Muluzi are the primary focuses in these programmes. The featuring of these two personalities reflects their role in Malawian politics. The trust in political big men reduces the role of party organisation in Malawian politics.

The role of the ‘big man’ can also be seen in the event of the decision by the National Assembly to reject and cut funding to MBC and TVM. In May 2007 *The Nation* reported that at a UDF caucus chaired by Bakili Muluzi at his BCA residence, the party agreed not to support budgets of TVM and MBC as punishment for failing to be fair in their coverage (Nyirongo, 2007). It is interesting to note that the UDF caucus was held at the residence of the chairman. Similarly, in September 2007, the then leader of opposition in parliament John Tembo, winding up a debate on the 172 Billion Kwacha national budget wondered if legislators would pass the budgets of TVM. In the preceding week the UDF national chairman had urged his MPs to reject votes for MBC and TVM (Kashoti, 2007). Eventually, the National Assembly allocated a nominal One Kwacha budget each for MBC and TVM respectively.

Conclusively, this behaviour is summed up in one of the popular theme songs by UDF women leaguers “*atcheya amati akayankhula, atcheya amati akayankhula... zimachitika* (when the Chairman (the big man) speaks things do happen)”. Both the theme song and the preceding events demonstrate the trust bestowed on political big man in Malawian politics. It also demonstrates how this has undermined the public representative role of individual parliamentarians.

Similarly, trust in political big men is manifest in the position taken by the Media and Communications Committee as regards the capacity of the opposition to initiate reforms in the Communications Act. While appreciating the weaknesses in the existing law and the availability of procedures through Private Members bill they considered government to be the ultimate implementer arguing that any change in the existing regulation must come from the government

as the ultimate implementer. This tendency limits the oversight function of parliament on the workings of the executive arm of government hence ineffective formal institutions.

The study shows that there is an interface between politicians and employees in public broadcasting media institutions that range from direct newsroom involvement and control through *intermediaries* and *proxies*. Interviews with former employees revealed that proxies have existed in at MBC even before the advent of democracy in 1994. The study demonstrated considerable difference between the time of the UDF (1994-2004) and the DPP (2005-2009) regarding the role of proxies and intermediaries. During the UDF politicians had direct access to the newsroom where they would issue instructions to reporters on how to handle political information. So far the work of proxies has become more conspicuous. Orders often pass through senior management and then passed on to employees in the newsroom. One of the editors interviewed explained how he had learned that the 2008/9 budget was to be codenamed a “pro-poor budget through an intermediary:

A notice undersigned “management” instructed all editors and reporters that the 2008/9 National budget was to be referred to as “pro poor budget”. Later another instruction was made calling on all editors to always use the title of “Ngwazi” when referring to the state president (Anonymous interviewee).

Interviews with current and former employees confirmed that they were under pressure mostly from intermediaries and proxies of government officials and politicians of the ruling party to serve government of the day. Consequently neo-patrimonial norms permit the existence of *informants* in the newsroom who influence how stories especially those which involve politicians

should be treated. A former employee who once headed the current affairs department and demoted to position of editor and eventually sent on early retirement claimed that informants have existed in the institutions since the time of the single party rule arguing that there were some staff members who held no senior positions in the newsroom set up yet they were more powerful because they have political connections. These proxies instil fear among news staff by imposing their unwritten rules on news coverage. Control over final output was not limited to the rank and file of editors and controllers but also those who sought favours through connections with bosses by portraying themselves extra-loyal to the government of the day. One editor interviewed said “one would always think twice before turning down such colleagues especially on what ought to be included in a story or news bulletin”.

From the interviews conducted one notes that election coverage increases incentives for interference. Some politicians decide on reporters to cover their function regardless of whether that reporter has equipment such as a camera or not. The same applies to external trips where the president and senior government officials select reporters to go on foreign trips. Employees felt that they had to abide this way of doing things because it was in their best interest. Some employees felt obliged to abide by policy as it was very difficult to fight a system that had its own way of doing things as put by one of the editors interviewed.

Yes, after all the rhetoric among colleagues is “just do it”, you lose nothing after all you do not eat ethics!” Among most colleagues it is a matter of securing their jobs, while others like it because it underlies professionalism in some respects; others do it because they like the policy’s propagandistic nature being ruling party zealots (Anonymous interviewee).

In summary, trust in political ‘big men’ manifests itself in the appointment of top managers of public broadcasters by the appointment often ignoring the role of board of directors. This informal institution is endogenous to weighty prerogatives that president enjoys regarding appointment of public officials. Further, newsworthiness of events is often a secondary feature that defines the running order of news for both TVM and MBC. Consequently, the logical order of news is seriously undermined because it follows the most predictable adherence to government hierarchy. The existence of proxies and intermediaries undermine the effective delivery of news and information through public broadcasting.

4.3.1.2 Informal Institutions and the Supply of Labour

Supply of labour occurs at two different levels in public broadcasting media organisations. At first level is the appointment of top management (the Director General and the Deputy Director General) and other senior staff done by the board. At second level the Director General appoints other junior staff. Development of MBC reflects a transition from the supply of labour that relied on internal labour markets (where workers are qualified internally (Baumann, 2002: p.30) at all levels tied to a firm in the long run, to the external labour market relying on the mobility of workers between organisations. Taking into account that TVM is a new firm it relies heavily on external labour markets. MBC owes its reliance on internal labour markets to the limited training opportunities available locally during the single party rule. MBC employees had access to training on the job through external links and scholarships. Presently many employees have had access to upgrading undergraduate courses. It was reported during the study that there was high labour turn-over among staff in the news and current affairs department. There was higher mobility and less satisfaction among graduates who had attained a formal education in

journalism through upgrading and labour supplied through external labour markets. Consequently, a put by one employee, the labour turnover has led to loss of institutional memory where by employees who were familiar with installation and working of transmitters have since left.

