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Selected Role-Players in the Regulation and Use of Mobile Money to Promote Financial Inclusion for the Poor and Low-Income Earners in Zimbabwe

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Abstract: The mobile money value chain has numerous stakeholders owing to its combination of the financial and telecommunications aspects. These role-players actively participate in the regulation and use of mobile money to promote financial inclusion for the poor, low-income earners, and other previously marginalised persons in Zimbabwe. In this regard, the conduct of the aforesaid role-players could have both positive and negative effects on the regulation and use of mobile money services in Zimbabwe. Put differently, the involvement of many role-players could give rise to the misalignment of their regulatory objectives and cause unnecessary conflicts. Accordingly, this article explores the roles of, *inter alia*, the Ministry of Finance and Economic Development, the Reserve bank of Zimbabwe (RBZ), the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), banks, mobile network operators (MNOs), mobile money agents, the police, the National Prosecuting Authority (NPA) and the courts in relation to the regulation and use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe. The article also examines the challenges that are faced by the role-players when regulating mobile money in a bid to promote financial inclusion for the poor and low-income earners in Zimbabwe. This is done to provide recommendations that could enhance the regulation and use of mobile money to combat financial exclusion of the poor and low-income earners in Zimbabwe.

Keywords: mobile money; financial inclusion; the poor; low-income earners; regulation

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1. Introductory Remarks

There are several role-players involved in the mobile money value chain in many developing countries, including Zimbabwe. This owes to the fact that mobile money is at the intersection of innovative financial services and telecommunications (Nan & Park, 2022, p. 698; Alexandre & Eisenhart, 2013, p. 287). Mobile money has somewhat disrupted the traditional operation of the financial services sector because it has caused significant changes to the financial banking, financial markets and financial institutions' activities in Zimbabwe (Alexandre & Eisenhart, 2013, pp. 287-288). This also follows the fact that mobile money provides the fundamental novelty of digitalising cash and the associated financial transactions, making it more convenient, affordable and secure than conventional banking services (Nan & Park, 2022, pp. 698). In this regard, mobile money fosters broad transformation through improved efficiency and access to financial services that were previously out of reach for the poor and low-income earners in Zimbabwe (Nan & Park, 2022, p. 700; also see Alexandre & Eisenhart, 2013, pp. 287-288). Nonetheless, the use of mobile money has exposed some regulatory gaps and misalignment on the part of the distinct role-players involved in Zimbabwe (Gukurume & Mahiya, 2020, p. 1204; Lumsden, 2018, p. 35; Buckley, Greenacre & Malady, 2015, p. 438). Some of the mobile money role-players in Zimbabwe include, *inter alia*, the government, mobile network operators (MNOs), mobile money agents, consumers, banks, financial and telecommunications regulators, the police and the courts (Lumsden, 2018, pp. 35; also see Buckley, Greenacre & Malady, 2015, pp. 438; Buku & Meredith, 2013, pp. 386-387). Consequently, there should be adequate coordination and cooperation between the aforesaid role-players to effectively regulate and promote financial inclusion for the poor and low-earners in Zimbabwe. In addition, an adequate mobile money regulatory framework that allows all the role-players to work together to promote the use of mobile money should be adopted to effectively promote financial inclusion for the poor and low-income earners in Zimbabwe (Lumsden, 2018, pp. 35-36; Buku & Meredith, 2013, pp. 386; Buckley, Greenacre & Malady, 2015, pp. 438). This regulatory framework should carefully balance the use of mobile money as a vehicle for the promotion of financial inclusion for the poor and low-income earners and the promotion of financial markets integrity in Zimbabwe (Guild, 2017, pp. 6; Buckley, Greenacre & Malady, 2015, pp. 438-439).

As indicated above, the role-players they should be empowered with sufficient resources so that they contribute meaningfully to promotion of financial inclusion for the poor and low-income earners through the use of mobile money in Zimbabwe (Lumsden, 2018, pp. 35-36; Buckley, Greenacre & Malady, 2015, pp. 438-439; Dong *et al* 2019, pp. 290–307). In light of this, the contribution of each role-player is carefully discussed in this article.

