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An Assessment of the Consistency Gap in Developing Economies: A Case of Zimbabwe's ICT Regulatory Framework

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ABSTRACT

An effective Information and Communications Technology (ICT) regulatory system is expected to advance regulatory consistency, independence, pro-competitiveness, consistency, competency, and accountability. These qualities will inspire investor confidence, sectoral growth, and customer satisfaction. Since we considered regulatory independence elsewhere, this paper investigates the level of regulatory consistency in developing countries. This is done using data from Zimbabwe a developing country in Sub-Saharan Africa. The study employs a Qualitative methodology, and Heeks' (2002) Design Reality Gap (DRG) model under an interpretivist paradigm. Data collection employed in-depth interviews with purposively selected stakeholders and the analysed using Nvivo (release 1.6.1 (1136)) and thematic analysis sensitized by the constructs of Heeks' (2002) DRG. The study contributes to practice by exploring Zimbabwe's regulatory consistency gap and a theoretical contribution by applying Heeks' (2002) DRG for assessing and evaluating the regulatory consistency gaps in developing countries like Zimbabwe. The study found a Consistency gap of 8 out of 10, which concluded that the regulatory framework was highly inconsistent. The resultant model shows that conflict of interest, cross purposes, expediencies, reporting structures, and competition control were the major factors presented for inconsistencies in objectives/values, management, and process of the Information Technology Processes Objectives, Skills, Management and Other Resources (ITPOSMO) components.

Keywords:

Regulatory Consistency; ICT Regulation; Telecommunications Regulation, Regulatory Frameworks; Design Reality Gap

INTRODUCTION

There is a growing body of knowledge that highlights the importance of an effective ICT regulatory environment to the health of a nation's telecommunications sector (Stern, 1997; Samarajiva et al., 2005; Wadhwa, D. and Hallur, G.G. (2013) Palvia, Baqir and Nemati, 2015; Makoza et al., 2016; Christou and Walden, 2018; Hallur and Sane, 2018; Galhardo and de Souza, 2020). This work aims to assess a key component of a regulatory system that aims to foster fair competition between current players while at the same time allowing new players to enter the sector. Furthermore, a healthy and effective regulatory system aims to ensure that subscribers and other stakeholders get fair treatment from both government and the Multi-National Organisations (MNOs) whose powers are constantly increasing.

The negative effects of an unhealthy system may happen through monopolies that restrict competitors from joining the sector, inefficiencies that emanate from monopolistic tendencies as well a lack of consumer protection by an effective regulator. There is also a conflict of interest by regulators who may also stand to benefit from revenues earned by rent-seeking players in the sector.

Considering the threat of any of the above developments, there is, therefore, a need to regulate infrastructure, connectivity, competition, protect personal privacy, and the deployment of artificial intelligence (ITU, 2020). This is because ICTs broadly extend to other sectors such as health, education, finance, energy, and transport. The reach of the ICT sector continues to extend due to the convergence of technology that is migrating to the digital world. This will cause the mandate of the regulator to continuously evolve and become more challenging. It, therefore, calls for the constant revision of the traditional regulatory frameworks as well as improvement in the competencies and capacity of both the regulator and bodies that give them the mandate and resources to coordinate the dynamic sector (ITU, 2020).

Given the multi-faceted aspects of the factors that determine the effectiveness of a telecommunications regulator. It is critical to make sure that it is based on a plausible policy framework. Since literature has suggested that the lack of theoretical grounding in the development of ICT policy framework is the reason behind their failure (Palvia, Baqir, and Nemati, 2015), this study adopts Heeks' (2003) model. This draws lessons from previous works on ICT regulation and policy performance in developing countries (Heeks, 2002; Heeks, 2006; Palvia, Baqir, and Nemati, 2015). These scholars argue that the gap between policy design and the outcome as well as the effectiveness of policy implementation emanates from weak theoretical grounding. Lack of theoretical grounding also brings about the reliance on ex-post policy evaluation instead of ex-ante (Becher and Kuhlmann, 1995).

Against this background, this paper focuses on assessing the existence and the nature of the regulatory consistency gap and the reality of the Zimbabwean regulatory environment. Regulatory consistency is said to influence the equal treatment of players in the sector. It also affects the fairness of competition as well as the possibility of fair dispute resolution between players in the sector. The study is conducted in Zimbabwe

a Sub-Saharan African developing country which is situated in the Southern African Development Community (SADC) region. It was selected for this study because it is a developing country that experiences the challenges that are common in other countries.

The objective of this study is met by answering a research question which reads: What is the gap between the intended regulatory consistency and the reality of the Zimbabwean regulatory environment? The study *inter alia* attempts to explore the factors influencing any regulatory consistency gap and how it can be addressed.

