The Use of Licensing to Promote Competition among Telecom Operators and the Growth of Mobile Telecommunication Networks in Nigeria, 2011-2022

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Abstracts: Many practitioners and investors have praised the use of licensing to enhance competition in the telecom sector due to its real effects on the Nigerian economy. However, since 2011, subscribers in the industry have had a mixed experience with the license issue due to problems with telecom companies' exploitative tendencies and antics, which make it difficult for customers to acquire reliable and reasonably priced telecoms services. With a focus on the institutional and legal safeguards put in place by the government to ensure that the operators abide by the licensing and regulation powers granted to them by the law, the study essentially examines how licensing affects competition among telecom operators and the expansion of mobile telecom networks in Nigeria. The paper's methodology adopted the documentary approach, and the data were ostensibly gathered from secondary sources and examined in terms of substance. Neo-liberal theory of the state provided a sufficient theoretical foundation for the examination of the study. The paper's findings demonstrate that while the expansion of Nigeria's mobile telecom networks is aided by the use of licensing to promote competition among telecom operators, consumers' access to affordable and high-quality telecommunications services is restricted by the exploitative tendencies and antics of telecom companies. The paper's suggestions were based on these findings, and one of them was that Telecommunications service tariffs must always be cost-oriented and reflect the actual costs borne by operators to provide the services in question.

Keywords: Licensing, Telecommunication, Telecom operators, Nigeria.

1. INTRODUCTION

In the past, it was thought that it was more efficient and affordable for one operator to provide telecommunications services than it was for many smaller operators to duplicate expensive and extensive network infrastructure at great expense to the physical environment and the overall economy. The "Natural Monopoly Industry" idea was used to describe this. Due to the high costs of network infrastructure, the majority of governments assumed direct control over the delivery of telecommunications services through their Public Switched Telecommunications Networks (also known as "PSTNs"), on the grounds that prices could be better managed and Universal Service could be more dependable guaranteed (Akonumah, 2018). The success of the privatization and liberalization initiatives that were launched in Europe in the 1980s, however, severely undermined the Natural Monopoly theory, and it is now widely accepted that telecommunications services are more effectively provided at higher quality and lower prices in a competitive environment. The ideal environment for competition is one in which there are numerous service providers and numerous potential customers, ensuring that no single service provider (or duo, or group of service providers) is able to arbitrarily set and maintain the price of services without taking the buying public into consideration or seriously taking the prices of other competitors offering comparable services within the same industry (Dimgba, 2009; PanAfrican Capital Plc.). As a result, with rigorous regulation and the intelligent addition of new service providers, sustained competition begins to take root inside the telecom industry, enabling regulators to gradually diminish their involvement in determining service rates.

Accordingly, regulations must forbid monopolies, oligopolies, and/or nepotism (Akanmu, 2014). The aforementioned details regarding the post-May 1999 growth of the Nigerian telecoms sector enable the NCC to start supporting the entry of various marketers by creating open licensing processes for various communications services (Mantu, 2020, p. 17–26). Nigeria's telecom market saw the fastest growth in all of Africa, growing from 500,000 phone subscribers in 2001 to over 108 million as of December 2012 (Web Trends Nigeria 2009; Obayemi, 2014). The NCC recognized effective competition in Nigeria's various communications markets over time with the aim of promoting long-term investment, growth, and innovation for the sector as a whole and its clients, and as a direct result, the telecommunications industry has made enormous strides (We are Social, Global Digital Statistics 2014). As a result, the NCC published the Nigerian Competition Practices Regulations in 2007. This is because, competition laws seek to enhance access to products, reduce costs, improve quality, and increase varieties/choices as well as opening of the market to more competition and the free entry of private investors in basic telecommunications services will propel network expansion and efficiency across the sector (Waverman, Meschi, and Fuss, 2005; Gutiérrez, 2003; Spiller, 2005; Lyon and Li, 2003; Cubbin& Stern, 2006; Obayemi&Adegbola, 2014).