2. Definition of Key Terms and Concepts

There is no uniform definition of the concept of mobile money. Nonetheless, for the purposes of this article, mobile money refers to any financial services and/or products delivered through telecommunications infrastructure such as mobile phones without the use of formal bank accounts (Chitimira & Torerai, 2021, pp. 2-3; also see Pazarbasioglu *et al*, 2020, p. 2; Chatain *et al*, 2011, p. 2). Mobile money also entails the use of mobile payments systems that are based on mobile operator accounts that are accessible to all mobile phone subscribers. Put differently, mobile money refers to electronic money and/or an electronic alternative to cash that is normally utilised through mobile phones. Mobile money allows any mobile phone subscriber to open a mobile money account, deposit monetary value into that account and transfer the value of any amount of money through a simple text message to a recipient who will then redeem that value in cash or in exchange for goods (Dong *et al*, 2019, pp. 290–307; also see Lawack-Davids, 2012, p. 319; Lumsden, 2018, pp. 7-8; Buckley, Greenacre & Malady, 2015, p. 437; Chatain *et al*, 2011, p. 2). Thus, mobile money enables the poor and other individuals without bank accounts to access basic financial services and financial products through their mobile phones (Nan & Park, 2022, p. 700). Mobile money provides a digital payment platform that legally enables the transfer of monetary funds by financial consumers to other persons through mobile cellphones so that they get the monetary value that is stored electronically on receipt of such funds for their own use.

Financial inclusion refers to the effective provision of quality, useful sustainable, affordable, and convenient financial services and financial products to all people by the government, financial institutions and other relevant stakeholders in a fair and transparent manner through properly regulated entities in any country (Reserve Bank of Zimbabwe, 2022, p. 36; Torerai, 2022, pp. 4-5). The opposite of financial inclusion is financial exclusion. Financial exclusion entails the inability of the government, financial institutions and/or other relevant stakeholders to provide fair access to basic, useful, convenient, and affordable financial services and financial products to all individuals in any country. Financial exclusion usually gives rise to the unfair marginalisation of the poor, low-income earners and other vulnerable persons who are unable to access basic financial services and financial products.

There is no adequate and uniform definition of terms “poor” and “low-income earners”. However, in the context of this article, the poor are persons who have no income and who cannot afford basic social amenities, financial services and financial products. On the other hand, low-income earners are persons who earn below the prescribed minimum wage in Zimbabwe (Torerai, 2022, pp. 9; also see Mhlanga, Dunga and Moloi, 2020, pp. 169-170). In other words, these are individuals who survive on less than one United States (US) dollar per day.

3. Role-Players in the Regulation and Use of Mobile Money in Zimbabwe

3.1. The Role of the Government

The government of Zimbabwe is the main policy stakeholder for the regulation and use of mobile money services through the Ministry of Finance and Economic Development (see related comments by Guild, 2017, p. 6). Accordingly, the government of Zimbabwe should create a conducive environment for the adoption and use of mobile money as a financial inclusion tool to uplift the poor and low-income earners. In this regard, the government of Zimbabwe is obliged to establish an adequate mobile money regulatory framework. It is also required to adopt appropriate financial inclusion policies that allow the poor to access financial services and financial technology (fintech) products such as mobile money (see related comments by Guild, 2017, p. 6; Buckley, Greenacre & Malady, 2015, pp. 440-441). Furthermore, it should encourage the poor to use mobile money by promoting financial literacy and awareness campaigns that inspire the poor to open mobile money accounts in Zimbabwe (see Guild, 2017, p. 6; Buckley, Greenacre & Malady, 2015, pp. 451). The government of Zimbabwe should introduce appropriate measures to encourage cashless and contactless payment systems such as mobile money (Lu, 2018, p. 41; also see Opare, 2018, p. 6). Thus, it should build upon the recent coronavirus (Covid-19) pandemic that caused a shift from cash-based transactions to contactless payments in many countries, including Zimbabwe (Chitimira & Torerai, 2021, p. 21; also see Mann, 2020, pp. 177-178). Mobile money enables cashless payment services which are accessible to all persons in Zimbabwe.