Labour economic theorists distinguish among different mechanisms for sourcing labour such as connection through personal contacts, formal speculative application jobs, direct approach from companies, application from advertised jobs and the use of agencies (Baumann, 2002: p.31). One key informant notes that management structures and practices inherited from the colonial service accounts for most labour practices at MBC. The rigid nature of management structures has done little to boost morale or improve working conditions of broadcasters (staff). Their salaries are very low and prospects for promotion are dim and nonexistent (Anonymous). This has adverse effects on recruitment drive resultant in high labour turn over and less than satisfactory performance among those committed. At the first level in the supply of labour personal contacts override the other different mechanisms for supplying labour in these organisations. This practice was sporadic at the second level going together with applications from advertised jobs and direct approach.

Branston and Stafford (2003) argue that professionalism entails training and qualification, membership to a professional association, competition, awards and recognition and access to industry “standards” equipment and skills to use it. Further, Dominick (2005) has argued that education extends informal control on the media. Ethics and professionalism are topics that are gaining more attention at colleges and universities. In fact, Dominick points out that there has

been a recent upsurge of interest in teaching ethics at many schools of journalism and mass communication. Further, Dye (1978: p.309) has argued that education, innovation, participation appear to be linked. This, he points out, lead to the *pluralist* contention that an educated and active political constituency can have an impact on public policy- at least to the extent that education seems to promote the novelty and experimentation in programmes and policies. Policy innovation is simply the readiness of a government to adopt a new programme. An educated population should be more receptive towards innovation in public policy and even more demanding of innovation in its appraisal of political candidates.

The study shows that within the sector links between education, professionalism and rewards are blurred. Upward movement does not reflect education. Similarly, redeployment of officers at both the first level and the second level in the supply of labour does not take qualifications into account. When TVM director general Rodrick Mulonya was removed from his post he alleged that he had been removed from his post because he was a Muslim (Muwamba, Monday 20 November 2006; *Daily Times*, Monday 20 November 2006). In addition, he was appointed to the Ministry of Labour as Director of Finance and Administration, a post which was non-existent there when his area of expertise is in the arts. Mulonya held a Bachelor of Science Degree in Mass Communication at the time of this appointment (MoI, 2006).

Respondents did not look at education and training as a prerequisite for upward mobility. One editor interviewed narrated an incident in which a junior employee was promoted to higher rank outside the chain of command. One of the middle managers is said to have told the other employees in the office that they were acting on instructions from “above”.

Interviewees' perception of postings to the study and training to the library sections of MBC and TVM is that of blacklisting. These departments were perceived as correctional to individual deemed to not "serving government of the day". Most of the staff seconded to these departments felt at odds with the core of the two establishments. More often members of staff in the news and current affairs department are seconded to study section, training section and library section.

Key informant interviews and direct observation demonstrated that there was not much activity in these departments to warrant the number of people often seconded to these departments. Mostly employees who do not have formal training in study and proposal writing find themselves in the department. Helmke and Levitsky (2004: p.727)) state that informal institutions should be distinguished from informal organisations. Study and training at MBC and TVM can best be looked at as informal organisations. However, the criterion that is used to post workers to the departments equal 'blacklisting'. Blacklisting is the practice of refusing to hire or terminating from employment an individual whose opinions or associations are deemed politically inconvenient or commercially troublesome.

In summary, it is apparent that informality rules in the supply of labour at all levels at MBC. On the other hand informal labour market institutions largely do affect TVM at the first level. This is against the background that TVM is a new firm. These institutions are not conducive for effective utilisation and development of human resources for effective implementation of public broadcasting. Consequently there is inefficient utilisation of available human and technical resources.

4.3.1.3 Communication Regime

A communication regime is: 1) a loosely coupled social network in which the communication and the work system are highly coupled; 2) a system with a set of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge. Regardless the emphasis placed upon “putting directives in writing” by statutes (GOM, 1998: Section 16 (1)) routine practices within MACRA, TVM and MBC demonstrate the mutual trust bestowed on oral instructions. Most of the employees interviewed across these institutions did not find it difficult to take oral instruction and directives from senior colleagues and politicians. This is because mostly the instructions carried contract norms of journalism or professional ethics.

By the time the UDF relinquished power in 2005 it owed MBC K10 Million Kwacha in advertising. There are no proper records to show that the party owes this money hence they cannot be taken to court. Normally an organisation that buys airtime frequently holds an account with the Business Affairs department of MBC. For example the Democratic Progressive Party has an account such that advertising sourced through the National Executive Committee of the Party is debited into this account. Some political party gurus book airtime verbally which makes it very difficult to follow up on their accounts.

In the newsroom, interview by interview confirmed how employees such as junior editors got verbal cues from chief editors, the controllers of news and politicians on how to get the job done. One interviewee gave an example of a more recent order on MBC to stop the coverage of Vice President Cassim Chilumpha. This order was passed through to reporters and editors by word of

mouth after management noticed that reporters had given the vice president more airtime in response to his change of heart. Apparently Cassim Chilumpha had started advocating for public support of government programmes while he was traditionally known to be UDF.

Oral culture is also reflected in the way employees come to learn about policy. When asked whether they had seen the MBC editorial handbook most of the interviews found its access inconsequential. One of the questions posed to interviews was what their own understanding of the policy of their organisations. New employees are oriented to news policy and through their interaction with other staff members. The answer that came more often was that the MBC's news policy is to cover government of the day. Further government business was to be given more priority than any other matter. Some interviewees understood the policy as coverage of events across Malawi that would facilitate national development.

4.3.1.4 Party Based Networks

Political party based networks constitute informal institutions that link individual employees in public broadcasters and politician or political parties, individual members of parliament and political parties. They also link political parties to other political parties. The relationship between these groups and individuals is that of a client and a patron hence they are engaged in political patronage. Political patronage is a dispensation of favours or rewards such as public office, jobs, contracts, subsidies, prestige or other valued benefits by a patron (who controls their dispensation) to a client. In return the client supplies the patron with some valued service such as voting for the patron's party or providing money or labour for electoral campaigning.

