The advent of mobile money innovations has given people in rural areas, informal settlements and other poor communities an opportunity to participate in Zimbabwe's mainstream financial economy. However, the technology-driven money services have presented some challenges to the traditional banking sector in general and the regulation of financial services in particular. Firstly, most mobile money services are products of telecommunication corporations, which are not banks. Telecommunication companies use their network reach to provide mobile money services via mobile devices at a cheaper cost than banks across the country in Zimbabwe. As such, banks face unprecedented competition from telecommunications companies that are venturing into financial services. It also appears that prudential regulation of banks cannot keep up with the fast pace at which technological innovations are developing and this has created a disjuncture between the regulation and the use of technological innovations to promote financial inclusion in Zimbabwe. The Banking Act [Chapter 24:20] 9 of 1999, the Reserve Bank of Zimbabwe Act [Chapter 22:15] 5 of 1999 and the National Payment Systems Act [Chapter 24:23] 21 of 2001 have a limited scope in terms of the regulation of mobile money services in Zimbabwe. The Ministry of Finance and Economic Development launched the National Financial Inclusion Strategy (NFIS) 2016-2020 to provide impetus to the financial inclusion of the poor, unbanked and low-income earners in Zimbabwe. However, the NFIS appears to push more for bank-led financial inclusion than it does for innovation-driven initiatives such as mobile money services. This article highlights the positive influence of mobile money services in improving financial inclusion for the poor, unbanked and low-income earners in Zimbabwe. The article also seeks to point out gaps and flaws in the financial services regulatory framework that may limit the potential of mobile money services to reach more people so that they actively participate in the Zimbabwean economy. It is submitted that the Zimbabwean mobile money services regulations and the financial regulatory framework should be carefully amended in line with the recent innovations in mobile money to adequately regulate the use of mobile money services and innovative technology to address the financial exclusion of the poor, unbanked and low-income earners in Zimbabwe.

Keywords
Mobile money; mobile money services; financial inclusion; unbanked persons; regulation.
1 Introductory remarks

The increasing use of innovative technology in society has led to the emergence of new and potentially disruptive financial products, such as mobile money, that are changing the terrain and regulation of the financial services sector in Zimbabwe.¹ Technological advances have given rise to various financial services and the opening of doors for new role-players such as telecommunication corporates in a sector that was dominated by banks.² Innovative technology refers to the use of new products in the information communication technologies (ICTs) such as mobile phone applications to provide cheap, quick and real-time financial services.³ Mobile money is one of many innovative digital financial products that form part of the Fourth Industrial Revolution and it is changing the structure and regulation of the financial markets in Zimbabwe.⁴ Mobile money makes it possible *inter alia* for the poor, unbanked and low-income earners to deposit, withdraw and transfer money, and pay bills using value stored on their subscriber identity module (SIM) cards inserted in mobile phone handsets or any other hand-held devices.⁵ Banks can also provide their customers with mobile banking services by linking the customers' mobile phones to their bank accounts, allowing customers to access their

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¹ Sulieman and Salleh 2020 *Journal of Critical Reviews* 568; Kendall and Voorhies 2014 *Foreign Affairs* 10; Robb and Vilakazi 2016 *AJIC* 10-11; Kufandirimbwa et al 2013 *Online Journal for Social Sciences Research* 92-93.
² Buckley et al 2019 *European Business Organisation Law Review* 7-35; Remolina 2019 https://doi.org/10.2139/ssrn.3475019 7; Robb and Vilakazi 2016 *AJIC* 10; Kufandirimbwa et al 2013 *Online Journal of Social Sciences Research* 93.
³ Wayne et al 2020 *Research Agenda Working Papers* 43-44; see related notes by Barruetabeña 2020 *Economic Bulletin, Banco de España* 4; Andrianaivo and Kpodar 2011 *ICT, Financial Inclusion and Growth Evidence* 10-11.
⁴ Gas 2017 http://dx.doi.org/10.13140/RG.2.2.25176.39689 2; Sulieman and Salleh 2020 *Journal of Critical Reviews* 568; Buckley et al 2019 *European Business Organisation Law Review* 7-35.
⁵ Winn and de Koker 2013 *Wash J L Tech & Arts* 156; Buckley, Greenacre and Malady 2015 *Wash U Global Stud L Rev* 437; Goldby 2013 *Wash J L Tech & Arts* 403.
accounts without visiting a bank branch. However, for the purposes of this article, we refer to mobile money services that are offered by telecommunication companies in Zimbabwe. Accordingly, bank-led mobile money services fall outside the scope of this article. Mobile money users are able to store funds either originally purchased as airtime or as money that has been deposited directly into the relevant user’s mobile wallet for future use either as electronic money or withdrawn as cash. (For the purposes of this article, the terms users and customers will be used interchangeably.)

Zimbabwe has mobile money platforms such as Ecocash, Onemoney and Telecash that are run by three mobile network operators (MNOs), namely Econet, NetOne and Telecel respectively, and not by conventional banks. Ecocash, Onemoney and Telecash are accessible through the use of mobile phones and they have changed the way that the poor, unbanked and low-income earners access financial services and financial products in Zimbabwe and other developing countries. Mobile money platforms provide some avenues for financial inclusion for the poor and previously unbanked persons who become able to participate in the formal financial sector in Zimbabwe. Financial inclusion entails the provision of access for all persons to affordable and useful financial products and financial services such as payments, savings, credit and insurance in a responsible and sustainable manner by various providers in a properly regulated environment. On the contrary, financial exclusion means the failure or inability of poor and unbanked persons to access and use reasonably cheap and suitable financial services and financial products that are

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6 Wayne et al 2020 Research Agenda Working Papers 43; Bećirović, Bajramović and Ahmatović "Role of Mobile Banking" 89, 91-92; Chitokwindo, Mago and Hofisi 2014 MJSS 420.
7 Gibson, Lupo-Pasini and Buckley 2015 Sing JLS 26; Greenacre Regulating Mobile Money 3; Buckley, Greenacre and Malady 2015 Wash U Global Stud L Rev 437; Masocha and Dzomonda 2018 AAFSJ 2-3.
8 Ahmad, Green and Jiang 2020 Journal of Economic Surveys 762; Chopra and Sherry 2014 OIDA International Journal of Sustainable Development 28; Greenacre Regulating Mobile Money 3; Masocha and Dzomonda 2018 AAFSJ 2-3.
9 Mbengo and Phiri 2015 Corporate Ownership of Control 196-197; Robb and Vilakazi 2016 AJIC 15; Mago and Chitokwindo 2014 MJSS 221-222; Kufandirimbwa et al 2013 Online Journal of Social Sciences Research 93.
10 Kendal and Voorhies 2014 Foreign Affairs 10; Sulieman and Salleh 2020 Journal of Critical Reviews 568; Robb and Vilakazi 2016 AJIC 16; Mago and Chitokwindo 2014 MJSS 223.
11 Buckley et al 2019 Social Sciences Research Network 13; Sulieman and Salleh 2020 Journal of Critical Reviews 568-569; Robb and Vilakazi 2016 AJIC 15-16.
12 Chitimira and Ncube 2020 Acta Universitatis Danubius Juridica 25; Mago and Chitokwindo 2014 MJSS 222; Barruetabeña 2020 Economic Bulletin, Banco de España 1-2; Ozili 2020 IFR 3-4.
offered in the formal financial sector of any country, including Zimbabwe.\textsuperscript{13} Persons who do not have access to formal financial services and financial products such as payments, savings, credit and insurance are regarded as financially excluded. There are various factors that contribute to financial exclusion of the poor, unbanked and low-income earners in Zimbabwe. These include the absence of a financial inclusion policy, geographical distance, proof of identity documentary requirements, the costs of financial services and products, cultural and psychological hindrances.\textsuperscript{14} For the purposes of this article, the poor, unbanked and low-income earners refer to both unemployed and employed persons who do not have enough money or income to support themselves or to maintain a bank account.\textsuperscript{15} Put differently, poor, unbanked and low-income earners have limited or no access to formal financial services and they often resort to cash when they do transactions.\textsuperscript{16}

Although the growing use of mobile money and related digital financial services is a positive development for financial inclusion, it requires the relevant authorities to effectively regulate and supervise mobile money services in Zimbabwe.\textsuperscript{17} The effective regulation of mobile money is crucial owing to the fact that mobile money combines a telecommunication service on the one hand and a financial service on the other. These two sectors have separate regulatory frameworks in Zimbabwe.\textsuperscript{18} For this reason, legislation that effectively deals with the regulation of financial services and telecommunications should be enacted in Zimbabwe. Chatain \textit{et al} argue that mobile phones can be used by criminals and terrorists. The use of mobile money could hence pose financial integrity challenges that affect financial markets.\textsuperscript{19} Furthermore, De Koker argues that some of the key risk factors in relation to mobile money are the

\begin{thebibliography}{99}
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\bibitem{13} Louis and Chartier 2017 \textit{Journal of Comparative Urban Law and Policy} 173; Chitimira and Ncube 2020 \textit{Acta Universitatis Danubius Juridica} 25-26; Ngwenya, Pelser and Chivaura 2018 \textit{SAJEMS} 3.
\bibitem{14} Chitimira and Ncube 2020 \textit{Acta Universitatis Danubius Juridica} 25-26; Louis and Chartier 2017 \textit{Journal of Comparative Urban Law and Policy} 173; Mago and Chitokwindo 2014 \textit{MJSS} 222.
\bibitem{15} Lumsden 2018 \textit{Stan J L Bus & Fin} 10; Chopra and Sherry 2014 \textit{OIDA International Journal of Sustainable Development} 27; Ali 2016 \textit{Int J Soc Sci Stud} 74.
\bibitem{16} Lumsden 2018 \textit{Stan J L Bus & Fin} 17; see related remarks by Chopra and Sherry 2014 \textit{OIDA International Journal of Sustainable Development} 27; Ali 2016 \textit{Int J Soc Sci Stud} 74.
\bibitem{17} Lowry 2016 \textit{Fed Comm LJ} 356; Sulieman and Salleh 2020 \textit{Journal of Critical Reviews} 568.
\bibitem{18} Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 287; Kersop and Du Toit 2015 \textit{PELJ} 1605; also see Lumsden 2018 \textit{Stan J L Bus & Fin} 35.
\bibitem{19} Chatain \textit{et al} \textit{Protecting Mobile Money} 1; Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 287; Kersop and Du Toit 2015 \textit{PELJ} 1607.
\end{thebibliography}
anonymity, elusiveness, rapidity and poor oversight of the system, due to the limited or poor regulation and supervision by regulators.\textsuperscript{20} In addition, the instant nature of mobile money transactions appears to be too fast for effective regulation and supervision of the financial sector in Zimbabwe.\textsuperscript{21} As a result, these innovative technologies have both positive and negative implications for consumers, financial service providers, financial sector regulation and the economy at large.\textsuperscript{22}