After this introduction, a literature review is followed by theoretical grounding. This in turn is followed by a methodology and analysis section which is followed by a results and discussion section which then concludes the study.

LITERATURE REVIEW

The literature presents three approaches to ICT regulation. These are self-regulation, co-regulation, and command-to-control regulation. Self-regulation refers to a situation where conflicting parties in the sector attempt to solve their problems without recourse to the state machinery. Co-regulation involves a situation where the private and public sectors cooperate in the regulatory institution. Finally, the command-to-control regulation approach includes the use of rules and regulations that are set by parliament for the regulation of the ICT sector (Williamson et al., 2008) this thesis will focus on the command-to-control regulation approach which happens to be the main approach that is being used in Zimbabwe, the unit of analysis of the study. For the regulatory environment to be healthy, consistency must be seen to prevail.

Many authors have analyzed the issue of regulatory consistency (Majone, 1997; Etienne, 2015; Reader, 2015). These works have addressed consistency from different sectors. While there are vast areas of commonalities, sectors such as the financial sector tend to view regulatory consistency from a policy network view. This is because they require more cross-border interaction than other sectors.

The agency's decision-making must as far as possible be consistent with previous decisions and determinations. They must also be consistent in the way they conduct consultation and dialogue with participants in the sector (GFMA, 2018). This builds confidence in the sector and helps players to comply with actions that are in line with precedence. Administrative justice and fairness are also built on the consistency of regulatory decisions. Equality before the law is a fundamental principle of the rule of law (Bingham 2010).

Consistency is critical because it fosters predictability in terms of issues such as dispute resolution in the sector. A regulatory system must yield similar outcomes for similar cases (GFMA, 2018). The agency's predictability and consistency must not lead to rigidity in the face of new circumstances in a constantly changing sector as that would be as detrimental to the sector as inconsistency and unpredictability (Brown et al, 2013). Finally, the question of contextualism must be emphasized. For instance, the International Organization of Securities Commissions (IOSCO, 2015) Task Force on Cross-Border Regulation identified, speaking from a financial sector perspective suggests that a one-size-fits-all approach may yield outcomes that are not applicable in other jurisdictions hence the need to consider matters of context.

Pujan Ziaie (2013) divides the consistency gaps into 4 areas, namely legal, human resources, technical, and political. He opines that, from a legal perspective, and since

developing countries are late entrants into the ICT space they do not have the necessary rules and legislation to resolve technology-related issues. This leads to complications when verdicts should be reached on disputes about privacy, content ownership, security breaches, etc. Most developing countries are still extractive economies so rely mostly on natural resources such as oil, gold, diamonds, etc. This has resulted in the neglect and underestimation of the importance of developing ICT human resources. Consequently, technologies are imported from developed countries and this creates an illusion of independence and modernization. It should be noted that the understanding of ICT and the pertaining innovations and advancements should be studied in the corresponding social context (Avgerou, 2008). Technology adoption can be markedly different in different countries as this is aligned to the socially embedded views of the technologies (Braa, J., Hasneth, O., Haywood, A., Mohammed, W. and Shaw, V., 2007). The policies, regulations, and culture of consumption may drastically differ when we compare Sub-Saharan countries, the Arab world, and other developing countries such as Iran, Brazil, Malaysia, or Eastern European states.

The Zimbabwean Case

Zimbabwe's Ministry of Information and Communications Technology, Postal and Courier Services (MICTPCS) is a fairly new department that was only established in the year 2009. Before 2009, the ICT industry was without representation at the cabinet level. The Ministry manages some state-owned telecommunications entities such as TelOne and NetOne. The telecommunications regulator, i.e., works closely with the ministry although it is in the hands of the Office of the President and Cabinet.

The country's digital access agenda is controlled by a Modernisation Unit within the Office of the President and Cabinet, and the MICTPCS is guided by "ZimConnect", the e-Government framework, and other enabling instruments. ZimConnect is an e-Government framework and implementation strategy (2011-2015) and strategic dispensation that aims at promoting the use of ICTs in the public sector value chains in Zimbabwe. It focuses on infrastructure, capacity building/change management, and systems applications. The ZimConnect was "To provide seamless e-services to the citizens, business, and government through an interconnected public service integrating people, process and technology".

Postal & Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) is the regulatory body within the Ministry, regulating both Government-owned enterprises and Private players. It should be highlighted that 70% of the Zimbabwean telecommunications market is dominated by private players. POTRAZ itself is arguably a player in the market, as it acquired the majority (60%) shareholding in the formerly privately owned Telecel. The implication of this state's shareholding in the telecommunications sector is a source of contentious debate. Apart from the telecommunications branch of the ICT sector, except some loose associations of industry players, such as the Computer Society of Zimbabwe and the Computer Suppliers Association of Zimbabwe.