However, it appears that the government is lethargic in its approach to regularise the use of fintech services and products. In other words, the government has not taken a formal position to adopt fintech services and products such as mobile money to actively promote financial education and financial inclusion for the poor and low-income earners in Zimbabwe (see further Buckley, Greenacre & Malady, 2015, p. 438). The only notable government contribution to the regulation and use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe was the introduction of the National Financial Inclusion Strategy (NFIS I) 2016-2020 (Reserve Bank of Zimbabwe, 2016, p. 2) and the NFIS II 2022-2026. Nonetheless, these strategies are yet to be adopted as mobile money legal policy framework in Zimbabwe. Consequently, the government has not adequately promoted the legal use of mobile money to promote financial inclusion for the poor and low-income earners.

3.2. The Role of the Reserve Bank of Zimbabwe (RBZ)

The RBZ plays several crucial functions in the operation of mobile money products in Zimbabwe. It is responsible for, *inter alia,* providing financial and banking services to the government and commercial banks. It also supervise and regulate financial institutions, issue currency and manage the monetary policy in Zimbabwe (s 6 of the Reserve Bank of Zimabwe Act [Chapter 22:15] 5 of 1999; Makulilo, 2015, pp. 378; Tagoe, 2016, pp. 2). The RBZ also print money, accepts money from customers, grant loans, buys and sells securities, precious metals and foreign currency (s 7 of the Reserve Bank of Zimbabwe Act). It is referred to as the central bank. Nonetheless, the aforesaid powers and functions seem to have little or no bearing on mobile money operations in Zimbabwe. Furthermore, the RBZ is obliged to supervise the smooth operation of the payment systems participants, which include mobile money services in Zimbabwe. Put differently, the RBZ ensures that policies and legislation are used to maintain a safe and efficient payments system in line with the National Payments Systems (NPS) Act [Chapter 24:23] 21 of 2001, as amended (s 3 of the NPS Act). The RBZ provides regulatory clarity on fintech products such as mobile money in the absence of express legislation (Guild, 2017, pp. 4). Guild argues that regulatory clarity reduces uncertainties for investors and consumers and gives confidence to fintech companies to develop financially inclusive strategies (Guild, 2017, pp. 4). Thus, the RBZ has a very important role to play in setting the tone and pace for the adoption and use of fintech services and products to promote financial inclusion for the poor and low-income earners in Zimbabwe.

Moreover, the RBZ is obliged to monitor mobile money operations for compliance purposes through its Financial Intelligence Unit (FIU) (s 45 of the Banking Act; also see Chitimira and Ncube, 2021, pp. 10). The RBZ may also appoint supervisors and inspectors who monitor financial sector activities which include mobile money services in Zimbabwe (Reserve Bank of Zimbabwe, 2022, pp. 14). If a mobile money operator contravenes regulatory requirements, the RBZ can investigate, issue a warning, prescribe a fine or take any other action commensurate with the offence committed (Reserve Bank of Zimbabwe, 2022, pp. 14). Nonetheless, all these RBZ powers are not expressly provided and applicable for mobile money operators since they mainly applicable to banking institutions. In this regard, policymakers should carefully amend the Banking Act to enact provisions that specifically apply to mobile money operators.

3.2.1. The RBZ's National Financial Inclusion Strategy (NFIS)

The RBZ introduced the National Financial Inclusion Strategy (NFIS) which seeks to improve the access of financial services to all persons in Zimbabwe. The first phase of the strategy, commonly known as the NFIS I was introduced from 2016 to 2020. The NFIS I was aimed at increasing the overall level of all peoples' access to formal financial services from 69 percent in 2014 to 90 percent by 2020 (Reserve Bank of Zimbabwe, 2022, p. 14). A survey conducted by the RBZ in 2022 showed that although the target of 90 percent could not be reached, there was significant financial inclusion growth from 69 percent to 83 percent of the adult population having access to formal financial services in Zimbabwe (Reserve Bank of Zimbabwe, 2022, p. 14). In the same period, financial exclusion decreased from 23 percent in 2014 to 12 percent in 2022 (Reserve Bank of Zimbabwe, 2022, p. 14). Mobile money is singled out as a major factor in the increased usage of financial services and products in Zimbabwe (Reserve Bank of Zimbabwe, 2022, p. 15). In this regard, mobile money has made the Zimbabwean financial services sector more inclusive. The NFIS I exposed several weaknesses that hindered financial inclusion especially for the poor, low-income earners and other economically marginalised groups in Zimbabwe. Some of the flaws include, *inter alia*, a weak legal framework that fails to support fintech innovations, high cost of delivering financial services, lack of acceptable collateral by the poor and low-income earners, low levels of financial literacy, lack of business skills and lack of historical credit data on some low-income earners (Reserve Bank of Zimbabwe, 2022, p. 15).