It is submitted that Zimbabwe does not have legislation that expressly regulates mobile money services. In this regard, a wide range of incoherent laws are used to regulate and supervise innovative financial services and products in Zimbabwe. The authors argue that a new statute must be enacted to accommodate innovative technology that effectively regulates the financial sector to promote financial inclusion for the poor, unbanked and low-income earners in Zimbabwe. Against this background, this article discusses the relationship between mobile money regulation, innovative technology and the promotion of financial inclusion for the poor, unbanked and low-income earners in Zimbabwe. The article discusses the adoption, use and regulation of mobile money under the \textit{National Payment System Act (NPS Act)},\textsuperscript{23} the \textit{Money Laundering and Proceeds of Crime Act (MLPC Act)},\textsuperscript{24} the \textit{Reserve Bank of Zimbabwe Act (RBZ Act)},\textsuperscript{25} the \textit{Postal and Telecommunications Act},\textsuperscript{26} the \textit{Banking Act}\textsuperscript{27} and the National Financial Inclusion Strategy (NFIS) 2016-2020, as well as the role of the Reserve Bank of Zimbabwe (RBZ), the National Payment Systems (NPS) division, the Financial Intelligence Unit (FIU) and the Postal and Telecommunications Regulatory Authority of Zimbabwe (Potraz) in the promotion of financial inclusion in Zimbabwe.

\textsuperscript{20} De Koker 2013 \textit{Wash J L Tech & Arts} 186; also see Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 287; Kersop and Du Toit 2015 \textit{PELJ} 1607; Sulieman and Salleh 2020 \textit{Journal of Critical Reviews} 570.
\textsuperscript{21} Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 287; Sulieman and Salleh 2020 \textit{Journal of Critical Reviews} 570; Kersop and Du Toit 2015 \textit{PELJ} 1607; De Koker 2013 \textit{Wash J L Tech & Arts} 186.
\textsuperscript{22} Kersop and Du Toit 2015 \textit{PELJ} 1607; De Koker 2013 \textit{Wash J L Tech & Arts} 186.
\textsuperscript{23} \textit{National Payments Systems Act} [Chapter 24:23] 21 of 2001 (the \textit{NPS Act}) s 3; Bara 2013 \textit{AJSTID} 348.
\textsuperscript{24} \textit{Money Laundering and Proceeds of Crime Act} [Chapter 9:24] 4 of 2013, as amended (the \textit{MLPC Act}) ss 12A-12D.
\textsuperscript{25} \textit{Reserve Bank of Zimbabwe Act} [Chapter 22:15] 5 of 1999, as amended (the \textit{RBZ Act}) s 6(1).
\textsuperscript{26} \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000, as amended, ss 4, 59-65.
\textsuperscript{27} \textit{Banking Act} [Chapter 24:20] 9 of 1999 (the \textit{Banking Act}) ss 5, 17, 45-52C.
2 Overview background on the adoption of mobile money in Zimbabwe

The number of Zimbabwean citizens with active bank accounts is approximately two million out of a total population of about 14 million.\(^{28}\) Furthermore, over 67 per cent of Zimbabwe’s population resides in rural areas where there are limited or no banking services.\(^{29}\) Liquidity challenges that have affected Zimbabwe’s financial sector in the past two decades coupled with high bank charges have forced the majority of the adult population to adopt and use mobile money services.\(^{30}\) In Zimbabwe mobile money services started in 2011, when the country’s three telecommunication companies, Econet, NetOne and Telecel launched their mobile money platforms.\(^{31}\) The three mobile money platforms have attracted the poor and the low-income earners and unbanked segments in both rural and urban areas in Zimbabwe.\(^{32}\) As of 31 March 2020, Zimbabwe’s mobile phone subscription had reached 24.3 million users, with 13.7 million subscribers actively using their mobile phones.\(^{33}\) The high number of mobile phone subscriptions and use shows the massive utilisation of cellular phones in Zimbabwe. In this regard, it is submitted that most of the adult population have a mobile phone that is subscribed to mobile money services. Official figures further show that at the end of March 2020 the number of mobile phones subscribed to mobile money services stood at 7.6 million, having increased from the 7.3 million recorded in 2019.\(^{34}\) In this regard, the poor, unbanked and low-income earners in Zimbabwe are among millions of persons who have benefitted from this innovative technology and are using mobile phones to participate

\(^{28}\) RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf; Munyoro et al 2017 IMPACT: IJRBM 2.

\(^{29}\) RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf; Chitokwindo, Mago and Hofisi 2014 MJSS 415; Mavhiki, Nyamwanza and Shumba 2015 IJECM 2.

\(^{30}\) Phiri and Muponda 2016 University of Zimbabwe Business Review 3; Mavhiki, Nyamwanza and Shumba 2015 IJECM 2; Chitokwindo, Mago and Hofisi 2014 MJSS 419.

\(^{31}\) Levin 2013 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2013/07/EcoCash-Zimbabwe.pdf 4; Mbengo and Phiri 2015 Corporate Ownership and Control 198; Chitokwindo, Mago and Hofisi 2014 MJSS 421.

\(^{32}\) Munyoro et al 2017 IMPACT: IJRBM 2; Chitokwindo, Mago and Hofisi 2014 MJSS 421-422.

\(^{33}\) Potraz 2020 http://www.potraz.gov.zw/wp-content/uploads/2020/06/Sector_Performance_1stQ2020.pdf.

\(^{34}\) Potraz 2020 http://www.potraz.gov.zw/wp-content/uploads/2020/06/Sector_Performance_1stQ2020.pdf.
in the formal financial sector in Zimbabwe. The high rate of mobile money adoption in Zimbabwe mirrors what has transpired in other similar developing countries in Africa such as Kenya. Kendall and Voorhies express the opinion that the majority of the poor and unbanked persons in developing countries have embraced mobile phone technology and are using their mobile devices to send, receive and save money cheaply and securely without the need for banks or bank accounts.

3 How mobile money operates in Zimbabwe

Mobile money service providers may not pay interest on deposits or provide loans like conventional banks. Accordingly, it is hoped that technological innovation will result in greater financial inclusion for the poor and low-income earners in Zimbabwe. Each mobile money platform provides financial services to customers who use SIM cards registered with its parent MNO. For instance, Ecocash accepts cash deposits from Econet subscribers and Onemoney deals with those using NetOne, while Telecash serves Telecel subscribers. There are less stringent requirements when an individual registers a mobile money account than when the same individual opens a bank account. For instance, mobile money users are not compelled to produce proof of residence or income. Instead, they can be registered once they produce any form of identity, such as an identity card or passport. For a person to open a bank account, he or she is supposed to satisfy the Know Your Customer (KYC), anti-money laundering (AML) and counter-terrorist financing (CTF) requirements. It is submitted that the relaxed requirements to open a mobile money account enable the poor and unbanked persons who usually lack sufficient documentation, such as migrant workers, to get registered and participate in the mainstream financial system in Zimbabwe. In exchange for cash deposits, mobile money service providers credit the mobile money user's mobile account with an e-float or

35 Mbengo and Phiri 2015 Corporate Ownership and Control 198; Chitokwindo, Mago and Hofisi 2014 MJSS 422; Kendall and Voorhies 2014 Foreign Affairs 10.
36 Kendall and Voorhies 2014 Foreign Affairs 10; Chitokwindo, Mago and Hofisi 2014 MJSS 422; Gas 2017 http://dx.doi.org/10.13140/RG.2.2.25176.39689 3-4.
37 Kendall and Voorhies 2014 Foreign Affairs 10; Gas 2017 http://dx.doi.org/10.13140/RG.2.2.25176.39689 5-6; Chitokwindo, Mago and Hofisi 2014 MJSS 422.
38 Munyoro et al 2017 IMPACT: IJRBM 4; Mbengo and Phiri 2015 Corporate Ownership and Control 198.
39 Kernan 2018 Vanderbilt J Transnat’l L 1129; Munyoro et al 2017 IMPACT: IJRBM 4.
40 Mugarura 2019 AJICL 313-314; Munyoro et al 2017 IMPACT: IJRBM 4.
41 Fonte 2017 Wake Forest J Bus & Intell Prop L 581; also see related notes by Sulieman and Salleh 2020 Journal of Critical Reviews 569.
e-money. The e-float is the equivalent of credit in a bank account and it is held in a mobile account or mobile wallet under the user's name, ready for withdrawal or any other transaction the user may want to perform. A mobile money service provider like Econet manages the mobile money account or wallet, recording the amount of money held by a customer at any given time. As indicated above, mobile money users in Zimbabwe are not charged for depositing funds, but users pay tariffs levied according to the amount of money they withdraw. For example, in Zimbabwe a user may pay $3 when she or he withdraws $100. Mobile money users can transfer the money from their account to another account using the Short Message Service (SMS). Mobile money may be used for various purposes such as micro-payments to merchants, paying utility bills, business-to-business transfers (B2B), person-to-person transfers (P2P), business-to-person transfers (B2P) and long-distance remittances. The recipient of the transferred value or money can redeem it as cash at agents who work for MNOs across Zimbabwe or use it electronically to pay for goods and services such as bills, debts, fuel and bus fare. Agents are individuals, shops or garages that MNOs like Econet contract to provide mobile money services in all areas across Zimbabwe.