The Zimbabwean regulatory environment scored positively on several parameters of the ITU ICT tracker 2022. The Regulatory Authority is 18 out of 30, 0 being the lowest and 30 being the highest. Regulatory Mandate scored 20, Regulatory regime 18, and Competition Framework 14. This suggests that the country needs to improve on the Competition Framework parameter. While the 'Competition Framework' parameter is

the weakest, it is also quite close to being achieved since 8 of 15 sub-parameters are ranked moderate and full. Overall, Zimbabwe's regulatory body scores 70 out of the maximum possible 120 (ITU Tracker, 2022).

Theoretical Framework

This section introduces the Design Reality Gap (DRG) which sensitizes the incumbent research by shaping the conceptual framework and research instrument. It draws from previous works on ICT regulation and policy performance in developing countries (Heeks, 2002, Heeks and 2006, Palvia, Baqir, and Nemati, 2015). Palvia, Baqir, and Nemati (2015) posit that the lack of theoretical grounding in the development of ICT policy framework is the reason behind their failure.

Heeks' (2002) Design-Actuality Gap (DAG) framework addresses the gaps between the policy design and the outcome on the ground. The DAG model characterizes the failure of policy-induced change as emanating from a disparity between the designed change and the realities on the ground *ex-post* (Heeks, 2006). They argue that the gap between policy design and the outcome as well as the effectiveness of policy implementation emanates from this weakness. Lack of theoretical grounding also brings about the reliance on *ex-post* policy evaluation instead of *ex ante* (Becher and Kuhlmann, 1995).

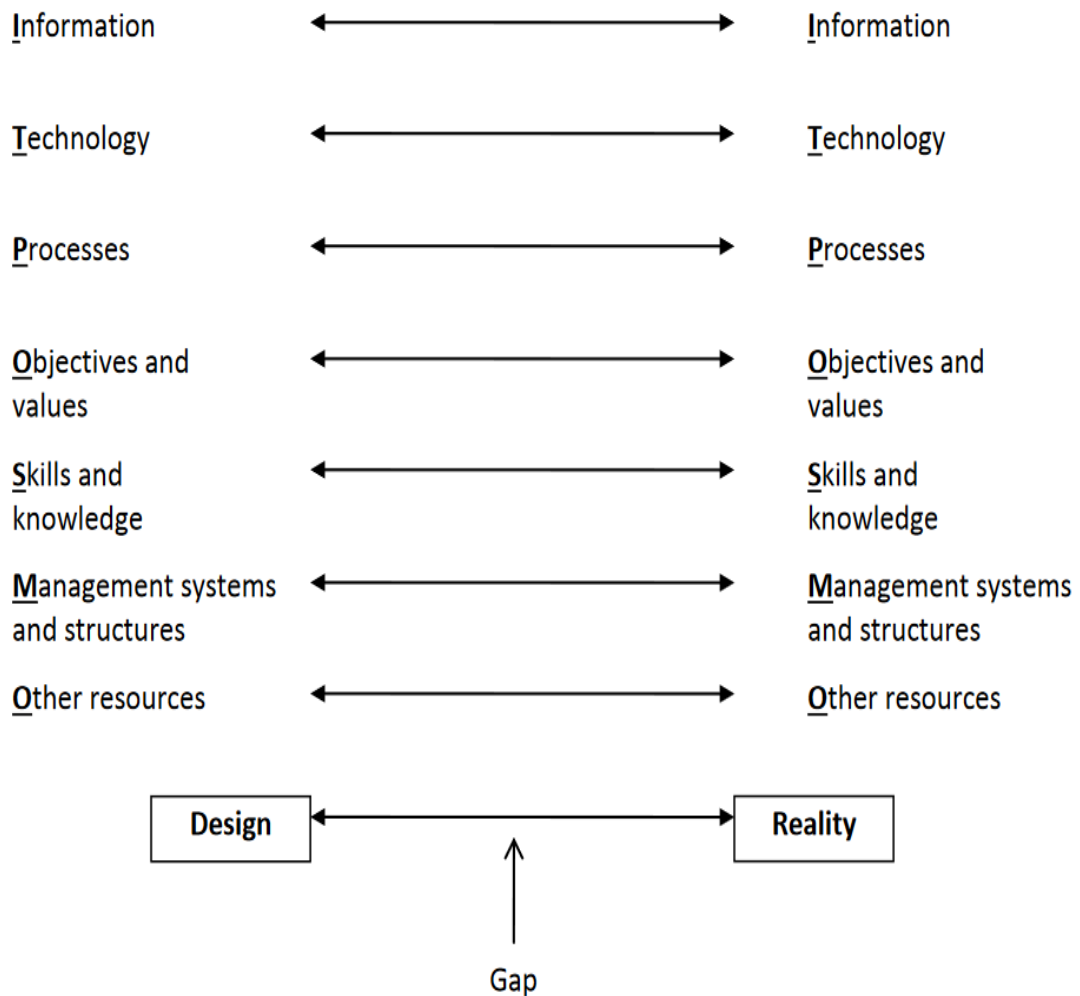
They use the ITPOSMO as discussed below. Heeks' (2002) Design Reality Gap uses a numerical scale for measuring the design reality gap. For instance, a gap of zero (0) denotes that there is no gap between the design and the outcome. A scale of 5 represents some difference while 10 stands for a complete or huge difference in the seven dimensions of the ITPOSMO which represents the gap between the design and the reality. This section presents a fuller description of the seven dimensions of the ITPOSMO. That is information, technology, processes, Objectives, and values, skills and knowledge, management structures as well as other resources.