The relationship between the patron and the client is typically unequal, selective and discretionary; the patron does not generally grant favours to all potential clients but picks and chooses among them. Dye (1978) has described political parties as an important institution in political systems however. He is cautious to state that it would be a mistake to overestimate their impact on public policy. His argument is that it makes little difference in the major direction of public policy whether the party is in power or not. Dye describes political parties as “largely brokerage” organisations devoid of ideology and winning public office rather than to advancing policy positions. The voting trends resulting in the rejection of public broadcasting funding expresses that loyalty by MPS to their leadership and political parties. Former president Bakili Muluzi advised UDF MPs to reject votes for MBC and TVM the same applies to leader of opposition John Tembo and the MCP MPs.

Patron-client relationships exist among political parties, between individuals and political parties inside and outside parliament. These client-patron relationships somehow explain the gaps existing in the Communication Law. Prior to the passing of the Communications Act on 30 November 1998 the house was divided on a number of recommendations such as; that the president should appoint members of the Authority with the approval of the Public Appointments Committee; That the Authority can appoint director general of MACRA and not a minister just as it is for MBC; that the minister will appoint a deputy director general of the Authority; that the Authority should seek the direction of the minister in the execution of their responsibilities and the question of balance. The contestation can be seen in the following view expressed by Dr Heatherwick Ntaba then MCP Member of Parliament representative of the views of the civil society and the opposition at that time as follows:

The issue is a question of balance in a democratic exercise. We are not just talking about competition during election period. Public broadcasters will broadcast all the time including time when there are no elections. Public broadcaster who is funded by public funds should make that broadcasts to all political parties any time when they need to have their voices heard especially if they have to respond to someone who has attacked that particular political party (Malawi National Assembly, 1998).

Civil society input including NAMISA and the church was that the Access to public broadcasters should be equal. The civil society wanted the law to allow easy access to public broadcasters by contesting parties and available all the time and not just a question of elections. The view of the UDF was that the law should categorically look at general elections only but not all the time. This view, for instance, is reflected in the extract below from Dr. Cassim Chilumpha:

Any time there is a general election political parties must have access regardless of the size of the political party. For the other time that is governed by rules of journalism. Fair journalism will make sure that before they quote one person who is contradicted they must give both parties an opportunity to be heard. That has nothing to do with law (Malawi National Assembly, 1998).

Regarding the input of civil society and MISA, the views of the UDF, as a ruling party then are reflected in this extract by Dr Chipeta- Minister of Foreign Affairs. About the Civil society he said:

The power of legislation is vested in us. We use our moral conscious to determine what in our estimation is legitimate and what is illegitimate. What we call civil

society largely refers to peripheral bodies that are numerically insignificant that articulate sectional and specific social interest that do not correspond to, in a sense, to the values and virtues of popular democracy (Malawi National Assembly, 1998).

It is worthwhile to note that rather than the UDF as a ruling party, it is AFORD dissident MP articulating an interest of the UDF. The foregoing was followed by his remarks about the National Media Institute of Southern Africa (NAMISA) underscoring the mistrust that exists between politicians and the civil society:

They are a bunch of more than 50 people. In the name of sovereignty of the house let us not accept the demands of these groups. Even those organisations have no culture of democracy. We know for a fact that they are trying to impose standards on us that themselves are unable to uphold (Malawi National Assembly, 1998).

While the opposition political parties supported the civil society view that the public broadcasters be open all the time, the UDF's view was that this access be categorically during election. Alliance for Democracy (AFORD) dissident MPs who had posts in the UDF administration backed the position of the latter. Further the understanding that the law covers the opening of airwaves during election time only reflects a culture of informal (oral) communication which is further understood as ethical norms of journalism in the views of Dr. Chilumpha. It can be argued that the Communication Law of 1998 was passed in a democratic environment because all the formal procedures related to consultation were followed with the outcome undermined by allegiance of parliamentarians to specific interests.

Further, the position held by Ntaba as MCP Member of Parliament regarding public broadcasting runs in sharp contrast with the view that he holds now (at the time of the study) as a member of the national governing council of the DPP. Ntaba was quoted in April 2009 as saying that in Malawi there is no public broadcaster because a public broadcaster is an institution that runs on public funds, which is not the case with TVM and MBC as they were allocated One Kwacha each by parliament. The DPP publicity secretary said the source of funds for MBC and TVM is not known and the two do not qualify as public broadcasters (Namangale, F. 4 April 2009). In this view he does not recognise the aspects regarding access to all political parties as a defining feature which he articulated in 1998 as a member of the MCP.

In summary, political party based networks do largely undermine the efficacy of individual members of parliament as representatives of their constituencies because coalition formation leads to them articulating views of their groups rather than views wishes of the people who voted them to power. It must also be stated that political party based networks are largely informal institutions which are endogenous to formal institutions such as political party caucuses, committees such as PAC, Media and Communications Committee, the Committee of Supply.

4.3.1.5 *Chiponda (Informal Private Financing)*

The criterion for newsworthiness has been outlined as timeliness, proximity, conflict, prominence and eminence, consequence and impact and human interest. Ideally in a democracy what eventually reaches the audience would be determined by these features, the nature of the event and the reporters' effective ability to describe it. TVM does not have a written policy. While it is common knowledge that there is no scientific formula for deciding what is news and

where it should be placed in the running order TVM charges a fee for covering some functions especially those that do not involve government officials. At the time of the study organisations paid K6000 for functions within the city. It was learnt during the study that charges for functions outside the city were higher determined by distance. This means that even where an event met the criteria discussed by Itule and Anderson; it would not feature in the running order if the sources were not ready to pay this amount popularly known as *chiponda* among journalists. *Chiponda* is derived from ‘*Chipondamthengo*’. The term *Chipondamthengo* in *Chichewa* language ordinarily refers to the money that a person pays to a traditional healer as a token of appreciation for services rendered rather than as a bill. This practice is discriminatory in the sense that only organisation that have money, rather than newsworthy events, feature in news bulletins.