However, it appears that the success of mobile money depends on several factors such as the regulatory environment in which it operates to promote the financial inclusion of the poor, unbanked and low-income earners. Kendall and Voorhies argue that the reach of the mobile phone network and the ability of a mobile money service provider to establish an agent network that reaches remote villages, informal settlements and other places where banking services are limited are also key factors in the

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42 Chitokwindo, Mago and Hofisi 2014 MJSS 422; Hughes and Lonie 2007 Innovations 69-70; Kufandirimbwa et al 2013 Online Journal of Social Sciences Research 93; Munyoro et al 2017 IMPACT: IJRBM 4.
43 Kendall and Voorhies 2014 Foreign Affairs 10; Munyoro et al 2017 IMPACT: IJRBM 4; Kufandirimbwa et al 2013 Online Journal of Social Sciences Research 93; Chitokwindo, Maho and Hofisi 2014 MJSS 422.
44 Kufandirimbwa et al 2013 Online Journal of Social Sciences Research 96; Chitokwindo, Maho and Hofisi 2014 MJSS 422; Munyoro et al 2017 IMPACT: IJRBM 4.
45 Mago and Chitokwindo 2014 MJSS 227; Munyoro et al 2017 IMPACT: IJRBM 4; Chitokwindo, Maho and Hofisi 2014 MJSS 422.
46 Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 8-9; Kufandirimbwa et al 2013 Online Journal of Social Sciences Research 108; Munyoro et al 2017 IMPACT: IJRBM 4.
47 Fonte 2017 Wake Forest J Bus & Intell Prop L 556-557.
48 Buku and Meredith 2013 Wash J L Tech & Arts 379; Munyoro et al 2017 IMPACT: IJRBM 4.
49 Munyoro et al 2017 IMPACT: IJRBM 4; also see Gibson, Lupo-Pasini and Buckley 2015 Sing JLS 26-45; Chibango 2014 IJHSS 61.
success of mobile money.\textsuperscript{50} Furthermore, Munyoro \textit{et al} point out that contractual obligations between a service provider like Econet and its agents is critical in ensuring that agents work in the best interests of their principal.\textsuperscript{51} Therefore, it is beneficial for mobile money service providers to give competitive commissions and to invest in training and branding their agents to ensure continued service of their customers across Zimbabwe.\textsuperscript{52} The agents ensure that people who want to register for mobile money services, those who want to transact and those receiving money, are served even though they are not registered.\textsuperscript{53} It is submitted that without agents, it would be difficult for telecommunication service providers to spread their innovations and provide financial services to the poor, unbanked and low-income earners in Zimbabwe. Therefore, apart from the need for networks to have extensive reach, mobile money providers in Zimbabwe must have well trained, branded and equipped agents in communities, who are able to use technology to meet the financial needs of the poor, unbanked and low-income earners.

\section{The use of mobile money to promote financial inclusion in Zimbabwe}

Before the advent of mobile money, the poor, unbanked and low-income earners in Zimbabwe would pay their bills in cash and send cash to families in distant places via bus drivers or friends.\textsuperscript{54} This mode of remitting funds was risky, unreliable and very slow.\textsuperscript{55} Mobile money has opened doors for the poor, unbanked and low-income earners to remit money, even small amounts, in a cheaper, safer and faster way than before. Furthermore, the poor and unbanked persons are now able to participate in Zimbabwe's mainstream financial sector as they can keep their electronic money in their mobile wallets and do transactions in real

\textsuperscript{50} Gibson, Lupo-Pasini and Buckley 2015 \textit{Sing JLS} 26-45; Kendall and Voorhies 2014 \textit{Foreign Affairs} 13; Munyoro \textit{et al} 2017 \textit{IMPACT: IJRBM} 4; Kufandirimbwa \textit{et al} 2013 \textit{Online Journal of Social Sciences Research} 93-94.

\textsuperscript{51} Munyoro \textit{et al} 2017 \textit{IMPACT: IJRBM} 4; Kufandirimbwa \textit{et al} 2013 \textit{Online Journal of Social Sciences Research} 101; Hughes and Lonie 2007 \textit{Innovations} 74.

\textsuperscript{52} Munyoro \textit{et al} 2017 \textit{IMPACT: IJRBM} 4; Hughes and Lonie 2007 \textit{Innovations} 74; Gibson, Lupo-Pasini and Buckley 2015 \textit{Sing JLS} 26-45.

\textsuperscript{53} Munyoro \textit{et al} 2017 \textit{IMPACT: IJRBM} 4; Chibango 2014 \textit{IJHSS} 61; Gibson, Lupo-Pasini and Buckley 2015 \textit{Sing JLS} 26-45.

\textsuperscript{54} Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 128; Kendall and Voorhies 2014 \textit{Foreign Affairs} 10; Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 16.

\textsuperscript{55} Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 16; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 128; Kendall and Voorhies 2014 \textit{Foreign Affairs} 10.
time, sending and receiving money instantly at very low cost.\textsuperscript{56} Mobile money service providers have managed to develop branchless, convenient and fast financial services platforms that are available to almost everyone with a mobile phone handset.\textsuperscript{57} Chinakidza, Mbengo and Nyatsambo argue that mobile money services are reaching the poor and unbanked persons who were financially excluded due to the unavailability of banks and other basic financial services in areas outside towns and cities in Zimbabwe.\textsuperscript{58} As outlined above, millions of poor and low-income earners in Zimbabwe have now adopted mobile money and are now able to access their savings, insurance, credit and other financial tools to meet their daily needs.\textsuperscript{59}

It is submitted that mobile money has dismantled a number of barriers that kept the poor, unbanked and low-income earners outside the mainstream financial sector in Zimbabwe. Munongo and Bizah argue that some of the factors that contributed to their financial exclusion are a trust deficit in banking institutions, their distance from financial institutions and their failure to satisfy documentary requirements such as a proof of identity and a proof of residence.\textsuperscript{60} For instance, banks require customers to produce a proof of identity when opening accounts in line with prudential requirements.\textsuperscript{61} However, the requirement for proof of identity is not rigorously enforced when a person opens a mobile money account. It suffices for a potential mobile money user to produce an ID or passport to register a mobile money account in Zimbabwe and other developing countries.\textsuperscript{62} The relaxation of identity requirements for mobile money services could be intended to allow the poor, who may not have identity documents, also to participate in the formal financial sector. Besides identity requirements, the costs of opening and maintaining a bank

\textsuperscript{56} Kendall and Voorhies 2014 \textit{Foreign Affairs} 10; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 129; Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 15.
\textsuperscript{57} Munongo and Bizah 2017 \textit{IJER} 78; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 129.
\textsuperscript{58} Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 130; Munongo and Bizah 2017 \textit{IJER} 78; Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 16-17.
\textsuperscript{59} Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585 28-29; Munongo and Bizah 2017 \textit{IJER} 78; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 128; Mago and Chitokwindo 2014 \textit{MJSS} 225.
\textsuperscript{60} Munongo and Bizah 2017 \textit{IJER} 81; Mugarura 2019 \textit{AJICL} 314; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 129.
\textsuperscript{61} See s 81 of the \textit{Banking Act}.
\textsuperscript{62} Mugarura 2019 \textit{AJICL} 314-315; Chinakidzwa, Mbengo and Nyatsambo 2015 \textit{IJSER} 129; Munyoro \textit{et al} 2017 \textit{IMPACT: IJRBM} 4.
account are too high for poor and low income earners in Zimbabwe. Nonetheless, a registered SIM card inserted even in a basic mobile phone can store monetary value, enabling a user to process payments, save, send and receive money. Moreover, mobile money service providers have agents who serve the poor and unbanked persons in communities where they live in Zimbabwe. As a result, mobile money services have managed to thrust the poor and unbanked persons back into the formal financial markets and the mainstream economy in Zimbabwe.

5 Mobile money regulation and financial inclusion in Zimbabwe

Mobile money is an innovative financial product that has managed to put millions of poor, unbanked and low-income earners into financial inclusion in a considerably shorter period of time than banks in Zimbabwe. Before the advent of mobile money, the majority of financially excluded persons relied on informal cash transactions that often posed systemic risk to the financial markets in Zimbabwe. In addition, liquidity challenges and distrust in the banking sector resulted in the poor and low-income earners being financially excluded in Zimbabwe. It is argued that while mobile money contributes to financial inclusion for the poor and unbanked persons, Zimbabwe’s mobile money regulatory framework has poorly responded to technological advancements. There is no specific statute enacted to regulate mobile money in Zimbabwe. Mobile money services have telecommunications aspects and financial aspects that require separate regulation. Chibango argues that the regulatory implications of mobile money in Zimbabwe are rather complex as two separate sectors, namely finance and telecommunications, are involved. In this regard, the financial aspects of mobile money fall under prudential regulation while the

63 Chinakidzwa, Mbengo and Nyatsambo 2015 JUSER 130; Mugarura 2019 AJICL 314-315; Munongo and Bizah 2017 IJER 81.
64 Ahmad, Green and Jiang 2020 Journal of Economic Surveys 762; Chinakidzwa, Mbengo and Nyatsambo 2015 JUSER 129.
65 Mazambani, Rushwaya and Mutambara 2018 Investment Management and Financial Innovations 132; Chinakidzwa, Mbengo and Nyatsambo 2015 JUSER 128-129.
66 Robb and Vilakazi 2016 AJIC 15-16; Mago and Chitokwindo 2014 MJSS 227-228; Chinakidzwa, Mbengo and Nyatsambo 2015 JUSER 130.
67 Lumsden 2018 Stan J L Bus & Fin 26; Winn and De Koker 2013 Wash J L Tech & Arts 159; Winn 2016 Social Sciences Research Network Electronic Journal 1-26.
68 Robb and Vilakazi 2016 AJIC 15; Lumsden 2018 Stan J L Bus & Fin 33.
69 Lumsden 2018 Stan J L Bus & Fin 34; Robb and Vilakazi 2016 AJIC 15.
70 Chibango 2014 IJHSS 61; see related notes by Gibson, Lupo-Pasini and Buckley 2015 Sing JLS 26-45.
71 Chibango 2014 IJHSS 61; see related notes by Gibson, Lupo-Pasini and Buckley 2015 Sing JLS 26-45.
telecommunications aspects are non-prudentially regulated in Zimbabwe. According to Lumsden, the financial aspects of mobile money require prudential regulation that seeks to avert systemic risks which may lead to the collapse of the financial sector and the economy in any country. On the other hand, the ICTs or telecommunications aspects of mobile money require non-prudential regulation that deals more with the promotion of transparency, establishing accounting standards and dispute resolution methods that protect the poor, unbanked and low-income earners. It is submitted that the robust regulation of mobile money helps stabilise financial markets, protects consumers and generates market and business confidence while keeping the poor and unbanked financially included. Policy makers should enact robust mobile money legislation that embraces the use of innovative technology to curb the financial exclusion of the poor, unbanked and low-income earners in Zimbabwe. The Zimbabwe NFIS, 2016-2020 proposes changes to the legal and supervisory framework to promote financial inclusion through financial innovations. However, no legislation has been enacted in line with the Zimbabwean financial inclusion strategy to date. Due to the absence of a specific statute that regulates mobile money in Zimbabwe, laws that regulate electronic money have been used to regulate telecommunications-driven financial services.