Due to the exploitative tendencies and antics of telecom companies, which prevent customers from accessing affordable and high-quality telecommunications services, subscribers to the telecom sector have had a mixed experience with the license issue despite the extensive institutional and legal safeguards put in place by the government to ensure that the operators live within the law. Although, scholars have made some intellectual contributions as regard the use of licensing to promote competition among telecom operators and the growth of the mobile telecommunication networks in Nigeria on separate levels but failed to provide an empirical linkage between them. Additionally, the existing literature did not provide systematic analyses of the ineffectiveness of the complex institutional and legal safeguards put in place by the government, such as licensing procedures and other anti-monopoly measures, to ensure that telecom operators abide by the licensing and regulation provisions of the law. The purpose of the current study is to fill this information gap in light of the aforementioned knowledge gap. Consequently, this paper is separated into eight sections: The first part introduces the topic; the second clarifies concepts; the third looks at the theoretical framework; the fourth deals with methodology; the fifth covers licensing procedures in Nigeria; the sixth looks at anti-monopoly measures in the telecom industry; the seventh concentrates on conclusion; and the eighth and final part wraps it up with recommendations.

2. CONCEPTUAL CLARIFICATION

License In exchange for payment of a fee, a state or municipality may grant you a license. The privilege allows the possessor to engage in one or more activities that are otherwise prohibited. One party (the licensee) grants another party (the licensee) authorization to carry out an act or make use of a material through the issuance of a license. A telecommunications license is necessary for the sale, provision, or operation of any telecommunications service and is subject to telecommunications law. The license gives you the go-ahead to offer telecom services. It describes the terms and conditions for the provision of telecommunications services, as well as the rights and obligations (Mantu, 2020, P, 4). Generally speaking, licensing is a means of achieving the objectives of a country's national telecommunications policy. The objectives of telecommunications service licensing vary per country. The industry may be controlled solely by the government or it may be privatized, in which case the government will set the terms and circumstances for the regulation of telecommunications services. Control and regulation are mostly influenced by national policies. In conclusion, a country's economic progress has a big impact on how telecommunications services are licensed. The licensing procedures might be essentially the same; after being granted, a license has an expiration date. A license may be cancelled, suspended, transferred, or renounced, and it may also include provisions for renewal subject to certain conditions.

Telecommunication: The roots of the word "telecommunication" are the Greek prefix tele (-), which means "distant" or "far off," and the Latin verb commnicre, which means "to share." However, the term "telecommunication" was originally used in 1904 by French writer and engineer Edouard Estaunié. It is customary to refer to communications involving the electronic transfer of information across long distances as "telecommunication." According to Newton's Telecom Dictionary, cited in Odion (2016), "telecommunication" is defined as "the art and science of communicating over a distance by telephone, telegraph, and radio (which includes) the transmission, reception, and switching of signals, such as electrical or optical, by wire, fiber, or electromagnetic means." The development of other economic sectors and businesses, such as agriculture, education, industry, health, banking, defense, transportation, and tourism, is supported by this essential infrastructure (Hassan et al., 2009; Iwuagwu, 2014, p. 3).

3. THEORETICAL FRAMEWORK

The study looked at how licensing could be utilized to promote telecom operator competition and the growth of mobile communications networks in Nigeria using the Neo-liberal Theory of the State as the analytical framework. Neo-liberal state theory starts to take shape by the middle of the 1970s and continues through the middle of the 1980s. The theory was created as a reaction to the extreme levels of resentment and disillusionment with the Welfare State in liberal capitalist democracies, where the State itself was resentful and perplexed with the citizens due to what seemed to be endless demands and a lack of desire to improve their lot through independent initiative in the UK, the USA, and other western democracies. Some of the prominent proponents of this idea were Milton Friedman, Robert Nozick (1974), and Friedrich von Hayek. Neoliberalism's basic tenet was that the government ought to play a significant role in investment selection, in controlling the economic pinnacle, and in intervening to address market imperfections. As a result, beginning in the early 1980s, neoliberals favored strict monetary policy in accordance with the International Monetary Fund's (IMF) and World Bank's guidelines, limiting the role of the state, and establishing a liberal economy as the main options for policy, particularly for the numerous third-world countries that were already enmeshed in dire financial crises. As a result, several of these countries, including Nigeria, enacted policies that supported dereglementation and the privatization of state-owned enterprises (Iwuagwu, 2014, p. 3).

