

BOOK REVIEW

Mark. J. Mwandosya, *Regulatory Challenges in Africa: An Empirical Analysis*. Dar- es- Salaam: Mkuki na Nyota Publishers, 2021. 309 pages, ISBN:978-9987-08-500-2.

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1. Introduction

A decade ago, one of the foremost public management scholars Donald Kettl, remarked that the government failed to meet public expectations because many of the current problems we face do not match the institutions we have created to govern them (Kettl,2008). How do we then construct institutions and maintain better regulations? Do we have the capacity to design a better regulatory policy which would embrace a wide array of diversified interests in Tanzania? The Committee for Economic Development (2017) have proposed the following guidelines for countries to design and execute rational regulations policies and avoid cronyism:

- (i) Better information, that is, the data and economic analysis, the "tools" in the regulatory armamentarium, used in the planning and evaluation of regulations;
- (ii) Better oversight and monitoring of the regulatory policy process, institutions and people involved—the regulators, or "the carpenters" who build and maintain the regulations; and
- (iii) Better collaboration between input from regulators and all stakeholders (including businesses and the general public).

R. Marijani

Mark. J. Mwandosya's *Regulatory Challenges in Africa: An Empirical Analysis* is a stunning book. The author's rich experience as a seasoned scholar and practitioner accords him with the imprimatur needed to address the regulatory challenges in Africa. His choice of Public and economic utilities is even more timely as Africa and Tanzania particularly struggle with regulatory and governance challenges.

2. Critical Evaluation and Discussions

Within twenty-four (24) chapters, the author traces the evolution and discusses the *modus operandi* of regulatory bodies in Tanzania, Africa and the world in line with global guidelines such as the Committee of Economic Development guidelines (2017).

Chapter one sets out the book's framework by tracing the evolution of public utilities in Tanzania from the mid-1980s when the government introduced reforms in the management of the economy. After realizing that competition in the market could contribute to economic growth through Foreign Direct Investment (p.3), The author associates the economic reforms in Tanzania with the evolution of regulation of economic sectors and utilities. "There is an organic relationship between the economy and utility regulation" (page 1). The author further reports the status of the regulatory regime pre, during and after the transition from a planned economy to a mixed economy. The reasons for establishing regulatory authorities are also offered and concludes with a note on the multi-lateral regulatory regime applicable in Tanzania.

Chapter two provides a conceptual framework of utility regulation from a global perspective. Key concepts such as regulations and public utilities are explained (p.19), and the *modus operandi*. The Chapter also explains the independence issues of regulators and human resource management. They include appointments, tenure, disciplinary procedures and post-retirement restrictions as per Tanzania Public Service rules and regulations. The Chapter could have been enriched by citing specific public service management practices as detailed in Part II of the Public Service Act 2002. It could also mention Section D of the Public Service Standing orders of 2009 and cite the Treasury Registrar's role in managing public institutions in Tanzania.

Chapter three provides fundamentals of regulations; it covers the core business of utilities as per their mandate. As the author attests, this Chapter

needs more research. The Chapter could go beyond the case of TCRA and VODACOM and unearth other examples of regulatory captures, such as those of TASAC.

Chapter four presents the financial standards of regulatory bodies. Public Finance Management is crucial for governance purposes. The Chapter indicates sources of income for regulatory bodies to give them commanding heights and avoid turning them into beggars, which could compromise the quality of their services (p.39). The Chapter could be strengthened by citing examples of some regulators who spent money outside their mandate, for example, remittances to the government through the office of the treasury registrar.

Chapter five identifies mechanisms for protecting the consumer of goods and services based on the tripartite relationships between the government, regulator and consumer. (p.45). The Chapter argues that regulation in Tanzania is implemented in the context of social norms, laws and regulations. To protect the power of regulatory bodies and protection of consumer's rights and address issues to do with the technical knowledge and capabilities of the consumer in Tanzania. The government established the Consumer Consultative Councils (CCCs). The EWURA Consumer Consultative Council, TCRA Consumer Consultative Council and National Consumer Advocacy Council were established under Fair Competition Act (p.47). The Chapter highlights the responsibilities of CCCs (p.47). The Chapter concludes with case studies of regulatory bodies from Tanzania and beyond (FCC, CCC).

Chapter six illustrates the structure of public utilities as regulators. The author appreciates the development of regulation as a profession (p.51). He further reports the advantages and disadvantages of using multi-sector and sectoral regulations. The Chapter concludes with the reasons that informed the current structure of the regulatory framework in Tanzania.

Chapter seven is on the state and the regulator, the author, discusses types of regulatory frameworks adopted by various nations. It also advances the reasons for adopting the Tanzania model, which is sector cluster. It also posits that the main challenge facing regulators in developing countries is political interference (p.58). He supports his claim with the Songas vs EWURA case of 2005, where the ministry of Minerals and Energy (MEM) intervened in favour of Songas. And eventually reports the role of the office of Treasury Registrar's role in monitoring the regulators' performance. This Chapter could be improved by merging the sub-title "financing the regulator" (p.63) with

R. Marijani

chapter four "the financial standing of the regulator". Similarly, the sub-title "definition of the minister," in the context of regulations, could be rephrased to "communication between the regulator and the state" as they all speak about communication.

Chapter eight is on the regulation of competition and consumer protection. This Chapter traces the concept of competition from the global perspective to the Tanzanian context. Chapter eight could be merged with Chapter five because what it covers in the four pages is similar to the discussion in Chapter five (p.45).