Information: The information dimension refers to both information and data. Where data is the precursor to information or that which will be processed to become decision-supporting information

Technology: This dimension refers to the information and communication technologies that are used for communicating, storing, and processing the data into the information as discussed above. Bass and Heeks (2011) propose that this should not just be restricted to ICTs but must include all other relevant information.

Processes: These are the methods used in implementing the task. It includes the wider business processes and individual tasks (Heeks, 2008) that are conducted in the generation, capturing, presenting, analyzing, as well as usage of data.

Objectives and values: The objectives include formal and informal strategies as well as self-interest and politics. The values, however, refer to the culture that is what the stakeholder considers to be the right and wrong ways of getting along with the business.



Skills and Knowledge: This component covers both qualitative and quantitative features of competencies that are necessary for conducting the data-related processes

Management systems and structures: This component refers to the wider management systems that are required for organizing within and between networks and organizations. It also includes the way the said systems are formally and informally structured.

Other Resources: This refers to time and money in the original ITPOSMO presentation. In the ITPOSMO version of the DRG, the indicator of other resources is replaced by the Milieu component which refers to the external factors like political, economic, socio-cultural, technological, and legal environment (Bass and Heeks, 2011).

The gaps between the design and the reality in the seven dimensions of the ITPOSMO framework are measured against a scale of 0 to 10 where 0 represents no gap while 10 is the highest gap or highest level of mismatch. This is also loosely categorised as Low, Medium, and High gaps between design and reality. That is presented in this study as Consistent, Partial, and Inconsistent as can be seen in Figure 3 below. The current study, however, adopts the numerical gap of 0 to 10 to deepen the gap assessment intervals beyond the three point rates of low, medium, and high.

Critiquing the DRG in the regulatory environment of developing countries

A critical perspective of interpretivist epistemology (Myers and Klein, 2011) was deemed appropriate for analyzing the gaps between ITPOSMO and the situation on the ground. This Habermasian stance is ideal for its ability to question the positions that are taken for granted such as those in the post-colonial developing countries like Zimbabwe.

Habermasian Critical Discourse Analysis (CDA) perspective views discourse as happening under an Ideal speech situation. An Ideal Speech situation refers to a situation where discourse is free from coercive and hegemonic powers. Communicators are therefore free to make assertions and assess the assertions made by others without the influence of either conscious or unconscious hegemonic powers (Cukier et al., 2009; Habermas, 1984).

It identifies the veracity of communication through violation of four key validity claims i.e. 1) the communication's *comprehensibility*, which refers to the technical clarity of the language used; 2) its *truthfulness*, i.e. the propositional aspects of the communication as depicted by the completeness of the arguments and unbiased assertions and 3) the legitimacy, which refers to the balance in representing the opposite sides of the argument and 4) the speaker's sincerity which is the correspondence between what the communicator says and what she means (Cukier et al., 2009, Wall, Stahl, and Salam, 2015)

METHODOLOGY

A case study strategy was used for this study. It was conducted under an interpretivist paradigm. This was selected for this study research on Zimbabwe's ICT regulatory system to develop insights that would apply to developing countries of similar context. Twelve in-depth were conducted using a qualitative research methodology. This is because it was deemed to be people-centered and it aims to interrogate how they view the phenomena under investigation (Brooks, Bee, and Rogers, 2019). This was preferred for the investigation of the way the regulatory framework was being understood by the players in the Zimbabwean ICT sector. Deductive logical reasoning was used for applying DRG to guide this study and for developing the study's research instrument in line with the IPTISMO constructs.