Given the foregoing, Neoliberals argue that the best method to improve human well-being is to release individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade (Harvey 2005). As a result, it is the state's duty to provide and maintain an institutional setting that is appropriate for these behaviors. It must construct the military, defense, police, and legal institutions and activities required in order to defend private property rights and guarantee the normal functioning of markets (Harvey, 2005). Friedman advocates the voluntary exchange of goods and services between buyers and sellers through fostering economic freedom, which was necessary for political freedom. His beliefs embody the mainstream neo-liberal viewpoint. This is consistent with other philosophical traditions that promote related principles. According to Friedman, the consequences of government attempts to reform the economy, legislate morality, or aid special interests come in the form of inefficiency, a lack of innovation, and a loss of freedom; as a result, the government should be a referee rather than an active participant. The 'Minimalist Role for the State' is promoted by the Neo-liberals. Neo-liberals support a "Minimalist Role for the State." They have a natural aversion to the government. They view government participation as disrupting the natural order of life, whether it be in terms of how the market operates or how social relationships within a society are established and acted upon (Davies, 2014; Dardot & Laval, 2014; Brown, 2015).

The application of this theory to the study demonstrates that the state must act as the regulator and guarantee of economic competition by enacting and upholding competition (anti-trust) law. This illustrates that while competition can be considered as an ideal that comes from the market, it is not something that real-world markets will defend if left to their own devices. Businesses, people, and entrepreneurs are equally prone to create cartels, avoid competition, or attempt to repress it. Therefore, the state performs a crucial regulatory and legal purpose. In this sense, the 'liberal' state and the 'free' market both rely on the state to act as their policeman and, alternately, their source of law. Given the unique characteristics of competition as a foundation for social interaction, it makes reasonable that telecom companies and other spheres of existence be regulated in ways that make them competitive and instill individuals with a respect for competition generally. Neo-liberal conceptions have connected governmental institutions along competitive principles when it is practical to do so in order to minimize the monopolistic power of the state through outsourcing and make "national competitiveness" a nebulously defined goal of all policy. The rules of competition were now removed from democratic politics, where they could not be changed, to allow unelected commissions, regulators, and auditors to play a helpful role in defending competition from short-sighted political counter-movements. In order to promote healthy competition among service providers and ensure the delivery of efficient and high-quality telecoms services across the entire country, the aforementioned describes anti-monopoly measures in the Nigerian telecom sector as well as how licensing is used to control competition under the Nigerian Communications Act 2004.

4. METHODOLOGY

Ex-post facto research design was employed for the investigation. utilizing secondary and archival sources, information was acquired utilizing a qualitative data gathering technique. This method is believed to be a suitable tool for data collection given that the events took place before to the study and that the researcher cannot alter or influence the elements. In an ex-post facto design, the researcher attempts to connect some already noticed consequences or phenomena to particular variables as causal agents, according to Nworgu (2006). The researcher finds that the subjects have already been allocated to or categorized into various degrees of the variables whose effects are being studied when the study first gets underway. The researcher must instead use independent variables that are immutable since they cannot be changed. A qualitative approach, according to Umar (2016), emphasizes characteristics of entities, processes, and meanings that cannot be experimentally tested or defined in terms of quantity, amount, intensity, or frequency. This serves as the foundation for the study design.

LICENSING PROCEDURES IN NIGERIA

A telecommunications license is necessary for the sale, provision, or operation of any telecommunications service and is subject to telecommunications law. The objectives of telecommunications service licensing vary per country. The country's strategy, which may involve granting the government a monopoly over the business or privatizing it while setting rules and regulations for the control of telecommunications services, will be a major factor in control and regulation. In countries where the regulatory framework for telecommunications has been established, the substance of licenses is frequently shorter. To provide a full regulatory framework for the operator or services being licensed where it is not well developed, licenses usually include information in a bit (Mantu, 2020, P, 4). Nigeria appears to only accept class licenses known as individual operator licenses and general authorizations, like the majority of developing countries. Section 32 of the Nigerian Communications Act of 2003, which states the following: supports this assertion.

> The Commission issues communications licenses for the operation and provision of communications services or facilities by way of class or individual licenses, subject to the terms and conditions that the Commission may from time to time determine, taking into account the purposes of this Act and the rules set forth in section 33(3) of this Act.