Given the weaknesses identified in the NFIS I, it is prudent for the RBZ to influence the development of a relevant policy framework to promote the use of mobile money so as to enhance financial inclusion in Zimbabwe. However, the RBZ opted to introduce the NFIS II which is valid from 2022-2026. The NFIS II seeks to address and mitigate some of the challenges identified in the NFIS I (Reserve Bank of Zimbabwe, 2022, p. 16). The NFIS II also promotes financial access for all persons and its major focus is on the usage, quality of financial services and financial innovation (Reserve Bank of Zimbabwe, 2022, p. 14). Although the NFIS II is a move in the right direction, we argue that it should be buttressed by a policy or legislative framework on financial inclusion. The NFIS I and the NFIS II have provided the RBZ and policymakers some insight on what needs to be done to improve financial inclusion for the poor and low-income earners in Zimbabwe. Accordingly, policy makers should enact a statute that adequately provides for the regulation of fintech products such as mobile money to promote financial inclusion in Zimbabwe. Therefore, the NFIS II should be utilised as an additional instrument to a statute that provides for the regulation and use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe.

3.3. The Role of the Postal & Telecommunications Regulatory Authority of Zimbabwe (POTRAZ)

The POTRAZ is another role-player involved the in the regulatory aspects of mobile money. It draws its telecommunications supervisory and regulatory authority from the Postal and Telecommunications Act [Chapter 12:05] 4 of 2000 (Postal and Telecommunications Act, see s 4). For instance, the POTRAZ is responsible for monitoring and supervising the mobile telecommunication services in Zimbabwe (s 4(1) of the Postal and Telecommunications Act). Although POTRAZ’s legislative mandate is broad, mobile money aspects are not expressly included in its scope (s 4 of the Postal and Telecommunications Act). It is obliged to promote technology and innovation aspects that promotes the information communication technology (ICT) sector and the fourth industrial revolution (4IR) in Zimbabwe (s 4(1)(k) of the Postal and Telecommunications Act). Nonetheless, the Postal and Telecommunications Act does not expressly provide for the regulation of mobile money services in Zimbabwe.

The POTRAZ registers all MNOs and supervises their functions and services they render in Zimbabwe (s 4(d) of the Postal and Telecommuincations Act). However, there are areas of concern in this regard. For example, the issuing and licencing of the unstructured supplementary service data (USSD) codes that are used by MNOs to provide mobile money services has potential competition problems that need to be carefully addressed (Robb, Tausha & Vilakazi, 2016, p. 216). The USSD codes are encryptions such as *151*200# that when dialled, they present mobile money customers with a menu of functions that allows them to process transactions (Sekyere *et al*, 2018, p. 8; also see Andiva, 2015, p. 8; Robb, Tausha & Vilakazi, 2016, p. 216). Powerful MNOs such as Econet Wireless, control access to USSD codes for smaller players and other non-telecommunications institutions such as banks. Nonetheless, this monopoly control system has sometimes caused regulatory flaws in the Zimbabwean financial services sector (Robb & Vilakazi, 2016, pp. 24-25; also see Robb, Tausha & Vilakazi, 2016, p. 216). Therefore, policymakers should consider providing regulatory guidelines for the allocation of the USSD codes to promote fair competition between the big and small MNOs as well as between MNOs and banks. Additionally, there is a need to synergise the telecommunications and financial regulatory frameworks in order to promote the use of innovative fintech products such as mobile money to enhance financial inclusion for the poor and low-income earners in Zimbabwe (Ahmad, Green & Jiang, 2020, p. 770; also see Buku & Meredith, 2013, p. 395). In this regard, there should be a fusion of the telecommunications and financial services regulation to enhance the use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe.