According to Klein and Myers (1999) principles for conducting field studies under an interpretivist paradigm, case studies can be generalized when used for developing theories that apply in contexts to the case being investigated. They posit that 'unique instances can be related to ideas and concepts that apply to multiple situations p.75.' This is similar to the case of regulatory models that are being considered in this study. While the uniqueness of socio-economic and socio-political issues will be encountered during the interpretive research, relating them to concepts that are applicable in other developing countries is the key endeavor of this project. It is, however, important to highlight that the extent and nature of generalization achieved through interpretivist case studies are different from that which is achieved using a positivist case study (Klein and Myres, 1999).

Data collection

Twelve in-depth interviews were conducted with stakeholders and opinion leaders in the telecommunications sector. Directors from government departments, the regulator, TELCOs, MNOs, and professional bodies were possessively selected by both sectoral knowledge and involvement with the regulatory system. To balance the evidence, both private (coded with the suffix P) and public sector (coded with the suffix G) players were selected. This represented a total sample of the twelve most important leaders in the sector. The interviews were electronically recorded and subsequently transcribed to MS Word using an electronic application. It was subsequently coded by the ITPOSMO constructs from Figure 1 above. This

enabled a thematic analysis to be conducted in line with the constructs of Heeks' (2002) DRG. The evidence was analyzed using Nvivo (release 1.6.1 (1136)) i.e., a Data Analysis Software.

Ethical clearance was acquired from Women's University in Africa's Ethics Committee. This required that the participant's consent and confidentiality be protected. The study was carried out at different sites such as the government and private offices, with regulators, industry, and other sectoral actors. Participants were required to consent freely and were advised that they could withdraw at any point in time during the interview.

The participants were anonymized in keeping with WUA research ethics. They were assured that any shared information was solely for the incumbent study, and it was not to be disclosed to third parties without the prior written consent of the original participant. The responses and data provided were aggregated with that of the other participants and were not traceable to a particular informant in the final report.

FINDINGS AND DISCUSSION

Consistency accountability

Using a numerical DRG gap of 0 to 10 to deepen the gap analysis, a consistency gap of 8, was found. This should not be seen as any quantification of the findings of this qualitative study because it simply represents a higher-than-medium yet lower-than-highest design reality gap in regulatory consistency.

Without any intention to speak to the quantitative significance of the numbers involved, it must be pointed out that a fifth of the informants viewed the regulatory environment as consistent while the remaining four-fifths of the evidence pointed to regulatory inconsistencies. See Figure 2 below. The evidence also shows that actors from the private sector viewed a higher gap than those from the public sector. As can be seen in the model in Figure 3 below, conflict of interest, cross purposes, unclarity around the USF, expediencies, reporting structures, and competition control were the major factors presented for inconsistencies, especially on objectives/values, management, and process ITPOSMO components.

While there was more of a partial perception of consistency among informants from companies with government shareholding, there was more of a perception of inconsistencies among the private players. This reveals that the allegiance to the informant's employer compelled the government executives to speak well about the regulatory environment while those from the private sector seemed to be more open. The private sector executives' honesty can be seen in the reasons they give for depicting the consistency gap as high. This is evident in the following section.