Chapter nine presents the issues of the regulator and the legislature. This Chapter details the accountability of regulators to the parliament through the office of Controller and Auditor General (CAG) and parliamentary standing committees on the funds received from the parliament appropriation and other sources in Tanzania. More examples from Tanzania could have strengthened the Chapter.

Chapter ten is on regulations, rules, guidelines and directives; the Chapter highlights that regulator operates on the basis of their mandate and laws of the land. The Chapter could have been a sub-section of Chapter seven on the state and the regulator, as there is a close working relationship between the regulator and the sector ministries in Tanzania. Moreover, Chapter ten could have been christened "the regulator and the judiciary" with details on how the disputes from regulatory tribunals such as the Fair Competition Tribunal are handled by the court of law in Tanzania. A few practical examples could have been cited to enrich the discussions.

Chapter eleven is on cross-cutting issues; the author zeros in on the centrality of measuring the performance of the regulatory bodies per their mandate. The author highlights global and regional standards used, for example, the Peer Review Mechanisms used by some utilities in Tanzania (p.10). The Chapter could have been enriched by including the latest development in the performance of management practices, such as the efforts for digital, data and performance information used by the regulatory bodies (Metzenbaum, 2006). These new developments are crucial because digital governance places the user experience at the front and centre (Chenock,2018).

Chapter twelve presents the challenges faced and achievements registered by the regulators. It also reports the legal dilemma faced by the regulators. "In Tanzania, the legislation that establishes regulatory authorities

does also establish Consumer Consultative Councils (CCCs)" (p.10), which are paradoxically supposed to be independent and advocate for consumer rights. The Chapter concludes by signalling the passive role of non-state actors and civil society in advocating for consumer rights in Tanzania.

From chapters thirteen to twenty-one, the author provides examples of specific sector regulatory regimes for utility and non-utility sectors covering water, communications, transport, electricity, civil aviation, petroleum, and non-utility sectors such as environment, procurement, standards, banking and financial sector and mobile money services in Tanzania. The author could have strengthened the Chapter by citing new development in the sector, such as amendments to the Water Supply and Sanitation Act of 2019 and the establishment of the Rural Water Supply and Sanitation Agency (RUWASA) as the new water delivery mechanisms and their institutional linkage with regulator (p.104).

Chapter twenty-two compares the performance of the regulators in terms of effectiveness, efficiency, autonomy, financial and budgetary autonomy, participation and transparency parameters. Table 3 (p.225) provides the performance of EWURA, TCRA, FCC, the former SSRA, TIRA and PPRA using the above elements.

Chapter twenty-three serves for regulatory frameworks in selected countries, citing examples from the United Kingdom, India, Sudan, Kenya, Uganda and Rwanda. Examples of specific sectors are also cited (p.237-38).

Chapter twenty-four serves as conclusions and final observations. The author re-visits the book's main purpose and key message of each Chapter. He is pessimistic about the current development of the regulatory framework in Tanzania as evidenced by what he calls "regulatory rollback", citing the TASAC case as an example of where the legislation has established it as the regulator and a service provider in shipping agency services at the same time (p.249). Moreover, the sector ministers have also been given the power to overrule the regulator's decisions. Issues concerning non-utility sectors, consumer protection, coordination of regulatory authority, human resource development, technology and innovation are also re-visited. The Chapter ends with the author's final observations in terms of recommendations to the regulators. For example, the view that the regulators should balance the interests of the consumers and producers is in line with principle number two of CED 2017, a need for self-appraisal of regulators, investment in organizational learning, and keeping abreast with technological development.

R. Marijani

Eventually, he suggests that regulators should be assessed in terms of their contributions to achieving the Tanzania vision 2025, good governance and Sustainable Development Goals 2030 in line with principle number three of CED of 2017. Since the book focuses on Tanzania and Africa, this Chapter could have been strengthened by drawing the link between regulatory roles and the achievement of an African Agenda 2063.

3. Strengths, Weaknesses and implications of the Book

'Regulatory Challenges in Africa: An Empirical Analysis' chronicles the development, in theory, in comparison, to the practice of public utility regulation in a political context. While there are many merits to the book, three weaknesses stand out. First, the book misses some key information as indicated earlier in this review; second, a need for re-organization and merging of some chapters as detailed in chapters five, seven, ten, eleven, and thirteen; and third, for consistency purposes the author could end each Chapter with a synthesis of key issues as done in Chapter fourteen.

Despite the above weakness, three merits of the book are in order: Its multidisciplinary nature, the holistic approach to studying public utility regulation, and the comparative perspective it takes. First, the book is an excellent attempt to marry multiple disciplines in learning about regulatory challenges as it borrows from political science, public policy and public management, political economy, public administration, and law scholarships. Second, the book succeeds in placing public bureaucracies in a political context, and third, the book adopts holistic perspectives by adding to a comparative understanding of government regulatory regimes. With the above merits of the book, we can draw some implications for Sustainable Development Goals practice and Public Administration teaching and research in Tanzania. To this end, we organize our implication points into three clusters; effective, accountable, and inclusive institutions (SDG 16), key findings in this book focus on SDG 16, which underscores the necessity to develop effective, accountable, and inclusive institutions at all levels. Effective partnerships (SDG 17) to achieve all SDGs require collaboration between actors at all levels and the participation of key stakeholders such as non-state actors.

The book contributes to Public Administration research and scholarship by underscoring the importance of context-appropriate Public Administration in strengthening public institutions, enhancing public interest, and solving societal problems. In sum, the book is a timely needed intellectual endeavour calling for the involvement of the broader academic community in

Tanzania to venture into this research area rather than a finished *tour de force* by a single scholar.

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