4.3.2 Complementary Institutions

The complementary type denotes that type of interaction where informal institutions co- exists with effective formal institutions enhancing the performance or efficiency of the latter.

4.3.2.1 Issue Based Networks

Patterson (2001) defines an issue network as an informal network of public officials and lobbyists who have a common interest and expertise in a given area and are brought together temporarily by a proposed policy in that area. Public broadcasting institutions in Malawi have benefited from initiatives carried out by issue networks. Many workshops targeting Members of Parliament have been organized by Non Governmental Organisations, each time there is an indication of interest to change and review media laws. An example is a 2005 NAMISA and Civil Society stakeholders meeting on the Right of Access to Information law.

NAMISA launched the Access to information Bill campaign in 2005 arguing that there is freedom of expression but no access to information (*The Nation*, 14 October 2004). The freedom of Access to information has also been supported by the British Council and the Scottish Government. Further The MBC Editorial Hand book was compiled and edited by the MBC news and Current Affairs department's staff with the help of GTZ. The Public Account Committee pressed the Office of the President and Cabinet to push the Access to Information Act. (*The Nation*, 22 August 2006).

4.3.2.2 Press Councils and Unions as an Informal Control

Helmke and Levitsky (2004: p.727) have argued that scholars often incorporate organisations into their definition of institutions. It is useful to separate political actors (or players) from the rules that they follow. Their argument is that just as formal organisations such as political parties or unions may be distinguished from formal rules or informal organisations should be distinguished from informal institutions. Organisations such as the Media Council of Malawi (MCM), Journalists Union of Malawi (JUMA) and NAMISA (Malawi Chapter) have developed their own codes which are binding to institutions that join them as informal and voluntary organisations to established media institutions.

This discussion dwells on MCM specifically because of its code of ethics which is ratified by the GoM through the Ministry of Information. MCM is an independent, non profit, non political and self regulatory media professional organisation with a mission to promote professionalism in the media industry by setting professional standards in the interest of the public in Malawi and upholds the values of accountability, integrity and excellence. MCM has 43 institutional

members that include the electronic, print, video and publishing media houses. MBC and TVM are members of MCM under category D which covers commercial organisations which are big in size i.e. category A caters for Community radio stations with hardly any resources and are running voluntarily, category B caters for not for profit institutions while C caters for commercial organisations but small in their size

4.3.2.3 Media Council of Malawi Code of Ethics

The MCM adopted a Code of Ethics and Professional Conduct for journalists which covers; the individual journalist (self representation, dressing and the way to conduct interviews, use of language, handling conflict of interest, the adherence of the journalist to editorial policy for the media house where they are coming from), the journalists work, general principles (the general principles cover the use of pictures, plagiarism, corrections in case of inaccuracy, objectivity, distinction between news and opinion, advertising, law and the journalist, the public right to know). The code also covers the relationship of the journalist with the public and other journalist i.e. the public and institutions should be given the opportunity to reply to statements made about them in the media; journalist should respect individual right to private life, without intrusion or harassment and that the journalist should strive for transparency at all times. Further media houses are mandated by the code of conduct to ensure that their editorial policies are not in conflict with media ethics.

The MCM code of conduct also provides for disciplinary action resulting from professional misconduct. An institution within MCM responsible for this activity is the Ethics, Disciplinary Committee. The study has demonstrated that between the Parliamentary Committee on the Media and Communication and the Media Council of Malawi the executives and employees

were more willing to follow the standards set by latter than talking direction from the former. Observation on the interaction of their interaction reflects a cordial relationship existing between MCM than it is with oversight institutions. Institutions such as JUMA and NAMISA complement sporadic and spontaneous unions in public media institutions. The study shows that workers and individual employees had discretion to join civil society initiatives. There was a general feeling that these organisations were not looked at as vital as most activities were not informed by the views of the organisations. The organisations were not useful in promoting and safe guarding interests of journalists. There was sporadic union activism. Unionism was a sensitive matter for these organisations. The union was reported not to be active at MBC. The purpose was to call to attention good conditions of service for staff. Any action taken by the union was taken as political

4.3.2.4 Informal Public Financing

An informal institution endogenous to advertising and sell of air time as a revenue base is an established tradition which involves different organisations especially government department sending congratulatory messages to the head of state on different occasions such as Chilembwe Day, Martyrs Day, Kamuzu Day Independence Day and the inauguration of the President after general elections. Both MBC and TVM announce lists of organisations wishing the president well on each of these organisations. A typical message on the occasion of the inauguration of the president sounds like:

The chairman, board members, management and staff of Malawi Communications Regulatory Authority (MACRA) join all Malawians in congratulating His Excellency Ngwazi Dr Bingwa Mutharika on his second term of office as the President of the

Republic of Malawi, the Vice President Honourable Joyce Banda and the Democratic Progressive Party (DPP) for the victory in the fourth Multiparty General Elections 2009.

The Chief Executive, Councillors, Traditional Authorities, Group Village Headmen, Village Headmen, Management and Staff of Phalombe District Assembly join...,

To appear on this list organisations have to pay large sums of money. During the time of the study TVM was charging K350, 000 which is exorbitant considering a typical charge organisation pay for airtime in ordinary advertising. Ideally organisations would participate voluntarily. In practice there is a shared expectation among politicians, companies and the public broadcasters to the effect that failure by government departments and ministries to send their messages via the medium is regarded as contempt. To this effect TVM went into an arrangement where all participating government institutions including district assemblies and parastatals have paid K5 Million Kwacha in advance catering for congratulatory messages on annual events. Companies consider participation as being in their best interest. For the Independence Day alone in 2009 TVM got K24 Million Kwacha through congratulatory messages.