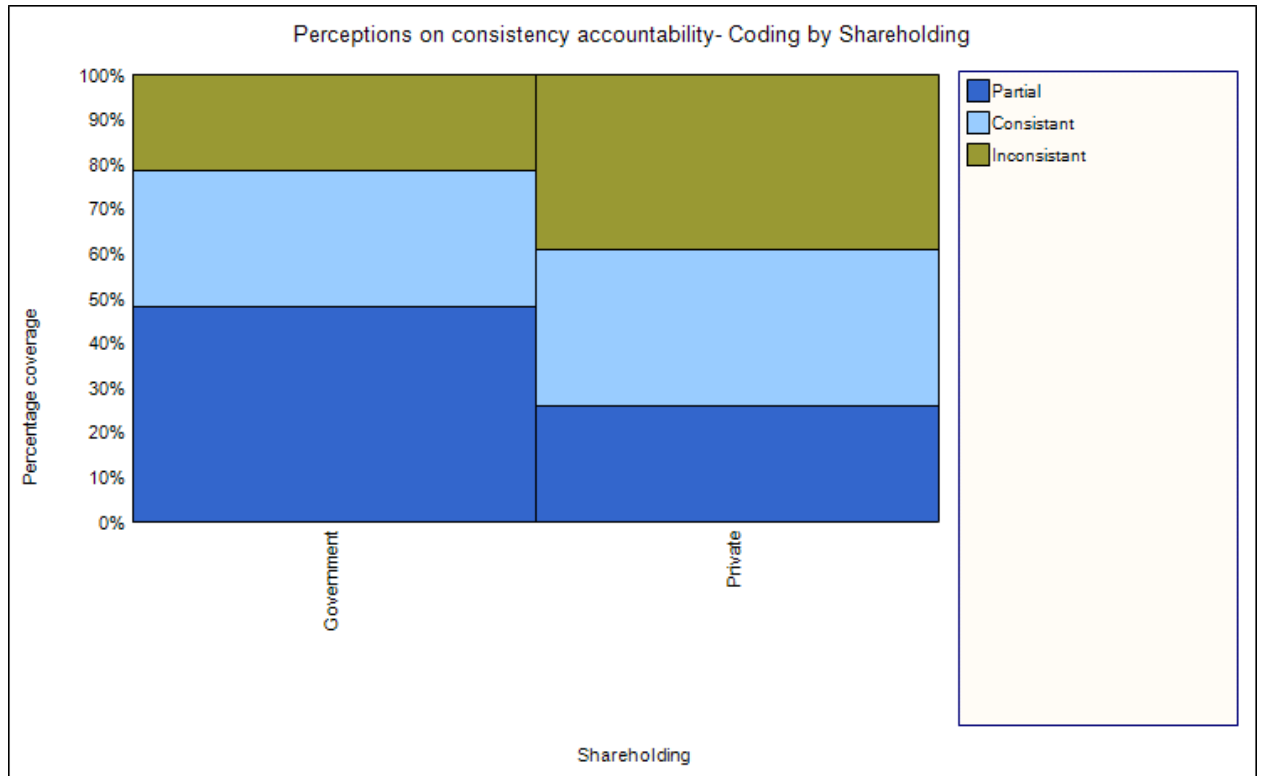


Figure 2 Perception on the level of consistency accountability

Consistency accountability

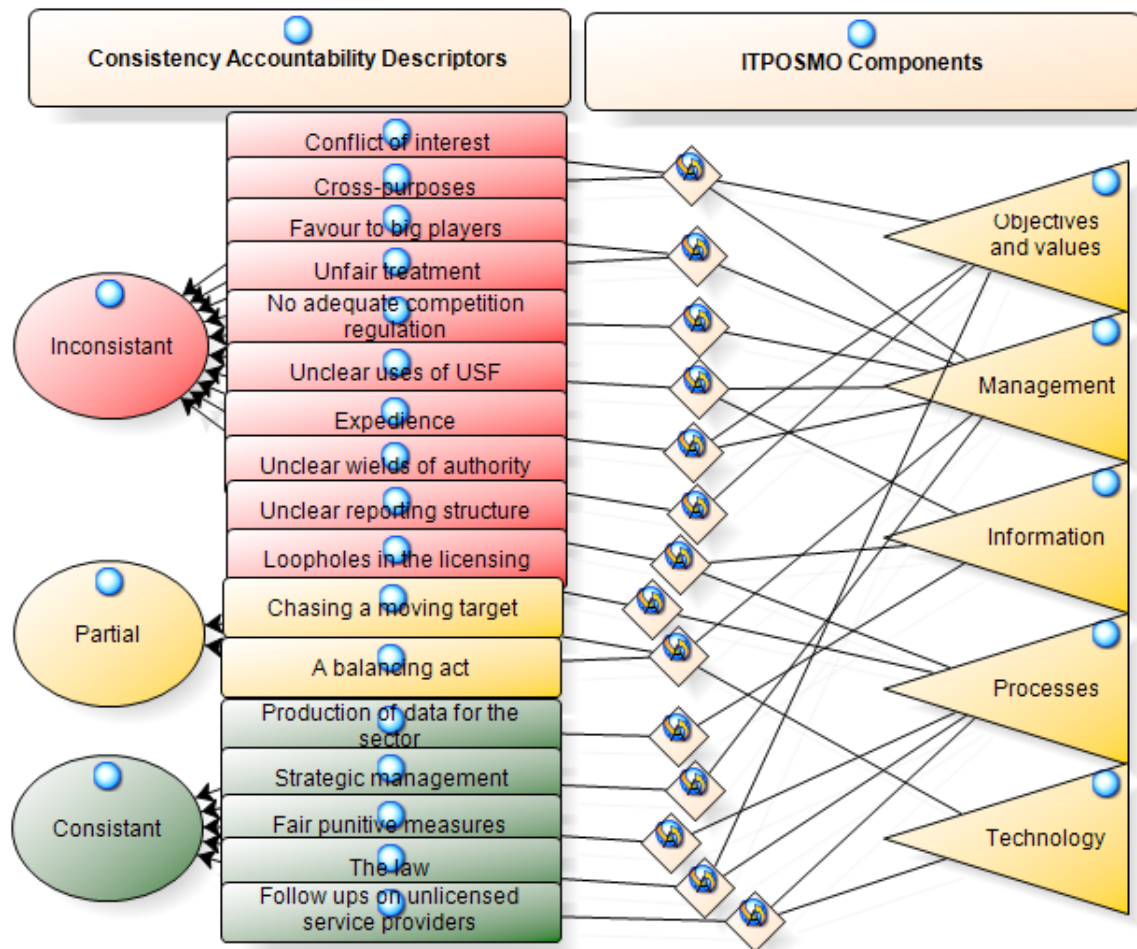


Figure 3. Modeling participants' perceptions on the level of regulatory consistency

This section presents the results of the study. These are categorized in terms of the components of the ITPOSMO framework.