3.4. The Role of the MNOs

MNOs are usually telecommunications service providers which are central to the provision of mobile money services in many developing countries, including Zimbabwe. Notably, MNOs are neither banks nor financial institutions. MNOs use the extensive reach of their mobile network infrastructure to provide mobile money services, especially in areas where provision of other financial services is erratic (Buckley, Greenacre and Malady, 2015, pp. 438; also see the Financial Action Task Force (FATF), 2013, pp. 7). There are three main MNOs in Zimbabwe, namely Econet Wireless, Net One and Telecel. These three MNOs operate Ecocash, OneMoney and Telecash mobile money platforms respectively. Consequently, their participation in the provision of mobile money services has ignited some unique regulatory challenges in Zimbabwe (Chitimira and Torerai, 2021, pp. 5; also see De Koker, 2013, pp. 186). However, some MNOs have forged partnerships with banks and mobile money agents to provide mobile money services in Zimbabwe in a bid to remedy such challenges (International Finance Corporation (IFC), 2011, p. 74; also see FATF, 2013, p. 8; Kersop & Du Toit, 2015, p. 1616).

Econet Wireless, Net One and Telecel have embraced innovative developments in ICT to provide mobile telecommunications network infrastructure that reaches communities in rural areas and other informal settlements in Zimbabwe (Mashiri, Dzingirai & Nyamwanza, 2017, p. 96; also see Chitimira & Torerai, 2021, p. 2). Owing to this, the MNOs have introduced innovative measures that provides affordable and convenient mobile money services to the poor and low-income earners in Zimbabwe (Chitimira & Torerai, 2021, p. 2; Mashiri, Dzingirai & Nyamwanza, 2017, p. 96). Moreover, the aforesaid MNOs relies on their existing network infrastructure to establish themselves as financial services providers without the burden of investing in expensive and time-consuming infrastructure such as those of traditional banks (Mashiri, Dzingirai & Nyamwanza, 2017, pp. 95-96; Guild, 2017, p. 4). Poor roads and other built infrastructure makes it uneconomical for banks to establish branches or deploy automated teller machines (ATMs) in areas outside towns and cities in Zimbabwe (Mashiri, Dzingirai & Nyamwanza, 2017, pp, 95-96; also see Buckley, Greenacre & Malady, 2015, p. 439). This is a gap is now filled by the MNOs in Zimbabwe that are providing mobile money services to the poor and low-income earners in the rural areas. Put differently, mobile money reaches the poor and low-income earners in areas that have not had formal financial services in Zimbabwe (Mashiri, Dzingirai & Nyamwanza, 2017, pp. 95-96, Guild, 2017, p. 4).

3.5. The Role of Banks

Banking institutions are also a vital cog in the mobile money value chain in Zimbabwe. Although they are not the primary providers of mobile money services, banks safeguard financial consumers funds that are deposited by MNOs in banks Zimbabwe (Shirono *et al*, 2021, pp. 15; also see Lal and Sachdev, 2015, pp. 5; Chatain *et al*, 2011, pp. 67). This follows the fact that MNOs are required to deposit all mobile money funds from financial consumers in trust accounts at commercial banks in Zimbabwe (s 4(1)(3) of the Banking Regulations 2020; Robb & Vilakazi, 2016, pp. 27-28). This is done to prevent MNOs from using consumers’ funds in trust accounts for any other purposes except for mobile money transactions (Greenacre, 2018, pp. 9; also see Greenacre & Buckley, 2014, pp. 68). In this regard, the banks act as the custodians of mobile money consumer funds in line with prudential requirements (Chatain *et al*, 2011, pp. 67). Moreover, the prudential management of mobile money funds act as a buffer against unscrupulous MNOs that creates fictitious money or promote money laundering. The financial consumers' mobile money funds are also protected from the insolvency or bankruptcy of the MNOs (Chatain *et al*, 2011, pp. 67; also see IFC, 2011, pp. 9). To this end, the banks act as mobile money account holders for MNOs. The opening of trust accounts at commercial banks protects mobile money consumers' funds in the event of a systemic failure, bankruptcy or collapse of MNOs (Greenacre & Buckley, 2014, p. 67; also see Greenacre, 2018, p. 9).