4.3.3 Accommodating Institutions

Informal accommodating institutions combine with effective formal institutions to produce divergent outcomes. These informal institutions create incentives to behave in ways that alter the substantive effects of formal rules, but without directly violating them; they contradict the spirit but not the letter, of the formal rules. Accommodating institutions are created by actors who dislike outcomes generated by formal rules but are unable to change or openly violate those rules. As such, they often help to reconcile these actors' interests with existing formal institutional arrangements. Hence although accommodating informal institutions may not be

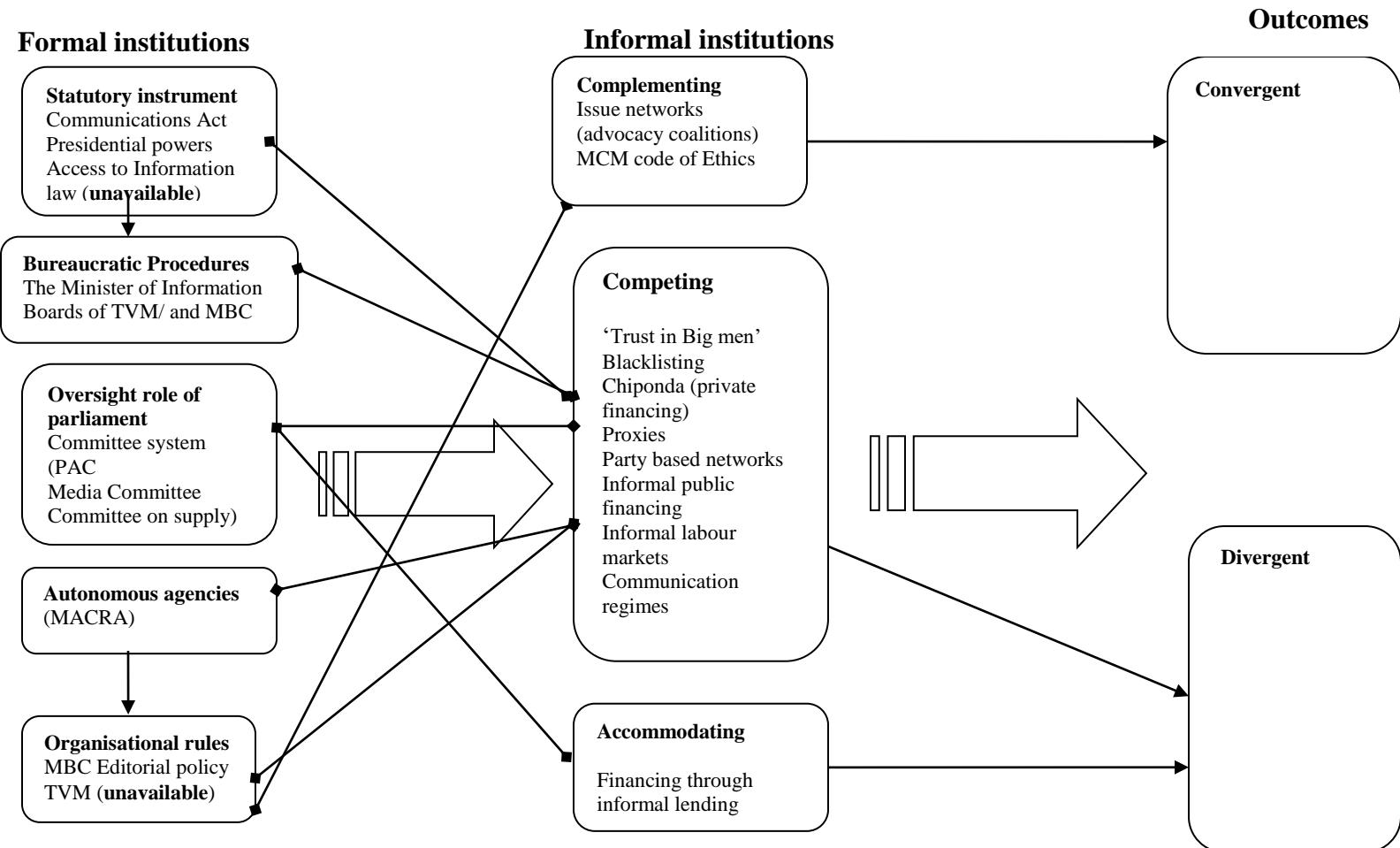
efficiency enhancing, they may enhance the stability of the formal institutions by dampening demand for change.

In the 2006/2007 budget the public broadcasters got 50 percent of their budget funds. The 2007/08 budget session marked the first time in the history of public broadcasting that MBC and TVM were denied funding by parliament a result of perceived bias. In the 2008/09 budget the two public broadcasters had a nominal K1 budgetary allocation each. This means that public broadcaster had no access to public funds. The MCP indicated that by denying funds to the public broadcasters were set to punish the public broadcasters as a disciplinary measure.

Throughout this period the government has been funding public broadcasters. Two methods of funding have been suggested. The first one is where the two public broadcasting houses are getting loans from banks with the government as a guarantor. The government will eventually pay back these loans. The other method is money allocated to votes from where the government can reroute funds such as the president's vote allocated to the OPC. By funding public broadcasters in this way the government can be said to be involved in informal funding. Similar funding of public broadcasters exists when the public broadcasters are involved in outside public broadcasting where by the government pays allowances, transport and accommodation for reporters using the vote of the Office of the President and Cabinet (OPC).

In conclusion, therefore, formal institutions and informal institutions do indeed interact. The interaction of the formal and informal institutions is illustrated by the matrix in Figure 3 below.

Figure 3: A Matrix of Formal and Informal Institution Interaction



4.4 Conclusion

The findings of this study bring to light a matrix of formal and informal institutions. The Communications Act remains an important legislation regulating public broadcasting. It should be noted, however, that the laws that preceded the Communications Act still occupy an important status in an informal way. For instance TVM still recognises the MBC Act of 1991 as a law from where it draws its mandate in spite of the Communications Act which puts television services under a reconstituted MBC. The present Act does not establish TVM. This incident supports the claim by Helmke and Levitsky that gaps in existing rules might actually strengthen incentives for adherence to informal rules.