Given the foregoing, Section 32 of the NCC Act outlines other categories of licenses that operators may select from in addition to individual licenses. For instance, the authorization's terms, conditions, obligations, scope, and limitations are specific to the service being provided in a given license. An auction, "first come, first served," "beauty contest," routine administrative procedure, or in compliance with the regulator's standards could all be used in the licensing process. All license holders are subject to the same conditions and limitations since a class license functions as a type of general authorization. NCC Act Section 31 of Nigeria makes permits necessary for operating a communications system or facility and providing a communications service in addition to the aforementioned requirements. In light of the aforementioned, Section 31 (2) of the Act declares that:

> Anyone who violates this section's subsection (1) is guilty of an offense and faces one of the following penalties after being found guilty: Upon conviction, the person must also forfeit to the Commission the property, facilities, and installed equipment. The following punishments are available: (a) a fine not less than the initial license fee; (b) a fine not greater than ten times the initial license fee; (c) a term of imprisonment not exceeding one year; or (d) both such a fine and imprisonment.

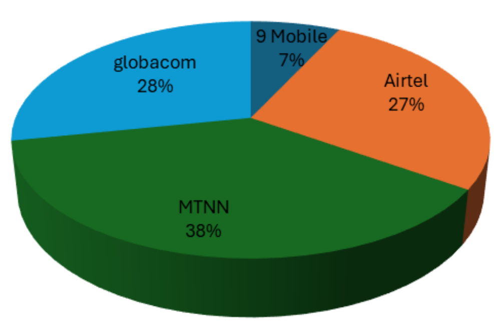
As was already established, unlicensed telecom service providers and operators risk fines and/or jail time. The license granted to the licensee is personal to the licensee and cannot be used by, assigned to, sublicensed to, or transferred to any other business without the prior written agreement of the Commission, according to the NCC Act. A licensee is also required to follow all guidelines outlined in his license, the Act's rules, and any related legislation. For instance, Nigeria's requirements and application process for personal licenses require that the applicant pay $1,000.00 to the Nigerian Communications Commission for an application form. The application is finished by the applicant, who also supplies a second copy. The applicant must make copies of and attach the following relevant documents: First, a certificate of incorporation. B. Tax Clearance Certificate. c. An authenticated copy of the bylaws and articles. d. A certified authentic copy of Form CO7. g. if necessary, a feasibility report for the desired service. f. Three passport photos of the authorized representative. g. director passport photos for the business. Applications are provided in three copies, spiral-bound, with all necessary supporting documentation. The amount applicants must pay varies, thus queries at the Commission are necessary to determine the appropriate fees. A 5% non-refundable administrative fee of the relevant licensing fee is due at the time the application is filed. After approval, the licence fee is paid to the NCC.

On the other hand, a candidate must pay $1,000 to obtain an application form from the Nigerian Communications Commission in order to apply for a Class Licence. The applicant fills out the application, prints a backup copy, and attaches copies of all necessary paperwork, such as the following: a tax clearance certificate; b a certified true copy of the articles and memorandum of association; c a certified true copy of form CO7; d a pair of approved representative's passport photos; e a certification of qualified technical staff; f a certificate of incorporation or registered business name; and g a certified true copy of the articles and memorandum of association. G. A description of the anticipated service; and h. Passport-based photos of the firm or sole proprietorship's directors. Spiral-bound, in duplicate, the application is sent with all necessary supporting materials. At the time of submission, the applicant must pay a license fee of ten thousand naira ($10,000.00). The licensing of various telecom companies as a result of the aforementioned led to the expansion of mobile telecommunication networks in Nigeria.

Since 2001, when the telecoms market was deregulated and liberalized, mobile telecommunication networks have expanded throughout Nigeria. Due to this, mobile telecommunications networks, specifically GSM, became the main form of communication in Nigeria, eclipsing fixed line telephones. For instance, between 2000 and 2010, the industry experienced the highest growth in Nigeria, rising at a normalized average rate of 34.9%, before slowing to an average growth rate of 4.6%, especially from 2011 onward. Mobile subscriber saturation, the 2016 recession paired with fierce rivalry, and regulatory restrictions could all be contributing factors to the slowing in growth. As of December 2019, the mobile telecoms networks made up 19.6% of the economy's larger services sector. Additionally, it was shown that consumer spending habits contributed to the expansion of mobile communication networks in Nigeria. The entire consumer spending on telecommunications in 2019 was 2.2 trillion yen, or 5.5% of non-food consumption expenditure, according to the Consumer Expenditure Pattern Report. Due to the rising demand for voice, internet, and mobile money services, consumer spending has increased significantly compared to a share of 0.7% from CPI Weights based on the 03/04 NLSS to support sector growth.