5.1 The National Financial Inclusion Strategy, 2016-2020 and financial inclusion in Zimbabwe

The Ministry of Finance and Economic Development launched the NFIS, 2016-2020 in March 2016. The NFIS seeks inter alia to identify barriers to financial inclusion and proffer ways to improve the availability of financial services to every individual, including the poor, unbanked and low-income

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72 Lumsden 2018 *Stan J L Bus & Fin* 34; Ahmad, Green and Jiang 2020 *Journal of Economic Surveys* 770; Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf 11.
73 Ahmad, Green and Jiang 2020 *Journal of Economic Surveys* 770; Lumsden 2018 *Stan J L Bus & Fin* 34; Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf 10.
74 Lumsden 2018 *Stan J L Bus & Fin* 34; Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf 10-11; Jones, Woods and Ndung’u 2014 *Consolidating Africa’s Mobile Banking Revolution* 6-7.
75 Chibango 2014 *IJHSS* 61; Gibson, Lupo-Pasini and Buckley 2015 *Sing JLS* 26-45.
76 RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
77 Lawack 2013 *Wash J L Tech & Arts* 323; Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf 6.
earnners in Zimbabwe.\textsuperscript{78} The NFIS provides that mobile money is a financial tool that is crucial for the payment system and financial inclusion of the poor and unbanked persons in Zimbabwe.\textsuperscript{79} According to Lawack, a payment system forms the basis of any sound financial system in any economy and it is important to the financial inclusion of the poor.\textsuperscript{80} In this regard, the NFIS notes that mobile money has introduced payments, credit and other formal financial services to the adult population in rural areas in Zimbabwe.\textsuperscript{81} However, the NFIS also notes that there is no coordinated national policy on financial inclusion in Zimbabwe.\textsuperscript{82} Furthermore, poor consumer protection and resource constraints are some of the factors hindering the financial inclusion of the poor, unbanked and low-income earners in Zimbabwe.\textsuperscript{83} The relevant legislation on the regulation of mobile money in Zimbabwe is discussed below.

5.2 The RBZ Act and mobile money regulation

The \textit{RBZ Act} regulates the functions of Zimbabwe's central bank, the RBZ.\textsuperscript{84} The RBZ is a legal \textit{persona} capable of suing and being sued in its name.\textsuperscript{85} Furthermore, it is a creature of statute and its actions are guided by the enabling law. The RBZ is obliged \textit{inter alia} to regulate and supervise banking institutions such as commercial banks, accepting houses, discount houses or finance houses.\textsuperscript{86} The \textit{RBZ Act} also regulates and supervises building societies and the Post Office Savings Bank (POSB).\textsuperscript{87} In this regard, MNOs providing mobile money services are excluded from the list of institutions regulated and supervised by the RBZ. Therefore, it is clear that the \textit{RBZ Act} does not apply to Econet, NetOne and Telecel, since they are not regarded as banking institutions.

In addition, the RBZ regulates Zimbabwe's monetary system and it is obliged to maintain the stability of the Zimbabwean dollar in order to

\textsuperscript{78} RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
\textsuperscript{79} RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
\textsuperscript{80} Lawack 2013 \textit{Wash J L Tech & Arts} 323; Ahmad, Green and Jiang 2020 \textit{Journal of Economic Surveys} 770.
\textsuperscript{81} RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
\textsuperscript{82} RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
\textsuperscript{83} RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf.
\textsuperscript{84} Section 4 of the \textit{RBZ Act}.
\textsuperscript{85} Section 4 of the \textit{RBZ Act}.
\textsuperscript{86} Section 1 of the \textit{RBZ Act}.
\textsuperscript{87} Section 3 of the \textit{RBZ Act}.
ensure a properly functioning financial services sector.\textsuperscript{88} To achieve this, the RBZ is required to effectively oversee activities of banking institutions in Zimbabwe.\textsuperscript{89} Furthermore, the RBZ has powers to print money, accept money from customers, grant loans, buy and sell securities, buy and sell precious metals and buy foreign currency.\textsuperscript{90} It is submitted that the statutory functions and powers of the RBZ exclude MNOs and their mobile money activities. Thus, the \textit{RBZ Act} does not provide for the regulation of mobile money services and it does not promote financial inclusion of the poor, unbanked and low-income earners.

\textbf{5.3 The Banking Act, mobile money and financial inclusion in Zimbabwe}

Although the \textit{Banking Act} regulates mobile banking services offered by banks, or any other wireless service provider, it does not expressly regulate mobile money services that are offered by telecommunication companies in Zimbabwe.\textsuperscript{91} Listed banking activities that are provided in the \textit{Banking Act} that can be attributed to mobile money include receiving deposits, providing money transmission services and administering means of payment services.\textsuperscript{92} The \textit{Banking Act} applies to any other registered institutions that provide money transmission services in Zimbabwe.\textsuperscript{93} While MNOs may be among the institutions offering money transmission services, they do not have registration certificates for the purposes of the \textit{Banking Act}.\textsuperscript{94} The registration certificate is usually issued to a banking institution upon registration.\textsuperscript{95} Banking institutions that should be registered include commercial banks, accepting houses, discount houses, finance houses and micro-finance providers.\textsuperscript{96} In this regard, MNOs in Zimbabwe are not registered as banks and there is no special provision for their regulation in the \textit{Banking Act}.\textsuperscript{97} Put differently, the \textit{Banking Act} provides for the regulation of mobile banking services in line with conventional banking activities but it does not expressly apply to mobile money services that are offered by telecommunications companies in

\begin{flushleft}
\textsuperscript{88} Section 6 of the \textit{RBZ Act}.
\textsuperscript{89} Section 6(1)(b) of the \textit{RBZ Act}.
\textsuperscript{90} Section 7 of the \textit{RBZ Act}.
\textsuperscript{91} Section 2 of the \textit{Banking Act}.
\textsuperscript{92} Sections 7(1)(a), (d) and (f) of the \textit{Banking Act}.
\textsuperscript{93} Sections 7(1)(a), (d) and (f) of the \textit{Banking Act}.
\textsuperscript{94} Section 10 of the \textit{Banking Act}.
\textsuperscript{95} Section 8 of the \textit{Banking Act}.
\textsuperscript{96} Section 6 of the \textit{Banking Act}.
\textsuperscript{97} Sections 3 and 6 of the \textit{Banking Act}.
\end{flushleft}
Thus, the poor, unbanked and low-income earners are not covered under the Bank Act in Zimbabwe.

In addition, the poor, unbanked and low-income earners are not protected in terms of the Deposit Protection Corporation Act (DPCA). Consequently, mobile money deposits made by both the unbanked and banked individuals may not be protected under the DPCA, since MNOs are not legally recognised as financial institutions for the purposes of the Act. Therefore, the Bank Act does not expressly provide for the promotion of financial inclusion for the poor and low-income earners in Zimbabwe. In addition, the Bank Act does not provide for the regulation and innovative technology to curb financial exclusion in Zimbabwe. Nonetheless, the Bank Act gives the Minister of Finance and the RBZ powers to develop regulations or guidelines that respond to new developments in the financial markets.

5.4 New banking regulations, mobile money and financial inclusion in Zimbabwe

In 2020, the RBZ published new banking guidelines that seek to coordinate mobile money services from different providers in a way that benefits the end user in Zimbabwe. For instance, the new regulations require the cooperation of rival mobile money providers in the transfer of funds across mobile money platforms and their agents and between mobile money platforms and banks. The regulations aim to create a smooth exchange of money between two or more mobile money accounts operated by different service providers and in the transfer of money between mobile money platforms and bank accounts. In this regard, the regulations represent a departure from the initial set-up, where mobile money service providers served their subscribed or registered customers only. Under the new regulations, mobile money services can cut across networks, allowing customers to send or receive money from any mobile money platform. In addition, mobile money platforms such as Ecocash, Onemoney and Telecash should be connected to the national payment switch and each should have a trust bank account dedicated to mobile

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98 Section 7 of the Bank Act.
99 Deposit Protection Corporation Act [Chapter 24:29] 9 of 2011 (the DPCA) s 40.
100 Section 2 of the DPCA.
101 Section 81 of the Bank Act.
102 Section 3 of Banking (Money Transmission, Mobile Banking and Mobile Money Interoperability) Regulations, 2020 (Banking Regulations, 2020); Clause 8 of the RBZ Guidelines 15.
103 Section 2 of the Banking Regulations, 2020; Lumsden 2018 Stan J L Bus & Fin 35.
104 Section 2 of the Banking Regulations, 2020.
banking.\textsuperscript{105} This could protect mobile money users' funds against possible abuse by service providers. Nonetheless, mobile money users can access their service providers' platforms only if they are registered.\textsuperscript{106} Furthermore, all mobile money users who have been suspended or barred from using mobile money services cannot transact.\textsuperscript{107} Moreover, all mobile money transactions should be done within clearly specified limits.\textsuperscript{108} The three measures given here are heavy-handed and they potentially hinder the growth of financial innovations and the promotion of financial inclusion for the poor and unbanked persons in Zimbabwe.