Despite the emphasis placed upon the Communications Act in the regulation of public broadcasting this study establishes ancillary myriad formal institutions that impact on the implementation of this policy. This study has demonstrated that though these institutions provide opportunities for checks and balances among actors, informal institutions combine with them in a way that undermines effective implementation and contradict the spirit of multiple veto points.

In line with the Helmke-Levitsky typology the study establishes competing, accommodating and complementary institutions. It does not establish substituting institutions. There are more competing institutions producing divergent outcomes. Even though these informal institutions come in a variety of ways, “trust in political big men” is a central institution that gives rise to the other problem creating institutions such as party based networks, use of proxies and informal public financing.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 Overview

The last section summarises the major findings of the study, drawing conclusion and further, it aims at providing recommendations for scholarly work and literature in the field and recommendations for practice and improving policy.

5.2 Conclusion

Albeit the emphasis placed upon official rules by scholars of public broadcasting in Malawi, the Southern African region and African continent in general this study has explored the function played by unofficial rules in public broadcasting implementation. The study has established the double edged effect of informal institutions on regulation of public broadcasting in Malawi even though it is adequate to say that the level at which unofficial rules enhance compliance with PB requirement does not supersede their ability to undermine effective implementation.

This study set out to shed light on the behaviour of informal institutions [through their interaction with formal institutions] in undermining the effective implementation of public policy in Malawi using public broadcasting policy as a case study. Specifically, the study sought to identify and document formal institutions underlie public broadcasting policy implementation in Malawi. Further this study was undertaken to identify informal institutions affecting public broadcasting policy implementation. Similarly the study sought to map out the interaction between formal and informal institutions in the implementation of public broadcasting policy and lastly to establish effects of the interaction in the interaction on formal policy outcomes within

the context of public broadcasting regulation. The study was framed on a typology of four patterns of formal and informal institution interaction: complementary, accommodating, competing and substitutive.

In order to answer these questions, the study adopted a qualitative approach of a case study relying on multiple data sources. Data collection involved archival study, in depth semi-structured interviews with executives and employees in public broadcasting media institutions, key political parties, policy makers, members of the media and communications committee of parliament, the National Media Institute of Southern Africa and other media related civil society organisations, purposively selected key informants and experts.

The findings of the study point to the existence of myriad formal and informal institutions guiding public broadcasting in Malawi. Given Helmke-Levitsky framework the study finds that the implementation of public broadcasting policy is largely informed by a formal and informal institutional interaction that is: competing, accommodating and complementary. The study did not establish substitutive institutions. The study documented different formal institutions which are ineffective. These weaknesses are reflected in the provision of power to politicians to direct activities of institutions which are supposed to be independent, the limited oversight provided by the committee system of parliament through PAC and the Media and Communications Committee. The Media and Communications Committee, for example, has power of summons but they can not order arrest in the case where a public officer refuses to take their order. The relationship between the civil society and other arms of the government is that of scepticism. Civil society action is largely seen as political consequently their views are sought after as a

matter of routine but not taken into consideration when laws are being passed and eventually put into practice.

Competing informal institutions in this study mostly these exist as a consequence of weak formal institutions. Political party based networks exist between political parties, individual employees and media organisation. Most of these political party based networks and coalitions have developed as endogenous institutions to formal institutions such as party caucuses and party organisation. The powers which the president exercises as prerogatives have led to the development of informal institutions described as ‘trust in political big men’. The prerogatives limit public control over public broadcasting as they run counter to the role of board of directors which represent the voice of the people. The powers of the minister over public broadcasting can not be explained by the Communications Act. It is the MBC Act of 1964 which defines the directives and open control by the minister on the operation of statutory cooperation in the public broadcasting sector. Informal labour market institutions affect the supply and effective utilisation of labour in the implementation of public broadcasting policy. Further the practice of *Chiponda* at TVM runs counter to the criteria for newsworthiness advanced by media scholars.

Accommodating institutions are prevalent in the area of funding. Since the formal procedures for funding through parliament have led to reduced funding going to public broadcasting the government has been funding public broadcasting using votes under the Office of the President and Cabinet (OPC) and government guaranteed bank loans. It can be concluded in this case since the government is unable to change or openly violate the formal rules of funding they result to redirecting funds.

With regard to complementary institutions the existence of issue networks over the last ten years means that there have been efforts to document and develop vibrant public broadcasting. Public media hence have benefited from the existence of issue networks that sponsor programmes that promote popular participation. However that only covers short term and specific projects on information as opposed to political news. Further it is evident from the proceedings of this study that not only do informal institutions undermine public broadcasting but also in the evolution of the public broadcasting, informal institutions explain the existing gaps and weaknesses in the Communications Act and the unavailability of the access to information law. Notably, the ‘big man’ is a central institution that builds impetus for other informal institutions regardless of whether they supplement or supplant existing formal rules.

This study took the extreme position that informal institutions do undermine the implementation of public broadcasting policy in Malawi. However, the findings of this study show that to a large extent informal institutions do undermine the implementation of public broadcasting while at the same time on a lighter scale help in strengthening compliance to the ideals of public broadcasting. The difference is in the specific area of effects that is ownership, control and funding. In terms of ownership and control informal institutions undermine implementation while achieving a more positive role in funding and information. The results could be said to run parallel to Helmke and Levitsky (2006: p.8) view regarding informal institutions that they are double edged and could have even a positive effect on formal rules.

The findings provide great insight into the realities of public policy implementation in Malawi in that it has underscored the possibility of actors violating existing regulation for a more pragmatic

action when implementing public programmes. The study suggests that weaknesses in the formal institution should be looked at as an incentive for the emergence of informal institutions which can explain the apparent failure in public broadcasting regulation. The target of any media reforms therefore should be to weaken these incentives.

5.3 Recommendations

The findings of this study have implications for the direction of scholarly research and literature in the field, journalism practice in public media institution and future development of media policy and regulation in Malawi. The following presentation provides recommendations based on study findings.