On the management and the objectives and values components of the ITPOSMO framework, it was reported that the role that the regulator plays in conflicting resolutions brought their consistency into doubt. They were said to be playing the role of a player as well as that of a regulator. As a result, clarity on arbitration was also found wanting. See Figure 3 above. In the words of participant P100: *'In terms of arbitration and law there were times when the regulator plays the role of, ... a player as well.'*

The participant gave an example of a frequency dispute that they had with another player, *'Like when we had a challenge of frequency, they were the ones who had to arbitrate in the case and obviously, they were now playing both ...[player] and arbitrator and it was clumsy. At some stage we challenged them because they were not playing that role especially when it comes to the arbitration of matters, they played in the part where they were biased and were part of those challenges, we were facing...'* It was suspected that the regulator was biased because they had assisted the government in buying the MNO. The players in the sector criticized a situation where the regulator lent the government money to buy off an MNO which was in distress. As competitors, they regarded that advance as an unfair use of the universal access fund.

The participant added, *'I would say, from my knowledge, POTRAZ as a regulator I found them professional to some extent until like I am saying when the inference came in.'* This suggests that the cause of inconsistency is government interference. POTRAZ the regulator is a state-owned entity that the sector believes to be too aligned to the government to perform the duties of a regulator impartially. The players also advised that it was difficult for the regulator to enforce laws against parastatals that fall under the same ministry as themselves. This according to participant P80 was likely to result in a conflict of interest. In their own words, P80 said, *'I think there is a kind of an unfair bias there and there is not much that they can do because they are reporting to the same father. So, if there is a pin down on [anonymized State-owned MNO], they will all go to [the minister] and they say, the regulator is misbehaving here and obvious and they will call [Director General], what is happening.'*

The sector felt that there was inconsistency in wielding authority, follow-up on licensing fees, and in Figure 3 above. They posit that there are situations where the regulator shows different expectations from different players in the same sector. Participant G40 refers to it as demanding one player respond to a requirement differently. In the words of G40: *'I think a few years ago, one big player was made to pay the fees almost in one go yet the others were made to pay in terms. So that was one area that was cited as not being fair.'* Participant P70: recounted the same story in greater detail saying, *'...we have noticed elements of unfair treatment. When I say unfair treatment, I need to qualify. Let me give you an example. License renewal. [anonymized private MNO], we renewed our license in 2013, we paid a huge amount of money, 137 million and it was paid in cash within three months we had paid the full amount. The other operators, with the same obligation, were given different terms.'*

The participant qualified why the regulator found it possible to treat the MNOs differently. It was primarily due to their market share as well as shareholding. Where the a network was state owned it was given more time to meet the high cost of license fees. This was however different in the above case where a privately owned MNO with a huge market share is concerned.

One private MNO suggested that they were the only non-state-owned MNO in the sector since the allegedly recent acquisition of a competitor MNO by the state. This was said to have exposed the regulator's lack of consistency. It was suggested that the regulator showed some leniency towards State-owned enterprises AKA parastatals. This was said to be seen in the way the regulator gave them more leeway and flexibility compared to private players. In his own words, P110: said, *'On parastatals as I called them, I think there is a bit of flexibility compared to private sector players. Being parastatis themselves, they are more flexible in terms of allowing certain parastatals to do certain things or to perform certain things compared to the private sector. I think there is stronger, heavy-handedness in terms of the private sector than parastatals.'*

Our observation shows that the state is not always the owner of the said competitor MNOs but was instead a shareholder. Without diminishing the effect of the state's shareholding interest in the competing MNOs, it can be argued that should not affect their consistency if the regulator is as professional as most of the participants suggested. We, therefore, suggest that the consistency could be a result of the minister's dictates as opposed to financial interests.