\section*{5.5 The National Payment Systems Act, mobile money and financial inclusion}

The \textit{NPS Act} regulates and supervises systems that clear payment instructions between financial institutions in Zimbabwe.\textsuperscript{109} The \textit{NPS Act} defines financial institutions as banking institutions that are registered and conduct banking activities in terms of the \textit{Banking Act}.\textsuperscript{110} In line with the discussions under the \textit{RBZ Act} and the \textit{Banking Act} above, MNOs that provide mobile money services are not registered financial institutions. Nonetheless, under the \textit{Banking Act}, other institutions that provide money transmission services should also be regulated.\textsuperscript{111} In this regard, the \textit{NPS Act} accords the RBZ powers to extent its regulation and supervision to institutions other than financial institutions as long as such institutions provide financial services such as deposits, money transmission and payment services.\textsuperscript{112} As discussed above, the RBZ could develop regulations on electronic payments that touch on mobile money services in Zimbabwe. Failure to adequately regulate payment systems could lead to disruptions that affect financial markets and the economy at large, compromising the availability of financial services to the unbanked.\textsuperscript{113} Since the launch of mobile money services in 2011 in Zimbabwe, the RBZ has been responsible for all licensing and supervision of mobile money as a financial product.\textsuperscript{114} The supervision of mobile money falls under the

\textsuperscript{105} Section 4(1)(3) of the \textit{Banking Regulations}, 2020.
\textsuperscript{106} Section 4(10) of the \textit{Banking Regulations}, 2020.
\textsuperscript{107} Section 4(10) of the \textit{Banking Regulations}, 2020.
\textsuperscript{108} Sections 10(a)-(f) of the \textit{Banking Regulations}, 2020; also see Lashitew, Van Tulder and Liasse 2019 \textit{Research Policy} 1201-1215.
\textsuperscript{109} See the long title of the \textit{NPS Act}.
\textsuperscript{110} Section 2 of the \textit{NPS Act}; also see ss 7(1)(a), (d) and (f) of the \textit{Banking Act}.
\textsuperscript{111} Sections 7(1)(a), (d) and (f) of the \textit{Banking Act}.
\textsuperscript{112} Sections 2(b) and 3 of the \textit{NPS Act}.
\textsuperscript{113} Lawack 2013 \textit{Wash J L Tech & Arts} 323-324; Ahmad, Green and Jiang 2020 \textit{Journal of Economic Surveys} 771-772.
\textsuperscript{114} Section 3 of the \textit{NPS Act} read together with s 8 of the \textit{Banking Act}; Bara 2013 \textit{AJSTID} 348.
central bank’s NPS Division.\footnote{Section 6(1)(e) of the \textit{RBZ Act}; also see s 3 of the \textit{NPS Act}; Bara 2013 \textit{AJSTID} 348.} Among other functions, the NPS Division oversees and clears mobile money payments, making sure that transactions adhere to the provisions of the \textit{NPS Act}.ootnote{Section 3 of the \textit{NPS Act}; Bara 2013 \textit{AJSTID} 348.} Nevertheless, the \textit{NPS Act} does not sufficiently regulate mobile money owing to the fact that it does not expressly have provisions that regulate mobile money. Furthermore, the \textit{NPS Act} does not give the RBZ express powers to supervise and regulate consumer protection matters pertaining to mobile money services. Therefore, the \textit{NPS Act} is not robust enough because it does not regulate mobile money services so as to promote the use of innovative technology to enhance financial inclusion for the poor, low-income earners and unbanked persons in Zimbabwe.

6 ICTs, financial crimes, mobile money and financial inclusion in Zimbabwe

The advancement in ICT innovation has opened room for non-banking institutions like telecommunication corporates to provide financial services in the form of mobile money in Zimbabwe.\footnote{De Koker, Morris and Jafter 2019 \textit{Law in Context} 1-22; Klein and Mayer 2011 \url{https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf} 3; Jones, Woods and Ndung'u \textit{Consolidating Africa's Mobile Banking Revolution} 5-6.} The fact that telecommunication companies have ventured to provide financial services raises questions on whether the customer due diligence (CDD), the KYC and other requirements for the opening of an account should be strictly applied in the same way as they are applied by banks.\footnote{Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 299; Jones, Woods and Ndung'u \textit{Consolidating Africa's Mobile Banking Revolution} 5; Ahmad, Green and Jiang 2020 \textit{Journal of Economic Surveys} 757-758.} The CDD and KYC requirements are essential in combating financial crimes like money laundering that harm the integrity of financial markets and threaten financial inclusion for the poor. Money laundering includes actions of criminally minded persons that are undertaken to disguise the original ownership and control of the proceeds of their criminal conduct by presenting them as if they have been lawfully gained.\footnote{Chitimira 2020 \textit{Acta Universitatis Danubius Juridica} 29; Sulieman and Salleh 2020 \textit{Journal of Critical Reviews} 569.} The Financial Action Task Force (FATF) has come up with anti-money laundering standards and there are international standards to combat the financing of terrorism (AML/CFT) and other financial crimes.\footnote{Jenik, Kerse and De Koker 2020 \url{https://www.cgap.org/sites/default/files/publications/2020_07_COVID_Briefing_Rapid_Account_Opening.pdf} 5; Bayona-
compliance with AML/CFT standards through CDD and KYC measures would be painful for the poor, unbanked and low-income earners in countries like Zimbabwe,\(^{121}\) who often lack formal identity documentation and have relatively small data footprints, which makes it cumbersome for financial service providers to conduct CDD on them.\(^{122}\) In this regard, mobile money services in Zimbabwe cater mostly for low-income earners and poor persons who usually lack the documentary requirements for the CDD and KYC purposes.\(^{123}\) Applying strict CDD and KYC measures in mobile money services with the same rigour as is done with banks is likely to push poor persons into financial exclusion, where they would have to revert to informal ways of remitting money. On the other hand, informal ways of transmitting funds lack AML/CFT controls and are a threat to financial market stability in Zimbabwe.\(^{124}\) Therefore, it may be necessary for financial regulators to relax the application of the CDD and KYC requirements for the sake of the financial inclusion for the poor and unbanked persons.\(^{125}\) When mobile money services began in Zimbabwe in 2011, the RBZ relaxed the KYC requirements and the move allowed the poor and unbanked persons to participate in the mainstream financial sector.\(^{126}\) While mobile money users are required to produce a national identity document when opening a mobile money account or when processing cash-out transactions, this is not strictly enforced. For instance, familiarity between mobile money customers and MNOs’ agents may lead to a situation where agents do not enforce the requirement of proof of identity. This could enable those without documents to participate in the

\(^{121}\) Rodríguez, Rodríguez and Melo 2017 http://hdl.handle.net/1992/8677 5; Kong, Tampuri and Opoku 2018 IJMSBR 120-129.

\(^{122}\) Lyman et al 2019 https://www.cgap.org/sites/default/files/publications/2019_08_28_Working_Paper_Beyond_KYC_Utilties_0.pdf 3; Bayona-Rodríguez, Rodríguez and Melo 2017 http://hdl.handle.net/1992/8677 5-6.

\(^{123}\) Lyman et al 2019 https://www.cgap.org/sites/default/files/publications/2019_08_28_Working_Paper_Beyond_KYC_Utilties_0.pdf 3; Bayona-Rodríguez, Rodríguez and Melo 2017 http://hdl.handle.net/1992/8677 5-6.

\(^{124}\) Alexandre and Eisenhart 2013 Wash J L Tech & Arts 299; Ahmad, Green and Jiang 2020 Journal of Economic Surveys 757; Jones, Woods and Ndung’u Consolidating Africa’s Mobile Banking Revolution 5.

\(^{125}\) Malady and Buckley 2014 https://clmr.unsw.edu.au/sites/default/files/attached_files/regulation_of_mobile_money_-_state_of_play_article_april_2014.pdf 5; Alexandre and Eisenhart 2013 Wash J L Tech & Arts 299.

\(^{126}\) Alexandre and Eisenhart 2013 Wash J L Tech & Arts 299; Malady and Buckley 2014 https://clmr.unsw.edu.au/sites/default/files/attached_files/regulation_of_mobile_money_-_state_of_play_article_april_2014.pdf 4.

Mugarura 2019 AJICL 316; Bara 2013 AJSTID 348.
formal financial sector at great risk to the integrity of the financial system.\textsuperscript{127}

\section*{6.1 The Money Laundering and Proceeds of Crime Act, mobile money and financial inclusion in Zimbabwe}

The \textit{MLPC Act}\textsuperscript{128} provides \textit{inter alia} for the regulation of mobile money services and associated risks in Zimbabwe. The \textit{MLPC Act} requires financial service providers to carry out money laundering and terrorist financing risk assessments in financial services and financial products that are accessed using technological devices such as mobile phones.\textsuperscript{129} It is submitted that the MNOs that provide mobile money services are financial institutions for the purposes of the \textit{MLPC Act}.\textsuperscript{130} Furthermore, all financial service providers are supposed to implement and periodically review their AML and CTF measures.\textsuperscript{131} In line with the risk assessment procedures, prospective financial service providers should submit detailed money laundering and terrorist financing risk assessment and mitigation strategies when they apply for registration.\textsuperscript{132} These measures seek to ensure that mobile money and other financial tools operate within the rules in order to promote financial inclusion for the poor without compromising the integrity of the financial markets in Zimbabwe.

\section*{7 Selected flaws in the regulation of mobile money services in Zimbabwe}

The possible confusion around mobile money regulation in Zimbabwe is more about non-bank institutions that provide financial services rather than the services themselves.\textsuperscript{133} When mobile money was initiated in Zimbabwe it was not a deposit-taking service, but ongoing innovations have made the taking of deposits one of the functions that mobile money is discharging.\textsuperscript{134} The expansion of mobile money services allows the poor and unbanked persons in Zimbabwe to save money in their mobile accounts. However, this creates competition for banks that may not be ready to yield deposit-taking functions to non-banking institutions. This may explain why the new mobile banking regulation in Zimbabwe compels

\textsuperscript{127} Bara 2013 \textit{AJSTID} 348; Mugarura 2019 \textit{AJICL} 316.

\textsuperscript{128} \textit{MLPC Act} ss 12A-12D.

\textsuperscript{129} Section 12B of the \textit{MLPC Act}.

\textsuperscript{130} Section 2(f) of the \textit{MLPC Act}.

\textsuperscript{131} Section 12B of the \textit{MLPC Act}.