5.3.1 Scholarly Research and Literature in the Field

The study confirmed the assumption that informal institutions do exist. Policy scholars should devote more time and resources on establishing patterns of interaction between formal and informal institutions. This case study involved personal interviews with employees, politicians and experts, direct observations and an examination of archival material. Interviews with employees and direct observation of TVM and MBC proved more useful. Securing intensive interviews and informal discussion with politicians proved difficult. Where the interview were granted, it was difficult to generate a coherent and reliable narrative.

Despite the great insights generated via personal stories by former and current employees for both MBC and TVM the study could have benefited from a more ethnographical study of the phenomena where researchers spend a long time living with and observing other cultures in a natural setting (Wimmer and Dominick, 2006: p.140). A researcher would, for example, secure

an internship position in these institutions and learn about routine activities and forms of interaction among individual employees, regulatory agencies and politicians.

The case study method is not amenable to generalisation (Wimmer and Dominick, 2006: p.138). As a result, a statistical analysis with large N samples whereby a hypothesis could be generated about the behaviour pattern that are consistent with the existence of a particular informal institution could prove more useful. The study finds that informal institutions do undermine effective implementation of public broadcasting policy and regulation. This means that future researchers need not put informal institutions at the backseat of their agenda.

5.3.2 Improving Practice

Informal labour market institutions affecting the supply of labour are critical to improving journalism practice through public broadcasting. Howlett and Ramesh (2005) have rightly argued that the determinants of policy success include "...policy implementation assigned to an agency that is well staffed, has resources, and has a champion is likely to succeed." In order to improve practice the study suggests advocates and champions of public broadcasting should reorient their efforts towards manipulating the supply of labour by increasing opportunities for the mobility of employees more likely to create demand for standards there by making the arena more competitive.

5.3.3 Improving Policy

Helmke and Levitsky (2004: p.732) have observed that increased formal institutional effectiveness may weaken incentives for creation of informal institutions. The study recommends that lobby groups continue to lobby for the strengthening of formal institutions such as the

oversight role of parliament. Further Helmke and Levitsky have observed that development in the external environment may change the distribution of power and resources within a community, weakening those actors who benefit from a particular institution. However, given the scepticism that has riddled present advocacy mechanism there is needed to reorient advocacy to citizen groups. In the public broadcasting arena such a change could easily emanate from civic participation. The study demonstrates a civic participation which is skewed in favour of the elite. For the lobby groups to acquire more legitimacy they must have an ordinary appeal. Various segments of the audience can band together and try to exert control over the operations of mass media organisations. They are called Citizens Groups (Dominick, 2005: p.437). These groups which have been tried elsewhere can reduce the scepticism that exists between civil society and parliamentarians.

One particular vicious example occurred in the United States of America in the 1950's during the cold war period when a massive communist scare ran throughout the country. A self appointed group called Aware, Inc tried to point out what it thought were communist influences in the broadcasting industry. In 1964, a group of black citizens working with the Office of the Communication of the United Church of Christ formed a pressure group and attempted to deny licence of renewal of a TV station in Jackson, Mississippi, because of alleged discrimination on the part of station management. After a long and complicated battle the citizens group succeeded in its effort (Dominick, 2005: p.437). However, citizens groups are not without weaknesses. These groups are not elected by anyone, and their wishes may not be at all representative of those of a bigger population. Further policy makers should consider giving more powers to oversight institutions such as public appointments and media committee of parliament.

On the whole, awareness of the existing informal institutions and the nature of their interaction with informal institutions as well as the effects of this interaction provide a valuable tool that will build capacity for policymakers to take into account the informal institutions when making policy. Policy makers must therefore take informal institutions into consideration at the early stages of policy design. This is not limited to public broadcasting regulation as this case may also elucidate on other policy sectors.

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APPENDIX

A. Study Questions Guide

No	Source	Key Questions
1	Documentary Sources/ and analysis	
	Media Reports (Newspaper Archives) targeting debate on PB and reform in media law Process tracing through documentation analysis	<p>When did serious interest in reform begin to manifest itself?</p> <p>What sought of study or documentation may have influenced governmental thinking?</p> <p>What sought of policies did government pursue and how were they viewed by interested parties?</p> <p>Were the policies implemented in their original form or were they amended? Why were they amended?</p> <p>What other models of state owned media control have been suggested by study and documentation.</p>
2	Key Informant Interviews	
	Political Parties (UDF)	<p>What do they envisage to be the source the perceived bias in the way public broadcasters operate</p> <p>Are the political parties satisfied with the law that regulates PB and other related laws</p> <p>Do their parties have a specific promise and policy agenda on the operations of PB</p> <p>How often have they participated in the making of media laws</p> <p>How have their contributions been received</p> <p>Why did their party advocate for the involvement of the minister in MACRA and operations of MBC</p> <p>Do they still favour the role of the minister in the work of MACRA and MBC</p> <p>What changes would they like to be made in the existing regulation? Why?</p> <p>In view of the market led models of public management why not push for privatisation of these organisations so that they can source their own money and operate independently.</p> <p>What other alternatives would they suggest for the running of these org. to be in keeping with democratic values</p>
	(MCP)	<p>What do they envisage to be the source the perceived bias in the way public broadcasters operate</p> <p>Are the political parties satisfied with the law that regulates PB and other related laws</p>