Participant G20 laments the state's acquisition of shares in MNOs as a return to state monopoly which was supposed to have been abolished in the 1990s. He, therefore, questioned the effectiveness of the competition commission. In his words, *'in 1998-9, when we unbundled the PTC, the issue was to reduce or two to destroy the monopoly that PTC had and allow other new entrants to come in. But over the years we saw through the merging of a monopoly. You know, pretty soon as I say we are not receiving fair treatment in my view from the competitions Commission so, consistency becomes elusive...'*

EFFECT on pro-competitiveness

In terms of the regulator's willingness to abide by the statutes, some participants emphasized that they were satisfied with the way the regulator abides by the law. In the words of P70: *'...I would say the regulator has been quite clear in terms of sticking to the law. We are not dealing with a lawless regulator, that is for sure. What we are dealing with is a regulator who possibly finds themselves stuck in a certain position because of pressure from elsewhere that they have to walk the ground carefully.'*

The suggestion that the regulator was being pressured by other forces was echoed. This was presented as a key reason behind the inconsistency being shown by a regulator who was otherwise known to be law-abiding. The participant however questioned the integrity of the laws that the regulator was following. In his words G20 said, *'...If you look at consistency, I would say they have been following the law, and 'Has the law been always reasonable?' is questionable.'*

Participant felt that the regulator was inconsistent, in answer to the question of whether players in the sector were being treated the same, participant P120: said, *'I don't think they treat everyone fairly the same. And there are areas where there is more support and there are areas where there is very little support or something like that. This is how I've just looked at it. And I know they could do a lot more and just make it the same. And things like that so that it could be easier, but it's not happening.'*

Discussion

The objective of this study was to assess the existence and the nature of the regulatory consistency gap between and design and reality of the Zimbabwean regulatory environment. It is also meant to explore and explain the causes of the consistency gap. The study revealed that a wide DRG rated at 8 was in existence. The regulatory environment was most evident under the management as well as the values and objective parameters of the ITPOSMO framework.

Critical theory invoked
Previous literature

When the findings of this study are considered, it is evident that the factors that determine the regulatory environment's integrity cannot be analyzed in isolation. For instance, the continuous suggestion that consistency was lacking due to external pressures implies that regulatory independence was lacking. While it was found that the regulator was law-abiding, this should have also meant that all their actions were consistent with the law they abide by. It is, however, reasonable for the regulator to respect the law since they are the ones that introduce the statutory instruments and also use them for regulating the sector. This situation can only be challenged by weaknesses in other pillars of the regulatory environment's expectations such as transparency, accountability, and independence.

The reliance of the regulator on license fees was also given as a source of bias towards the wishes of the bigger contributors. The size of the contribution made from levies that depend on the volume of business being conducted was mentioned as a cause of inconsistency, Participant P80: said it this way, *'...the correct answer is no because at the end of the day they are dependent on the levies. The one who contributes most, rightfully or wrongly they have the bigger voice.'* This bias towards the giants of the sector was also said to influence the contribution that the players made in industrial fora that were held by the regulator.

'...all industries were asked to come through and contribute and pass opinion. But you will invariably, even guys who are facilitating ask [private MNO1] if they are there, [private IAP1] if they are there, [State-owned TELCO 1] if they are there, and then [State-owned MNO1]. The opinions of those four are the industry opinions.'

Considering the words of Participant P80: telecommunication regulators should not depend on levies for their operational income. License fees and fines for misconduct should largely be

their source of income for them to avoid being suspected as biased. Other scholars on the subject of regulatory independence, however, propose that the regulator must rely on license fees and penalties imposed on players that violate regulations. This is seen as a safe option to rely on state funding. State sponsorship is absent from the incumbent study. There was as discussed above a challenge with the different contributions from plays of different sizes. While the license fees were the same for all networks, their contributions to the Universal Access Fund were determined by the volume of traffic that the networks held due to their size.

This again suggests that a regulatory environment's strengths and weaknesses cannot be adequately assessed by isolating components such as regulatory consistency of regulatory independence. The inconsistent treatment between MNOs of different sizes reveals that the accountability component of the regulatory framework has to be assessed together with the consistency component as was done in this study. In this case, a regulatory environment that is not affected by state funding could have also been affected by lack of accountability.

Examples were given about instances when the regulator was unmoved and unchallenged by the sector's concerns. Scholars suggest that the regulator needs to be accountable to the sector for it to act fairly(). This, however, seemed not to be the case in developing economies as is the case in authoritarian jurisdictions. These jurisdictions arguably lack regulatory independence and regulatory accountability and consistency. Given the multi-pronged reasons behind the consistency gap found in this study, future research must investigate regulatory independence and its effect on the consistency and accountability that was exposed in this study.

Conclusion

The study found a wide DRG Consistency gap of 8. The areas of concern included conflict of interest, cross purposes, expediencies, reporting structures, and competition control. The sector's perception varied by the informant's allegiance to their employers. The smaller body of evidence that suggests that the regulatory environment showed consistency was state-sponsored. It was opposed by a significant number of voices from the private sector that pointed to inconsistencies.

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