3.6. The Role of Mobile Money Agents

Mobile money agents refer to individuals, shops, supermarkets and/or other persons contracted by the MNOs to provide mobile money services in areas where they reside or operate (Gibson, Lupo-Pasini & Buckley, 2017, p. 2; also see Chibango, 2014, pp. 61). Nonetheless, although the success story of mobile money can hardly be told without mentioning mobile money agents, their role in Zimbabwe has become a contentious subject. The MNOs committed considerable resources in setting up mobile money agents networks to reach the poor and low-income earners in Zimbabwe (Mazambani, Rushwaya & Mutambara, 2018, p. 132; also see Donovan, 2012, p. 68). An extensive agent network should be established to penetrate rural communities and enable the poor and low-income earners to access financial products such as mobile money in Zimbabwe (Mazambani, Rushwaya & Mutambara, 2018, p. 135; also see Donovan, 2012, p. 68). The presence of mobile money agents in communities helps persons that reside in such communities to reduce the cost of travelling to financial service centres since such agents are able to verify customers' identities, for know your customer (KYC) and customer due diligence (CDD) purposes (Pazarbasioglu *et al*, 2020, p. 4; also see Mazambani, Rushwaya & Mutambara, 2018, p. 135; Buckley, Greenacre & Malady, 2015, p. 451). In this regard, the success of mobile money is largely hinged on the quality and availability of mobile money agents of MNOs.

During the early days of the introduction of mobile money, MNOs started with reputable agents who owned businesses at strategic community service centres across Zimbabwe (Mazambani, Rushwaya & Mutambara, 2018, p. 135; also see Gibson, Lupo-Pasini & Buckley, 2017, p. 2; Donovan, 2012, p. 68). Such mobile money agents with established businesses were preferred owing to them having readily available cash to meet customers' cash-out or withdrawals needs

(Mazambani, Rushwaya & Mutambara, 2018, p. 135; also see Donovan, 2012, p. 68). Established businesses owners were preferred agents because it was easier for them to enforce MNOs' anti money laundering (AML), counter-terrorist financing (CTF), KYC and CDD measures. Where MNOs recruited individuals as mobile money agents, they had to invest in the training of such agents so that they provide customers with professional mobile money services (Donovan, 2012, p. 68; also see Gibson, Lupo-Pasini & Buckley, 2017, pp. 2-3). To this end, mobile money agents provided a vital link between MNOs and mobile money customers in the rural communities. This is something that traditional financial institutions such as banks have so far failed to do for the poor and low-income earners in Zimbabwe (Buckley, Greenacre & Malady, 2015, pp. 451; also see Nakouwo & Akplehey, 2020, pp 77). Mobile money agents are playing a pivotal role in promotion of financial inclusion through the provision of mobile money services in the villages, informal settlements and other rural communities in Zimbabwe (Munyoro *et al*, 2017, p. 4; Kendall & Voorhies, 2014, p. 13).

Each MNO has contractual obligations to its network of mobile money agents and this relationship is critical for the success and utilisation of mobile money services by the poor and low-income earners in Zimbabwe (Kufandirimbwa *et al*, 2013, p. 101; Hughes and Lonie, 2007, p. 74). Furthermore, the MNOs provides a commission, training and branding support to their mobile money agents (Nakouwo & Akplehey, 2020, pp. 77-78; also see Hughes & Lonie, 2007, p. 74). Mobile money agents also provides over the counter mobile money services to their customers. For example, they register persons who want to use mobile money services and help to process their transactions (Munyoro *et al*, 2017, pp 4-5; also see Chibango, 2014, pp. 61-62). Unlike traditional banks, mobile money agaents have also established relationships of trust with the people in the communities they serve (Gukurume & Mahiya, 2020, pp. 1214-1215; also see Zikhali, 2022, pp. 199-216; Matanda, Dube & Madzokere, 2018, pp. 257-258). Mobile money agents have made it possible for mobile money services to reaching millions of the poor and low-income earners in Zimbabwean rural areas and other informal settlements.