		<p>Do their parties have a specific promise and policy agenda on the operations of PB</p> <p>How often have they participated in the making of media laws</p> <p>How have their contributions been received</p> <p>What changes would they encourage in the existing regulation for public broadcasting? Why?</p> <p>In view of the market led models of public management why not push for privatisation of these organisations so that they can source their own money and operate independently.</p> <p>What other alternatives would they suggest for the running of these org. to be in keeping with democratic values</p>
	DPP	<p>What do they envisage to be the source the perceived bias in the way public broadcasters operate</p> <p>Are the political parties satisfied with the law that regulates PB and other related laws</p> <p>Do their parties have a specific promise and policy agenda on the operations of PB</p> <p>How often have they participated in the making of media laws</p> <p>How have their contributions been received</p> <p>Why did their party advocate for the involvement of the minister in MACRA and operations of MBC</p> <p>Do they still favour the role of the minister in the work of MACRA and MBC</p> <p>What changes would they like to be made in the existing regulation? Why?</p> <p>In view of the market led models of public management why not push for privatisation of these organisations so that they can source their own money and operate independently.</p> <p>What other alternatives would they suggest for the running of these org. to be in keeping with democratic values</p>
	Key Informant Interviews (Media and Communications Committee	<p>What is the mandate of the committee</p> <p>How does the committee reconcile the differing interests in media policy and regulation (with the configuration of opposition and ruling party)</p> <p>Does the committee have a substantial voice in the operations of state owned media</p> <p>Power of summons over executive branch (ministry of information to testify before it on the management and operation of state owned media</p> <p>Does the committee have powers to initiate change in media policy and regulation</p> <p>How have the recommendation of the committee been received by the house</p> <p>Do they have powers of summon over the ministry of</p>

		<p>information?</p> <p>How do they relate to the ministry?</p> <p>In view of the market led models of public management why not push for privatisation of these organisations so that they can source their own money and operate independently.</p> <p>What other alternatives would they suggest for the running of these org. to be in keeping with democratic values</p>
	<p>Key informant interviews (interest groups, civil society (Namisa, MCM and others</p>	<p>Whose interests do you think the current regulatory regimes are serving?</p> <p>How much power do you think your institution has in the reform process?</p> <p>Who else has power, who does not, why not, who decides (who has the final say)?</p> <p>Which actors are more powerful which ones are not?</p> <p>Is there a give and take or are some forces dominant in the process</p> <p>Are interests organized or are individuals alone powerful without organizing into groups</p> <p>How relevant are politicians/ parliamentarians in the reform agenda</p> <p>What technical support are they getting?</p> <p>Is there room for civil society contribution in reforms? What are the mechanisms for this involvement?</p> <p>What are the formal rules and legal framework for the public policy formulation process?</p> <p>Which institutions are involved?</p> <p>Who is entrusted to formulate and implement public policy?</p> <p>Since the development of the Communications Act what progress has been made to improve the working of the policy on public broadcasting?</p> <p>What do you think are the weaknesses in the current regulatory policy for public broadcasting?</p> <p>What progresses has been made?</p> <p>Institutional factors affecting the process.</p> <p>Are the rules followed or are the informal rules?</p> <p>Are everybody's views treated equally at the meetings?</p> <p>Are informal rules constantly changing or largely stable</p> <p>Who has the power to decide that an exception to the rule is needed?</p> <p>What are the norms and values that really explain how things are done?</p>
	<p>Key informant interviews Individuals who</p>	<p>When did serious interest in reform begin to manifest itself?</p> <p>What sought of study or documentation may have influenced governmental thinking?</p>

	have participated in reform process since the time of the Communication Act 1998 (include civil society leaders and members of the Academia	What sought of policies did government pursue and how were they viewed by interested parties? Were the policies implemented in their original form or were they amended? Why were they amended? Whose input do the policies reflect In view of the market led models of public management why not push for privatisation of these organisations so that they can source their own money and operate
	Employees (former employees)	What is your organisations news policy Do you have written rules for handling your work? How did you learn about the news policy What happens in actual practice? Do you feel obliged to abide by news policy? What reasons are there for conforming to news policy? What happens when one contravenes a news policy? What is the role of executives in enforcing policy? What are your major sources of news What assignments do you find fulfilling? What assignments do you find rewarding? How do you relate to politicians? Do you feel obliged to reporting government activities? Which assignments receive a lot of support? Where does the support come from? How are newsroom practices related to Communication Law
	Bureaucracy (Act as a source of policy, they design and formulate policy to be presented for reform). MBC and TVM are responsible to information Ministry (Directorate of Information), MBC and TVM board of directors	What is the mandate of the bureaucracy What specific roles does it hold of public broadcasting institutions under its jurisdiction How does the bureaucracy reconcile the differing interests in media policy and regulation (with the configuration of opposition and ruling party) Does the bureaucracy have a substantial voice in the operations of state owned media Does the bureaucracy have powers to initiate change in media policy and regulation Where does the bureaucracy derive its mandate from

B. Key Informant Interviews.

Type	Institution	No of respondents	Position
Political Parties	MCP	1	NEC
	UDF	1	NEC
	DPP	2	NEC
Other politicians	Selected based on experience and proximity to public broadcasting sector	5	
Employees and Executives	MBC	22	Editors, controllers, reporters (current and former employees)
	TVM	10	Editors, controllers, reporters (current and former employees)
Media and Comm. Committee	Parliament	5	Chair and Members
Experts, policymakers	University, civil society	6	
Civil society	Media Council, Namisa, Juma	5	Executive director, Director, President
Bureaucracy	Ministry of information	2	
Autonomous Bodies	MACRA	3	

C. Study Participants' Letter of Introduction.

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1 March 2008

To Whom It May Concern:

Public Broadcasting Regulatory Reforms Study Project

My name is Maclan Kanyang'wa and I am a faculty member at the University of Malawi-The Polytechnic. Over the past nine months I have been studying for a Master of Arts (Political Science) at the University of Malawi- Faculty of Social Sciences at Chancellor College and I am now at study stage.

This study studies the role of informal institutions in public policy implementation. The purpose of the study is to shed light on the behaviour of informal institutions in undermining effective implementation of public broadcasting regulation. So far the study has been accepted by the Faculty of social Sciences at the University of Malawi.

The more people take part in this study, the more impact the results will have. The study has both academic and applied value. I therefore request your participation in this proposed study.

I would like to request your time by asking for your consideration to fix an interview appointment at your convenience. I would like to thank you for your time and patience in considering my request for help.

Yours sincerely

Maclan