\textsuperscript{132} See RBZ Monetary Policy 2013, 51; Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf 6-7.
non-bank mobile money service providers to keep their clients' deposits in a trust account opened at a commercial bank that is subject to prudential regulation.\textsuperscript{135} This could be a way to stifle the growth of financial innovations and the use of innovative technology in order to maintain the hegemony of banks. This approach is impeding financial inclusion. One major weakness of the new mobile banking regulations in Zimbabwe is their apparent one-sided focus on the financial aspects of mobile money, that leaves out the telecommunications regulatory aspects of mobile money.\textsuperscript{136} It is submitted that innovations in ICTs are likely to continue to occur and may modifying financial products in a bid to increase the financial inclusion of the poor, the unbanked and low-income earners.

7.1 The Postal and Telecommunications Act, mobile money and financial inclusion in Zimbabwe

The telecommunications sector is regulated under the \textit{Postal and Telecommunications Act}.\textsuperscript{137} The Postal and Telecommunications Regulatory Authority of Zimbabwe (Potraz) supervises the telecommunications sector. While Potraz has a broad mandate, the financial business ventures of MNOs fall outside its scope.\textsuperscript{138} However, the \textit{Postal and Telecommunications Act} provides for, monitors and supervises the rollout of cellular communication services in Zimbabwe.\textsuperscript{139} It further promotes and encourages the growth of technology, which is the key to innovation in the ICT sector.\textsuperscript{140} In this regard, MNOs have invested in innovative technology\textsuperscript{141} resulting in mobile money services that are provided to millions of the poor, unbanked and low-income earners in Zimbabwe to promote their financial inclusion. Greenacre argues that mobile money is growing in terms of its reach and importance to the poor and that there is a need to streamline the telecommunications and financial regulation of mobile money in developing countries such as

\begin{itemize}
  \item Section 4(3) of the \textit{Banking Regulation}, s 2020; also see the RBZ Monetary Policy 2013, 51; Alexandre and Eisenhart 2013 \textit{Wash J L Tech & Arts} 298; Klein and Mayer 2011 \url{https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf} 9.
  \item Chatain \textit{et al} \textit{Protecting Mobile Money} 25; also see Klein and Mayer 2011 \url{https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf} 19-20; Masiyandima, Mlambo and Nyarota “Financial Inclusion” 1-38.
  \item \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000 as amended, s 4.
  \item Section 4 of the \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000.
  \item Section 4(1) of the \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000.
  \item Section 4(1)(k) of the \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000.
  \item Section 4(1)(k) of the \textit{Postal and Telecommunications Act} [Chapter 12:05] 4 of 2000.
\end{itemize}
Zimbabwe.\textsuperscript{142} It is submitted that both telecommunications and financial services regulation are equally important in the effective regulation of mobile money services in Zimbabwe. Therefore, innovative technology must be carefully utilised to promote financial inclusion for the poor and low-income earners.\textsuperscript{143}

8 The reliance on mobile money services during the corona virus (COVID-19) pandemic in Zimbabwe

Mobile money services have become a convenient payment channel for many persons, especially frontline workers dealing with the COVID-19 pandemic in remote areas, who cannot easily access banking services in many affected countries, including Zimbabwe.\textsuperscript{144} Crises such as the COVID-19 pandemic tend to leave the poor and unbanked persons in a more precarious position in terms of their financial wellbeing compared to their banked counterparts.\textsuperscript{145} The COVID-19 crisis came at a time when developing nations such as Zimbabwe were experiencing an unprecedented use of innovative financial products in their financial markets.\textsuperscript{146} The exponential adoption of mobile phone technology has amply provided the poor and unbanked persons with cheap, affordable and safe mobile money services in Zimbabwe.\textsuperscript{147} The COVID-19 pandemic has shown that innovative technology can serve communities better in times of crisis. For instance, cashless modes of transaction like mobile money are safer and more convenient, particularly for the poor and unbanked, owing to the fear that the COVID-19 virus could survive on paper and get transmitted when people exchange money.\textsuperscript{148} In response to the COVID-19 virus, there has been a marked increase in many countries, including Zimbabwe, in the number of retail outlets that decline

\begin{thebibliography}{99}
\bibitem{GreenacreRegulatingMobileMoney} Greenacre Regulating Mobile Money 2; Buku and Meredith 2013 \textit{Wash J L Tech & Arts} 394-395.
\bibitem{GreenacreRegulatingMobileMoney2} Greenacre Regulating Mobile Money 2; Ahmad, Green and Jiang 2020 \textit{Journal of Economic Surveys} 770; Buku and Meredith 2013 \textit{Wash J L Tech & Arts} 395.
\bibitem{Dubeetal2011} Dube \textit{et al} 2011 \textit{JIBC} 1-15; Jenik, Kerse and De Koker 2020 https://www.cgap.org/sites/default/files/publications/2020_07_COVID_Briefing_Rapid_Account_Opening.pdf 1; Mann "Driver for Contactless Payments" 176; Ozili 2020 \textit{IFR} 14.
\bibitem{Ozili2020} Ozili 2020 \textit{IFR} 2; Brenton and Chemutai 2020 https://openknowledge.worldbank.org/bitstream/handle/10986/33548/Trade-Responses-to-the-COVID-19-Crisis-in-Africa.pdf?sequence=1 2-3; see related notes by Fernandes 2020 http://dx.doi.org/10.2139/ssrn.3557504 10-11; Mann "Driver for Contactless Payments" 177.
\bibitem{Buckleyetal2019} Buckley \textit{et al} 2019 \textit{European Business Organisation Law Review} 7-35; Arner, Berberis and Buckley 2016 \textit{Nw J Intl L & Bus} 12-13.
\bibitem{Harris,GoodmanandTraynor2013} Harris, Goodman and Traynor 2013 \textit{Wash J L Tech & Arts} 246; Robb and Vilakazi 2016 \textit{AJIC} 10; Dittus and Klein 2011 https://www.bis.org/publ/work347.pdf 1-19.
\bibitem{MannDriverforContactlessPayments} Mann "Driver for Contactless Payments" 177.
\end{thebibliography}
cash payments in preference for contactless electronic money to combat the spread of the COVID-19 virus. Consequently, mobile money has become a convenient tool to provide safe transactions while allowing the banked and unbanked to participate in the financial services sector in Zimbabwe. The relative safety of mobile money in the COVID-19 pandemic period adds to the growing importance of innovative technology to promote the financial inclusion of the poor, unbanked and low-income earners in Zimbabwe.

9 Concluding remarks

Innovative technologies and advancements in ICTs have transformed mobile phones from mere communication devices into powerful financial tools that are contributing to the financial inclusion of the poor, unbanked and low income earners in Zimbabwe. Mobile phones are hosting financial platforms such as Ecocash, Onemoney and Telecel either as software on the SIM card or as applications that can be downloaded and installed on the mobile phones in order to access financial services in Zimbabwe. Ecocash, Onemoney and Telecash are providing cheap, convenient, safe and fast financial services to the poor, unbanked and low-income earners who cannot afford the cost of opening and maintaining bank accounts in Zimbabwe. Mobile money services have also become a safe and convenient mode of payment during the COVID-19 pandemic for both the banked and the unbanked in many countries, including Zimbabwe. The payment of frontline workers dealing with the COVID-19 pandemic via mobile money in areas far from banking facilities allows such workers to receive their salaries in a convenient and safe manner that minimises the transmission of the COVID-19 in Zimbabwe. Furthermore, the poor, unbanked and low-income earners who usually rely on cash can also access their funds and COVID-19-related relief payments through mobile money.

However, the financial regulatory framework in Zimbabwe does not adequately regulate mobile money services to promote the financial inclusion of the poor, unbanked and low-income earners. The Banking Act, the NPS Act, the RBZ Act, the MLPC Act and the Postal and Telecommunications Act are insufficient and do not robustly regulate mobile money services. The NFIS and the mobile banking regulations published in 2020 have some positive aspects on the adoption of

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149 Mann “Driver for Contactless Payments” 177-178; Ozili 2020 http://dx.doi.org/10.2139/ssrn.3585662 1-9.
innovative financial technologies and financial inclusion for the poor. In this regard, the authors submit that the current legislation dealing with financial services must be amended to enact provisions that promote the regulation and supervision of technology-driven financial products in Zimbabwe. Alternatively, the policy makers should enact a specific statute that regulates mobile money and the use of innovative technology to curb the financial exclusion of the poor and low-income earners in Zimbabwe. The RBZ and other relevant stakeholders should effectively promote the financial inclusion of the poor and low-income earners in Zimbabwe. The RBZ Act, the Banks Act and other relevant statutes must be amended to recognise the mobile money services offered by telecommunications financial services providers so as to effectively promote financial inclusion for the poor, unbanked and low-income earners in Zimbabwe.

**Bibliography**

**Literature**

Ahmad, Green and Jiang 2020 *Journal of Economic Surveys*
Ahmad HA, Green C and Jiang F "Mobile Money, Financial Inclusion and Development: A Review with Reference to African Experience" 2020 *Journal of Economic Surveys* 753-792

Alexandre and Eisenhart 2013 *Wash J L Tech & Arts*
Alexandre C and Eisenhart L "Mobile Money as an Engine of Financial Inclusion and Lynchpin of Financial Integrity" 2013 *Wash J L Tech & Arts* 285-302

Ali 2016 *Int J Soc Sci Stud*
Ali A "Beyond Traditional Microfinance: Financial Inclusion for Unbanked Kenyans" 2016 *Int J Soc Sci Stud* 74-85

Andrianaivo and Kpodar *ICT, Financial Inclusion and Growth Evidence*
Andrianaivo M and Kpodar K *ICT, Financial Inclusion and Growth Evidence from African Countries* (International Monetary Fund Washington DC 2011)

Arner, Berberis and Buckley 2016 *Nw J Int’l L & Bus*
Arner DW, Berberis J and Buckley RP "Fintech, Regtech and the Reconceptualisation of Financial Regulation" 2016 *Nw J Int’l L & Bus* 1-51

Bara 2013 *AJSTID*
Bara A "Mobile Money for Financial Inclusion: Policy and Regulatory Perspective in Zimbabwe" 2013 *AJSTID* 345-354
Barruetabeña 2020 *Economic Bulletin, Banco de España*

Barruetabeña E "Impact of New Technologies on Financial Inclusion" 2020 *Economic Bulletin, Banco de España* 1-14