3.6.1. The Banning of Mobile Money Agents in Zimbabwe

In 2020, the RBZ decided to prohibit the operation of mobile money agents in Zimbabwe. The prohibition threw the mobile money services and their customers into confusion. The RBZ decided to freeze some mobile money accounts and ban mobile money agents from conducting transactions on allegations that they were creating phantom money, jeopardising financial markets integrity (Reserve Bank of

Zimbabwe, 2020, p. 18); also see Chitimira & Ncube, 2021, p. 10). In addition, the RBZ governor argued that mobile money agents had become conduits for illicit activities such as trading in foreign currency and overcharging mobile money customers (*Ecocash Zimbabwe (Pvt) Ltd v RBZ* (HH 333-20, HC 3007/20) [2020] ZWHC 333, para unknown; Chitimira and ncube, 2021, pp. 10-11). In this regard, although it is expected that the MNOs should have internal AML/CTF, CDD and KYC measures, they failed to enforce them to discourage mobile money agents from engaging in the alleged illicit financial activities (*Ecocash Zimbabwe v RBZ*, 2020, para, unknown; also see Chitimira and Ncube, 2021, p. 10). It is also alleged that mobile money agents had become too reckless in their operational duties owing to the absence of a robust statute that regulates mobile money activities in Zimbabwe. For instance, mobile money agents had no limit in the number of mobile money accounts they could operate and this made some of them to be used as vehicles of money laundering activities in Zimbabwe (*Ecocash Zimbabwe v RBZ*, 2020, para, unknown; also see Chitimira & Ncube, 2021, p. 10). Thus, some mobile money agents had become a potential systemic risk to the integrity of the Zimbabwean financial markets. Consequently, the RBZ ordered its Financial Intelligence Unit (FIU) to audit all frozen mobile money wallets to ascertain the legitimacy of the sources of funds before they could be cleared (*Ecocash Zimbabwe v RBZ*, 2020, para, unknown; also see Chitimira & Ncube, 2021, pp. 10; Reserve bank of Zimbabwe, 2020, pp. 18). The RBZ took a decision to ban mobile money agents and empower the MNOs to deal directly with mobile money consumers. Moreover, the banning of mobile money agents removed a critical pillar in the mobile money value chain and negatively affected the promotion of financial inclusion for the poor and low-income earners in Zimbabwe. It also showed that mobile money services could not function effectively without mobile money agents in Zimbabwe.

3.7. The Role of the Police

The Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (Constitution of Zimbabwe 2013) states that the police authorities are custodians of the law and order. It also stipulates that police authorities are obliged to effectively prevent, detect and investigate crime in Zimbabwe (s 219(1) of the Constitution of Zimbabwe 2013). However, a number of reported criminal activities involving mobile money seem to have eluded the police authorities in Zimbabwe. In this regard, the police authorities appear to be failing to arrest the perpetrators of mobile money illicit activities (Nemukuyu, 2021). Thus, the Zimbabwean police officers should do more to investigate and discourage criminal activities such as money laundering, terrorist financing and fraud in the mobile money sector (FATF, 2019, p. 22). Moreover, the police officers should be adequately trained with appropriate investigation techniques and sufficient resources to enable them to detect all predicate offences and combat money laundering in Zimbabwe (FATF, 2019, p. 23). Adequate training of the police officers could curtail the "catch and release" phenomenon where suspects are arrested without sufficient investigations only to be released thereafter without any formal charges imposed on them. Such training could empower the police officers to adequately curb illicit mobile money-related activities and promote financial inclusion for the poor and low-income earners in Zimbabwe.

3.8. The Role of the National Prosecuting Authority (NPA)

The NPA institutes and undertakes criminal prosecutions on behalf of the state in Zimbabwe (s 258 of the Constitution of Zimbabwe, 2013). Nonetheless, very little, if any, has been done to prosecute persons that allegedly used mobile money platforms to commit crime in Zimbabwe. The NPA, like the police, lacks sufficiently experienced and resources to speedily deal with criminal cases in Zimbabwe (Nemukuyu, 2021). Furthermore, it appears that the NPA does not have any dedicated unit to prosecute money laundering and other sophisticated financial crimes in Zimbabwe (Nemukuyu, 2021). In this regard, the government of Zimbabwe should provide adequate resources to the NPA for it to train prosecutors in order to enhance the quality of investigations and prosecution of all suspected offenders (FATF, 2019, p. 23). The successful prosecution of mobile money-related crimes by the NPA will build confidence in the use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe.

