

# MACRA courts media on 'spy machine'

By Gregory Gondwe: @Kalipochi

8 Nov 2011

The Malawi Communication Regulatory Authority (MACRA) which has been taken to task for purchasing an equipment expected to be snooping people's phone records and emails has courted support of Malawi media in an attempt to ensure that the machine rolls out.

Last Friday, 4 November 2011, MACRA invited the country's top media managers in Zomba City where the regulator justified why Malawi needs the equipment of the Consolidated ICT Regulatory Management System (CIRMS).

MACRA continued to rubbish all negative stories about the machine and insisted that the system will put to end different forms of telecommunication fraud including revenue under-declaration by operators.

"It is absurd when we hear in some quarters that the equipment will be used to eavesdrop on telephone or monitor transcripts of short message texts and internet as empty and without basis," said MACRA director general Charles Nsaliwa.

He said this is not a surveillance machine which can be used to listen to calls being made or received by phone subscribers because it has no capacity to tap somebody's phone.

## It will not be abused

MACRA board chairperson Ted Nandolo said during the same meeting that government will not abuse the facility.

He said claims that the system can be used to listen to conversations is a complete lie as it is aimed at blocking government from realising enough revenue.

"In this age, people may say a lot of things about MACRA because of the kind of work that we do, in fact some people seem to know more than MACRA itself hence the need for people to understand how we operate," he said.

MACRA says the acquisition of CIRMS has sent jitters amongst the operators because telecommunication industry, being a 'lucrative business', one cannot rule out possibilities of fraud which result in government losing revenue in the process and subscribers getting a raw deal.

"It is strange that while the Communications Act gives MACRA the mandate to monitor what is happening in the sector, the operators do not want to cooperate," he said.

## Investigating tariff fraud

Nsaliwa wondered why operators are afraid to be monitored on their performance, if there is nothing wrong that they are doing.

According to MACRA, the idea to purchase CIRMS came about after consumers in the country complained of poor services, such as calls often being shortlived, while the tariffs announced were not the actual tariffs being charged.

He said that MACRA was failing to verify the tariff fraud charges, even when as a regulator it is their duty is to ensure that there is fairness for both operators and consumers.

"MACRA does not have proper tools for monitoring and enforcement," he confessed.

He said the body relies on manual processes which are at times not fully effective, hence the idea of procuring CIRMS to match advancing technologies.

"The machine will therefore ensure that operators charge subscribers based on the declared tariffs," explained Nsaliwa, who added that MACRA is also mandated by the same act to protect the interests of consumers, purchasers and other users of communication services in respect of the prices charged for the quality and variety of services provided and terminal equipment supplied.

## The benefit of CIRMS

According to Nsaliwa, both subscribers and the public purse will benefit from its installation because the system will ensure quality services from operators and will only monitor Call Detail Record (CDR) which operators already submit to MACRA on request and not necessarily voice channels which will not be connected to the device.

He explained that CDR does not have the actual content of the SMS sent or voice content, rather billing data of a particular call; and that operators, who shunned the meeting, were deliberately trying to mislead the public on the matter.

## Only used on Lawful Intercept

Nsaliwa however said they would only use it on Lawful Intercept, with an exception to the general monitoring mandates and can only happen at the request of the operator or consumer who has a genuine grievance within the scope of the CIRMS.

Even in such situations Nsaliwa said the intercept will only generate CDR data and not voice or sms content.

"The lawful intercept becomes useful when handsets are stolen or others are buying a SIM card and abuses it before throwing it away," he said.

## MACRA turns to the media

At the moment, MACRA collects only 5% operating levy from mobile telecom operators which is determined by operators' audited accounts. The regulator hopes that with CIRMS machine in place it will independently verify such figures besides ensuring that correct taxes are remitted to government. MACRA's decision to turn to the media has come about after telecommunications obtained court injunctions restraining the regulatory body from implementing it.

The attempt to court the media seem to have elicited positive results with *The Daily Times* joining other media managers to try to listen to what MACRA was saying.

An article, [\*Giving Macra benefit of doubt\*](#) dated 7 November 2011 in *The Daily Times*, read:

*There have been times when immediately you see your phone ringing, you would obviously think it is a local call because of the number that appears on the handset. But, when you answer the call, you realise that it is an international call, which appears with a local number.*

*Probably you do not understand how somebody abroad who is not roaming and is not even on the popular one network is able to make an international call from outside the country using a local number. The truth of is: that's telecommunication fraud being perpetrated by crooked persons who among others uses a SIM box, a device that has numerous negative effects on operators, roaming hub providers and customers alike.*

The newspaper observes that by using SIM boxes fraud, fraudsters terminate international calls through local mobile phone numbers and siphon dollars meant for telecommunications operators and the government into their purses.

The article continues: *Because of the sophistication of different types of telecommunication fraud, currently Malawi Communications Regulatory Authority (Macra) finds itself helpless due to lack of a vibrant monitoring system.*

*Let's take a simpler example. Have you ever tried to make a call and before you conversation progresses, the call immediately drops but you suddenly realise that your airtime is gone? Have you sometimes wondered how your airtime has mysteriously been used up within a short period of time contrary to what the operators tout as their call tariffs?*

It then goes on to say, *The list can be endless on how subscribers lose money through various ways including poor billing system, deficient processes and inefficient network of phone operators. As subscribers, all they do is to grumble about loss of their airtime and buy more airtime instead of finding out what happened to their talk time or 'telephone units' as we call them.*

The newspaper then understands that anticipating the anomalies that subscribers can encounter through various leakages include loss of airtime or phone 'units', government deliberately set up the MACRA and mandated it to monitor what is happening in the broadcasting, postal and telecommunications industry.

## ABOUT GREGORY GONDWE: @KALIPOCHI

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