Above all, it was highlighted that significant investment contributed to the expansion of Nigeria's mobile telecom networks. The NCC estimates that during 2019, overall investments in the Nigerian telecom sector have reached $70 billion, according to Egwuchukwu (2020). According to the NBS data on GDP, the telecoms sector has contributed more than $7.4 trillion since 2019, an increase of 11.4% year over year, indicating that it is a particularly resilient and quickly expanding sector of the economy. The sector has grown as a result of these investments. This is because substantial industry investment has enabled the development of network infrastructure across Nigeria and that intense competition has reduced the cost of services. In Nigeria's oligopolistic mobile telecoms market, MTNN, AIRTEL, GLOBACOM, and 9MOBILE are the four main operators. The graph below demonstrates Nigeria's leading position in the mobile telecoms industry based on GSM subscriptions from December 2019.

Chart 1: Nigeria's mobile Telecoms market share based on GSM subscriptions since December, 2019.



Source: NCC, Afrinvest Research (2020)

According to the aforementioned graph, as of 2019, MTNN has the largest market share, accounting for 38.2% and 42.9%, respectively, of all voice and data subscribers, while GLOBACOM has fallen behind, accounting for 28.0% and 22.9%. Similar to this, 9MOBILE has the fewest phone and data users (7.4% and 6.4%, respectively), followed by Airtel Nigeria with 27.2% and 27.4% of all subscribers. Given the foregoing, it has been noted that the extension of Nigeria's mobile telecom network has the potential to enable full development, and supportive policies may increase digital inclusion and encourage even greater growth. Nigeria, which now has the largest economy in Africa, also has the largest mobile market in terms of consumers in the continent. Since its debut in 2001, mobile services in Nigeria have grown to have more than 83 million unique subscribers. The sector has grown as a result of a competitive market, the introduction of 3G services in 2007 and legal advancements such the implementation of mobile number portability in 2013. The four largest mobile service providers in Nigeria (MTN, Globacom, Airtel, and Etisalat) now provide both 2G and 3G services, but only account for 0.15% of total connections. The benefits of digital inclusion have spread more widely thanks to mobile, yet the sector has not yet reached its full potential. Due to its low unique subscriber mobile penetration, Nigeria has the sixth-highest mobile internet penetration in Sub-Saharan Africa, trailing only a few countries with lower per capita incomes and those with a comparable level of economic development, even though its economy has since 2014 surpassed South Africa's as the continent's largest economy. In terms of internet penetration, the graph below compares Nigeria's mobile telecom network expansion to that of various other African countries.