3.9. The Role of the Courts

The effective regulation and use of mobile money to promote financial inclusion could be fully achieved when the courts expeditiously prosecute mobile money-related offences in Zimbabwe. Although there is no statute that expressly regulate mobile money in Zimbabwe, the courts are obliged to adjudicate and impose appropriate sanctions against mobile money-related offenders (Nemukuyu, 2021). Nonetheless, there has been a lot of inconsistencies and delays in the adjudication and settlement of mobile money-related cases by the courts in Zimbabwe since early 2020 to date (Gona, Gwanzura & Matsa, 2014, pp. 183-184; also see Nemukuyu, 2021). These inconsistencies and delays infringe on the accused persons' rights to liberty, free and fair trial within a reasonable period (ss 49 and 69 of the Constitution of Zimbabwe, 2013; also see Gona, Gwanzura & Matsa, 2014, pp. 183-184). Delays in finalising mobile money-related cases also affect the public's confidence in the Zimbabwean criminal justice system. Accordingly, the courts should be well resourced and independently manned by competent officers who have the necessary skills to discharge their duties effectively without fear, favour and/or bias.

4. Concluding Remarks

As indicated above, there are different role-players dealing with the use and application of mobile money in Zimbabwe. Accordingly, such role-players include the government, the RBZ, the POTRAZ, the MNOs, mobile money agents, banks, the NPA, the police and the courts. Nonetheless, there is no statute that specifically provides for the regulation of mobile money services in Zimbabwe. This and other flaws have brought various complex challenges for the role-players, which have marred the regulation and use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe. In this regard, it is submitted that the duties and functions of all the relevant role-players should be clearly stated and carefully aligned to avoid overlapping their mandates and possible challenges of double jeopardy on the part of the offenders. Policymakers should consider enacting a statute that expressly regulates mobile money in order to reconcile the diverse and sometimes conflicting roles of the different role-players and stakeholders that are directly and indirectly involved in the provision of mobile money services. The government of Zimbabwe should take a leading role in creating a conducive role for the smooth operation of mobile money services in Zimbabwe. Accordingly, the government of Zimbabwe should create a conducive environment for the adoption and use of mobile money as a financial inclusion tool to uplift the poor and low-income earners. In this regard, the government of Zimbabwe is obliged to establish an adequate mobile money regulatory framework. It is also required to adopt appropriate financial inclusion policies that allow the poor and low-income earners to access financial services and financial technology (fintech) products such as mobile money (see related comments by Guild, 2017, pp. 6; Buckley, Greenacre & Malady, 2015, pp. 440-441). Furthermore, the government should encourage the poor and low-income earners to use mobile money to curb financial exclusion by promiting financial literacy and awareness campaigns on mobile money services (see Guild, 2017, pp. 6; Buckley, Greenacre & Malady, 2015, pp. 451).

The aforesaid statute should expressly stipulate the powers of the RBZ that applies to mobile money operators. In this regard, policymakers should carefully amend the Banking Act to enact provisions that specifically apply to mobile money operators to promote financial inclusion in Zimbabwe. Moreover, the NFIS II should be utilised as an additional instrument to a statute that provides for the regulation and use of mobile money to promote financial inclusion for the poor and low-income earners in Zimbabwe. Policymakers should consider providing regulatory guidelines for the allocation of the USSD codes to promote fair competition between the big and small MNOs as well as between MNOs and banks. Additionally, policymakers should adopt appropriate measures to synergise the telecommunications and financial regulatory frameworks to effectively promote the use of mobile money to enhance financial inclusion for the poor and low-income earners in Zimbabwe. The government should should construct good roads and other relevant infrastructure in the rural areas and informnal settlements to encourage banks to establish branches and/or provide automated teller machines (ATMs) in such areas and settlements.

All MNOs should provide adequate training to their mobile money agents so that they professionally provide mobile money services to the customers. The policymakers should ensure that mobile money agents have a limit in the number of mobile money accounts they operate to combat possible money laundering activities that are perpetrated through such accounts in Zimbabwe. Moreover, the police officers should be adequately trained with appropriate investigation techniques and sufficient resources to enable them to detect and combat money laundering activities in Zimbabwe.

The government of Zimbabwe should provide adequate resources to the NPA to enable it train prosecutors and enhance the prosecution of all suspected offenders. In addition, the courts should be well resourced and independently manned by competent officers who have the necessary skills to discharge their duties effectively without fear, favour and/or bias.

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