Bečirović, Bajramović and Ahmatović "Role of Mobile Banking"
Bečirović S, Bajramović D and Ahmatović A "The Role of Mobile Banking in Enhancing Economic Development" in *International Conference: Communication and Business Sector* (June 2011 Berane) 89-98

Buckley *et al* 2019
Buckley RP *et al* "Sustainability, FinTech and Financial Inclusion" 2019 *European Business Organisation Law Review* 7-35

Buckley, Greenacre and Malady 2015 *Wash U Global Stud L Rev*
Buckley R, Greenacre J and Malady L "The Regulation of Mobile Money in Malawi" 2015 *Wash U Global Stud L Rev* 435-498

Buku and Meredith 2013 *Wash J L Tech & Arts*
Buku MW and Meredith MW "Safaricom and M-PESA in Kenya: Financial Inclusion and Financial Integrity" 2013 *Wash J L Tech & Arts* 375-400

Chatain *et al* Protecting Mobile Money
Chatain PL *et al* Protecting Mobile Money against Financial Crimes: *Global Policy Challenges and Solutions* (World Bank Washington DC 2011)

Chibango 2014 *IJHSS*
Chibango C "Mobile Money Revolution: An Opportunity for Financial Inclusion in Africa" 2014 *IJHSS* 59-67

Chinakidzwa, Mbengo and Nyatsambo 2015 *IJUSER*
Chinakidzwa M, Mbengo P and Nyatsambo M "Mobile Money Usage in Rural Areas of Zimbabwe: Case of Mudzi District" 2015 *IJUSER* 128-141

Chitimira 2020 *Acta Universitatis Danubius Juridica*
Chitimira H "The Reliance on Artificial Intelligence Measures to Curb Money Laundering Practices in South Africa Banking Institutions and Real Estate Sector" 2020 *Acta Universitatis Danubius Juridica* 28-43

Chitimira and Ncube 2020 *Acta Universitatis Danubius Juridica*
Chitimira H and Ncube M "The Role of Regulatory Bodies and Other Role-Players in the Promotion of Financial Inclusion in South Africa" 2020 *Acta Universitatis Danubius Juridica* 24-37
Chitokwindo, Mago and Hofisi 2014 MJSS
Chitokwindo S, Mago S and Hofisi C "Financial Inclusion in Zimbabwe: A Contextual Overview" 2014 MJSS 415-423

Chopra and Sherry 2014 OIDA International Journal of Sustainable Development
Chopra S and Sherry AM "Architecture of a Low Cost Technology Solution Integrating Mobile Financial Services with AADHAAR Authentication to Accelerate Financial Inclusion in India" 2014 OIDA International Journal of Sustainable Development 27-34

De Koker 2013 Wash J L Tech & Arts
De Koker L "The 2012 Revisited FATF Recommendations: Assessing and Mitigating Mobile Money Integrity Risks within the New Standards Framework" 2013 Wash J L Tech & Arts 165-196

De Koker, Morris and Jaffer 2019 Law in Context
De Koker L, Morris N and Jafter S "Regulating Financial Services in an Era of Technological Disruption" 2019 Law in Context 1-22

Dube et al 2011 JIBC
Dube T et al "Adoption and Use of SMS/Mobile Banking Services in Zimbabwe: An Exploratory Study" 2011 JIBC 1-15

Fonte 2017 Wake Forest J Bus & Intell Prop L
Fonte E "US Regulatory Overview of Mobile Wallets and Mobile Payments" 2017 Wake Forest J Bus & Intell Prop L 549-608

Gibson, Lupo-Pasini and Buckley 2015 Sing JLS
Gibson E, Lupo-Pasini F and Buckley RP "Regulating Digital Financial Services Agents in Developing Countries to Promote Financial Inclusion" 2015 Sing JLS 26-45

Goldby 2013 Wash J L Tech & Arts
Goldby M "Reporting of Suspicious Activity by Mobile Money Service Providers in Accordance with International Standards: How Does It Impact on Financial Inclusion?" 2013 Wash J L Tech & Arts 401-418

Greenacre Regulating Mobile Money
Greenacre J Regulating Mobile Money: A Functional Approach (Pathways for Prosperity Commission Oxford 2018)

Harris, Goodman and Traynor 2013 Wash J L Tech & Arts
Harris A, Goodman S and Traynor P "Privacy and Security Concerns Associated with Mobile Money Applications in Africa" 2013 Wash J L Tech & Arts 245-264
Hughes and Lonie 2007 *Innovations*
Hughes N and Lonie S "M-PESA: Mobile Money for the ‘Unbanked’ Turning Cellphones into 24-Hour Tellers in Kenya" 2007 *Innovations* 63-81

Jones, Woods and Ndung’u *Consolidating Africa’s Mobile Banking Revolution*
Jones E, Woods N and Ndung’u N *Consolidating Africa’s Mobile Banking Revolution* (Global Economic Governance Programme Oxford 2016)

Kendall and Voorhies 2014 *Foreign Affairs*
Kendall J and Voorhies R "The Mobile-Finance Revolution: How Cell Phones Can Spur Development" 2014 *Foreign Affairs* 9-13

Kernan 2018 *Vanderbilt J Transnat’l L*
Kernan AB "Sustaining the Growth of Mobile Money Services in Developing Nations: Lessons from Overregulation in the United States" 2018 *Vanderbilt J Transnat’l L* 1109-1151

Kersop and Du Toit 2015 *PELJ*
Kersop M and Du Toit S "Anti-Money Laundering Regulations and the Effective Use of Mobile Money in South Africa - Part 1" 2015 *PELJ* 1602-1635

Kong, Tampuri and Opoku 2018 *IJMSBR*
Kong Y, Tampuri Jnr MY and Opoku BP "Digital Financial Inclusion: The Star Strategy Approach to Policy Formulation" 2018 *IJMSBR* 120-129

Kufandirimbwa et al 2013 *Online Journal of Social Sciences Research*
Kufandirimbwa O et al "Mobile Money in Zimbabwe: Integrating Mobile Infrastructure and Processes to Organisational Infrastructure and Processes" 2013 *Online Journal of Social Sciences Research* 92-110

Lashitew, Van Tulder and Liasse 2019 *Research Policy*
Lashitew AA, Van Tulder R and Liasse Y "Mobile Phones for Financial Inclusion: What Explains the Diffusion of Mobile Money Innovations?" 2019 *Research Policy* 1201-1215

Lawack 2013 *Wash J L Tech & Arts*
Lawack VA "Mobile Money, Financial Inclusion and Financial Integrity: The South African Case" 2013 *Wash J L Tech & Arts* 317-346

Louis and Chartier 2017 *Journal of Comparative Urban Law and Policy*
Louis L and Chartier F "Financial Inclusion in South Africa" 2017 *Journal of Comparative Urban Law and Policy* 170-186
Lowry 2016 *Fed Comm LJ*
Lowry C "What's in your Mobile Wallet: An Analysis of Trends in Mobile Money Payments and Regulation" 2016 *Fed Comm LJ* 353-384

Lumsden 2018 *Stan J L Bus & Fin*
Lumsden E "The Future is Mobile: Financial Inclusion and Technological Innovation in the Emerging World" 2018 *Stan J L Bus & Fin* 1-44

Mago and Chitokwindo 2014 *MJSS*
Mago S and Chitokwindo S "The Impact of Mobile Banking on Financial Inclusion in Zimbabwe: A Case for Masvingo Province" 2014 *MJSS* 221-230

Mann "Driver for Contactless Payments"
Mann RJ "Driver for Contactless Payments" in Pistor K (ed) *Law in the Time of COVID-19* (Columbia Law School New York 2020) 175-182

Masiyandima, Mlambo and Nyarota "Financial Inclusion"
Masiyandima N, Mlambo K and Nyarota S "Financial Inclusion and Quality of Livelihood in Zimbabwe" in Africagrowth Institute *14th African Finance Journal Conference* (17-18 May 2017 Victoria Falls) 1-38

Masocha and Dzomonda 2018 *AAFSJ*
Masocha R and Dzomonda O "Adoption of Mobile Money Services and the Performance of Small and Medium Enterprises in Zimbabwe" 2018 *AAFSJ* 1-11

Mavhiki, Nyamwanza and Shumba 2015 *IJECM*
Mavhiki S, Nyamwanza T and Shumba T "Impact of Mobile Banking on Traditional Banking Practices in Zimbabwe" 2015 *IJECM* 1-13

Mazambani, Rushwaya and Mutambara 2018 *Investment Management and Financial Innovations*
Mazambani I, Rushwaya TJ and Mutambara E "Financial Inclusion: Disrupted Liquidity and Redundancy of Mobile Money Agents in Zimbabwe" 2018 *Investment Management and Financial Innovations* 131-142

Mbengo and Phiri 2015 *Corporate Ownership and Control*
Mbengo P and Phiri MA "Mobile Banking Adoption: A Rural Zimbabwean Marketing Perspective" 2015 *Corporate Ownership and Control* 195-204

Mugarura 2019 *AJICL*
Mugarura N "The Use of Mobile Phones in Changing the Banking Regulatory Landscape in Africa" 2019 *AJICL* 308-331
Munongo and Bizah 2017 *IJER*
Munongo S and Bizah DS "Mobile Money Users' Challenges: Evidence from Developing Countries" 2017 *IJER* 77-88

Munyoro *et al* 2017 *IMPACT: IJRBM*
Munyoro G *et al* "The Significance of Mobile Money Transfer Facility to Zimbabwean Economy: A Case Study of EcoCash" 2017 *IMPACT: IJRBM* 1-20

Ngwenya, Pelser and Chivaura 2018 *SAJEMS*
Ngwenya B, Pelser T and Chivaura T "Perceptions of Post-Multicurrency Regime Financial Inclusion Confidence Challenges in Zimbabwe" 2018 *SAJEMS* 1-15

Ozili 2020 *IFR*
Ozili PK "Optimal Financial Inclusion" 2020 *IFR* 1-18

Phiri and Muponda 2016 *University of Zimbabwe Business Review*
Phiri C and Muponda G "Public Confidence and Its Impact on the Performance and Stability of Banks in Zimbabwe" 2016 *University of Zimbabwe Business Review* 1-14

Robb and Vilakazi 2016 *AJIC*
Robb G and Vilakazi T "Mobile Payment Markets in Kenya, Tanzania and Zimbabwe: A Comprehensive Study of Competitive Dynamics and Outcomes" 2016 *AJIC* 9-37