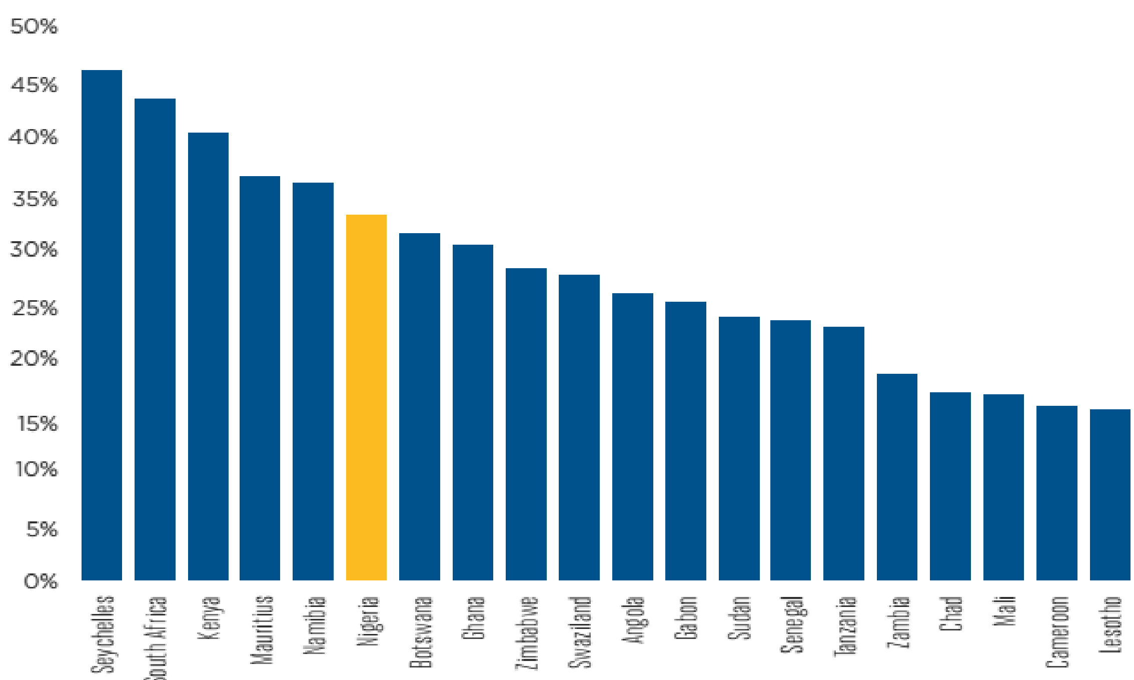


Figure 1: *Mobile internet penetration (unique subscribers as percentage of population) in top 20 Sub-Saharan African countries since Q1 2015 Till Date*

Source: GSMA Intelligence database

According to Figure 1, Nigeria has the eighth-highest rate of mobile internet penetration among Sub-Saharan African countries (33% of the population), lagging other significant mobile markets like South Africa and Kenya, where the rates are respectively 43% and 40%. Less than half of Nigerians have their own connections, even though sharing mobile phones among users expands access to mobile phones. Because of this, many Nigerians are still unable to use even the most fundamental mobile services. In concluding the sequel, we contend that the likelihood of new entrants into the industry is still slim due to economies of scale and the strong capability for major capital expenditure, research, and advertising spend. Despite the significant progress made in the sector, there is still room for further expansion as broadband penetration has remained weak at 37.8% since 2019 in comparison to peers like South Africa and Egypt, indicating that additional investment is required given the promising earnings prospects. As of the now, our coverage mobile telecoms networks' Average Revenue per User (ARPU) is still low compared to levels in comparable nations like South Africa and Egypt. We think that platforms of operators may be used to drive change in other industries, particularly financial services, and produce better financial results. The rate of industry expansion and investment would be impacted by the pace and responsiveness of regulation. This is done so that more Nigerians can gain from the exchange of information for social and commercial goals, increased productivity, and improved information access. In Nigeria, the development of mobile communication networks has greatly promoted digital inclusion. Although customers who use mobile services can reduce their costs for transportation, communication, and transactions thanks to mobile networks. Mobile technology has improved the efficiency of agricultural production and distribution, which has helped the agricultural sector the most. More importantly, mobile services have made it possible for customers to access necessary information such as health advice, educational resources, and government services because mobile operators and other local business owners are already using apps and SMS-based services to distribute content to subscribers. For instance, Glo has partnered with the National Health Insurance Scheme to enable subscribers to access healthcare in exchange for premia paid over the mobile phone; Nova-Lumos mobile electricity is a joint project between MTN and Nova-Lumos to provide electricity to MTN customers living in rural areas that are not connected to the electricity grid; the m4change program supports for the health of pregnant women and new mothers in Abuja and Nasarawa state; and the Nokia L7 is a low-cost alternative to the Nokia N series. In actuality, Nigeria's four mobile service providers are already at the heart of a complicated and increasing local ecosystem that includes players like equipment vendors, app developers, VASPs, handset and airtime dealers, and suppliers of other services utilized by mobile operators. The NCC's licensing program, the supportive regulatory environment it built, and the competition policy, including the anti-monopoly measures it supported, were all directly responsible for these huge achievements in the telecommunications industry over the years. More significantly, the industry's rapid expansion has also improved the sophistication and maturity of particular networks, sparking fierce competition among its participants via anti-monopoly measures.

ANTI-MONOPOLY MEASURES IN THE NIGERIAN TELECOM INDUSTRY

During the colonial era and the years that followed independence, when the Nigerian government held a monopoly on the fixed telephone-based telecommunications sector, Nigeria underwent change. The prior era was characterized by the exclusion of private investors, a lack of competition, a lack of responsibility, and clear-cut state regulation, according to Awosika (2014) and Olumide & Obayemi (2014). Institutionalized processes and controls were consequently needed to tame untamed, aggressive anti-trust corporate practices. Given the increase in investments in the telecom sector, the government's economic policies, investment goals, intention, and intent cannot be compromised. According to Waverman, Meschi, and Fuss (2005), cited in Obayemi & Adegbola (2014), anti-monopoly measures are important for regulating the behavior of mobile telecom operators in both developed and developing countries because they are essential to the development of a modern telecommunications infrastructure. According to Shaffer (2004), cited in Obayemi & Adegbola (2014), the absence of the aforementioned could also enable telecommunications corporations to enter into anti-competitive agreements, abuse their market positions, or embrace monopolistic behaviors and market structures. To protect telecom operators against monopolization, licensing is currently absolutely important for the following reasons: First, when there is a market power abuse, which occurs when one supplier has sufficient clout to undercut the competition and make it difficult for them to operate in the market.