Sulieman and Salleh 2020 *Journal of Critical Reviews*
Sulieman DM and Salleh F "Anti-Money Laundering Risk Posed by Mobile Money Services in Sub-Saharan Africa" 2020 *Journal of Critical Reviews* 568-571

RBZ Monetary Policy
Reserve Bank of Zimbabwe Monetary Policy Statement 2013

RBZ Guidelines
Reserve Bank of Zimbabwe Guidelines for Retail Payments Systems and Instruments 2017

Wayne *et al* 2020 *Research Agenda Working Papers*
Wayne T *et al* "Technologies for Financial Inclusion in Nigeria" 2020 *Research Agenda Working Papers* 40-56
Winn 2016 *Social Sciences Research Network Electronic Journal*
Winn JK "Mobile Payments and Financial Inclusion: Kenya, Brazil and India as Case Studies" 2016 *Social Sciences Research Network Electronic Journal* 1-26

Winn and De Koker 2013 *Wash J L Tech & Arts*
Winn JK and De Koker L "Introduction to Mobile Money in Developing Countries: Financial Inclusion and Integrity Conference Special Issue" 2013 *Wash J L Tech & Arts* 155-164

**Legislation**

*Banking Act* [Chapter 24:20] 9 of 1999

*Banking (Money Transmission, Mobile Banking and Mobile Money Interoperability) Regulations, 2020* [Chapter 24:20]

*Deposit Protection Corporation Act* [Chapter 24:29] 9 of 2011

*Money Laundering and Proceeds of Crime Act* [Chapter 9:24] 4 of 2013

*National Payment Systems Act* [Chapter 24:23] 21 of 2001

*Postal and Telecommunications Act* [Chapter 12:05] 4 of 2000

*Reserve Bank of Zimbabwe Act* [Chapter 22:15] 5 of 1999

**Internet sources**

Bayona-Rodríguez, Rodríguez and Melo 2017 http://hdl.handle.net/1992/8677
Bayona-Rodríguez H, Rodríguez C and Melo JS 2017 *Financial Inclusion of the Poor and Money Laundering Indicators: Empirical Evidence for Colombia* http://hdl.handle.net/1992/8677 accessed 14 June 2021

Brenton and Chemutai 2020 https://openknowledge.worldbank.org/bitstream/handle/10986/33548/Trade-Responses-to-the-COVID-19-Crisis-in-Africa.pdf?sequence=1
Brenton P and Chemutai V 2020 *Trade Responses to the COVID-19 Crisis in Africa* https://openknowledge.worldbank.org/bitstream/handle/10986/33548/Trade-Responses-to-the-COVID-19-Crisis-in-Africa.pdf?sequence=1 accessed 14 June 2921

Burns 2015 https://dx.doi.org/10.2139/ssrn.2688585
Burns S 2015 *Mobile Money and Financial Development: The Case of M-Pesa in Kenya* https://dx.doi.org/10.2139/ssrn.2688585 accessed 14 June 2021
Dittus and Klein 2011 https://www.bis.org/publ/work347.pdf
Dittus P and Klein M 2011 *On Harnessing the Potential of Financial Inclusion: The Case of “Mobile Payments”* – BIS Working Papers No 347 https://www.bis.org/publ/work347.pdf accessed 15 June 2021

Fernandes 2020 http://dx.doi.org/10.2139/ssrn.3557504
Fernandes N 2020 *Economic Effects of Coronavirus Outbreak (COVID-19) on the World Economy* - IESE Business School Working Paper No WP-1240-E http://dx.doi.org/10.2139/ssrn.3557504 accessed 15 June 2021

Gas 2017 http://dx.doi.org/10.13140/RG.2.2.25176.39689
Gas SA 2017 *Mobile Money, Cashless Society and Financial Inclusion: Case Study on Somalia and Kenya* http://dx.doi.org/10.13140/RG.2.2.25176.39689 accessed 15 June 2021

Jenik, Kerse and De Koker 2020 https://www.cgap.org/sites/default/files/publications/2020_07_COVID_Briefing_Rapid_Account_Opening.pdf
Jenik I, Kerse M and De Koker L 2020 *Rapid Account Opening in a Pandemic: How to Meet AML/CFT Rules for Social Assistance Payments* https://www.cgap.org/sites/default/files/publications/2020_07_COVID_Briefing_Rapid_Account_Opening.pdf accessed 15 June 2021

Klein and Mayer 2011 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf
Klein M and Mayer C 2011 *Mobile Banking and Financial Inclusion: The Regulatory Lessons* - Frankfurt School of Finance and Management Working Paper Series 166 https://www.econstor.eu/bitstream/10419/48654/1/664524133.pdf accessed 15 June 2021

Levin 2013 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2013/07/EcoCash-Zimbabwe.pdf
Levin P 2013 *Big Ambition Meets Effective Execution: How EcoCash is Altering Zimbabwe’s Financial Landscape* https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2013/07/EcoCash-Zimbabwe.pdf accessed 15 June 2021

Lyman *et al* 2019 https://www.cgap.org/sites/default/files/publications/2019_08_28_Working_Paper_Beyond_KYCUtilities_0.pdf
Lyman T *et al* 2019 *Beyond KYC Utilities: Collaborative Customer Due Diligence for Financial Inclusion* – Working Paper https://www.cgap.org/sites/default/files/publications/2019_08_28_Working_Paper_Beyond_KYCUtilities_0.pdf accessed 15 June 2021
Malady and Buckley 2014 https://clmr.unsw.edu.au/sites/default/files/attached_files/regulation_of_mobile_money__state_of_play_article_april_2014.pdf
Malady L and Buckley R 2014 The Regulation of Mobile Money in Emerging Markets: State of Play https://clmr.unsw.edu.au/sites/default/files/attached_files/regulation_of_mobile_money__state_of_play_article_april_2014.pdf accessed 15 June 2021

Ozili 2020 http://dx.doi.org/10.2139/ssrn.3585662
Ozili PK 2020 Financial Inclusion and Fintech during COVID-19 Crisis: Policy Solutions http://dx.doi.org/10.2139/ssrn.3585662 accessed 15 June 2021

Potraz 2020 http://www.potraz.gov.zw/wp-content/uploads/2020/06/Sector_Performance_1stQ2020.pdf
Postal and Telecommunications Regulatory Authority of Zimbabwe 2020 Abridged Postal and Telecommunications Sector Performance Report First Quarter 2020 http://www.potraz.gov.zw/wp-content/uploads/2020/06/Sector_Performance_1stQ2020.pdf accessed 16 July 2020

Remolina 2019 https://doi.org/10.2139/ssrn.3475019
Remolina N 2019 Open Banking: Regulatory Challenges for a New Form of Financial Intermediation in a Data-Driven World - SMU Centre for AI and Data Governance Research Paper No 2019/05 https://doi.org/10.2139/ssrn.3475019 accessed 15 June 2021

RBZ 2016 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf
Reserve Bank of Zimbabwe 2016 National Financial Inclusion Strategy: 2016-2020 https://www.rbz.co.zw/documents/BLSS/FinancialInclusion/National-Financial-Inclusion-Strategy.pdf accessed 20 July 2020

**List of Abbreviations**

| Abbreviation | Description |
|--------------|-------------|
| AAFSJ | Academy of Accounting and Financial Studies Journal |
| AJIC | African Journal of Information and Communication |
| AJICL | African Journal of International and Comparative Law |
| AJSTID | African Journal of Science, Technology, Innovation and Development |
| AML | anti-money laundering |
| Acronym     | Description                                                      |
|-------------|------------------------------------------------------------------|
| B2B         | business-to-business                                             |
| B2P         | business-to-person                                               |
| CDD         | customer due diligence                                           |
| CFT         | counter-terrorist financing                                     |
| COVID-19    | Coronavirus disease                                              |
| DPCA        | Deposit Protection Corporation Act                               |
| FATF        | Financial Action Task Force                                      |
| Fed Comm LJ | Federal Communications Law Journal                               |
| FIU         | Financial Intelligence Unit                                      |
| ICTs        | information communication technologies                            |
| IFR         | International Finance Review                                     |
| IJECM       | International Journal of Economics, Commerce and Management       |
| IJER        | International Journal of Education and Research                  |
| IJHSS       | International Journal of Humanities and Social Studies           |
| IJMSBR      | International Journal of Management Sciences and Business Research|
| IJSER       | International Journal of Scientific and Engineering Research     |
| IMPACT: IJRBM| IMPACT: International Journal of Research in Business Management  |
| Int J Soc Sci Stud | International Journal of Social Science Studies                     |
| JIBC        | Journal of Internet Banking and Commerce                         |
| KYC         | Know Your Customer                                               |
| MJSS        | Mediterranean Journal of Social Sciences                         |
| MLPC Act    | Money Laundering and Proceeds of Crime Act                        |
| MNOs        | mobile network operators                                         |
| NFIS        | National Financial Inclusion Strategy                             |
| NPS         | National Payment System                                          |
| Nw J Int'l L & Bus | Northwestern Journal of International Law and Business         |
| OIDA        | Ontario International Development Agency                          |
| P2P         | person-to-person                                                 |
| PELJ        | Potchefstroom Electronic Law Journal                              |
| POSB        | Post Office Savings Bank                                         |
| Potraz      | Postal and Telecommunications Regulatory                         |
| Abbreviation     | Description                                                      |
|------------------|------------------------------------------------------------------|
| RBZ              | Authority of Zimbabwe                                            |
| SAJEMS           | Reserve Bank of Zimbabwe                                         |
| SIM              | South African Journal of Economic and Management Sciences        |
| SMS              | subscriber identity module                                        |
| Sing JLS         | Short Message Service                                             |
| Stan J L Bus & Fin | Stanford Journal of Law, Business and Finance                   |
| Vanderbilt J Transnat'l L | Vanderbilt Journal of Transnational Law                        |
| Wake Forest J Bus & Intell Prop L | Wake Forest Journal of Business and Intellectual Property Law |
| Wash J L Tech & Arts | Washington Journal of Law, Technology and Arts                  |
| Wash U Global Stud L Rev | Washington University Global Studies Law Review                |