Second, there is concern that a dominating provider could eliminate competitors entirely in order to monopolize the market and charge customers exorbitant costs (Aihevba, 2006; Muhammad & Oyinwola, 2019, p. 6). These unfavorable conditions seriously affect customers for the following reasons: It opens the door for anti-competitive agreements to happen, especially when all or the majority of suppliers in a given region or market sector band together and enter into agreements with the goal of selling their goods at an inflated price (DePemphilis, 2013). As a result, there would be little chance for new enterprises to enter the market, which would have the effect of stifling the production of alternative products (PanAfrican Capital Plc, 2011; Ugwunta, Ani, Ugwuanyi, &Ugwu, 2012). The Nigerian Telecommunications Commission made several important provisions in the form of competition (anti-trust) laws as well as the use of licensing to regulate competition in order to prevent certain monopoly practices by telecom operators through the instrumentality of NCA of 2003 and 2004 in recognition of the importance of the aforementioned. A typical example of an NCA Act or law used to prevent monopoly and its essential provisions are shown in the table below.

Table 1: NCA Act/Laws Used to Prevent Monopoly and their Key Provisions

S/N	Anti-monopoly laws	Section	Subsections	Key provisions
1	NCA Act 2003	31		In Nigeria, obtaining a license is essential for running a communications facility or system and offering communications services. It is illegal and punishable to not get authorization under a communications license or to request an exception in accordance with regulations set by the Commission under the Act.
2	NCA Act 2003	31	(2)	Any person who violates subsection (1) of this section is guilty of an offense and, upon conviction, is subject to one of the following punishments: (a) a fine not less than the initial license fee; (b) a fine not greater than ten (10) times the initial license fee; (c) a term of imprisonment not to exceed one (1) year; or (d) both such a fine and imprisonment; Provided, however, that upon conviction, the person shall also forfeit to the Commission the property, facilities; and
3	NCA 2003	2	(1)	Anyone who (a) sells, offers for sale, or otherwise transacts in any telecommunications equipment without legal authorization or a license from an approved agency is guilty of an offense; (b) uses or purchases any telephone service or other telecommunications service in or from a telephone call office that has not been authorized by the approved agency.
4	NCA 2004	90		As it relates to the Nigerian communications market, the NCC shall have sole authority to determine, pronounce upon, administer, monitor, and enforce compliance by all parties with all applicable general and/or special competition rules and regulations.
5	NCA 2004:	90	(1)	The NCC may provide rules and recommendations that specify how licensees must pass the "dominant position" test.
6	NCA 2004:	90	(2) & (3)	The NCA also authorises the NCC to direct a licensee in a dominant position in the communications market to cease a conduct in that market which has, or may have, the effect of substantially lessening competition in any communications market and to implement appropriate remedies.
7	NCA 2004:	92	(4)	The Nigerian Competition Practices Regulations 2007 were published in 2007 to strengthen the NCC's regulatory role and powers. They: a) provide additional guidance on the standards and procedures, which the NCC will apply in determining whether a particular conduct constitutes a substantial lessening of competition for the purposes of the NCA; b) clarify what agreements or practices the NCC will find to be anti-competitive and, therefore, prohibited

Source: Mantu, 2020). *The Legal Framework for Licensing Telecommunications Services in Nigeria:* Ministry of Justice, Plateau State, Jos

Because they solely regulate antitrust issues that concern the telecommunications industry, the regulations mentioned above and detailed in the table concentrate on NCC licensees. They also try to stay away from monopolies. This is so that everyone abides with competition rules and regulations, whether they are general or particular to the Nigerian communications market, according to Section 90 of the NCA, which states that the NCC has the only jurisdiction to decide, rule on, administer, monitor, and enforce compliance. For instance, the NCC is empowered by the NCA (NCA 2004: Section 90(1)) to determine whether a licensee has a dominating position in any particular segment of the Nigerian communications market.

CONCLUSION

In conclusion, it is undeniable that the development of mobile communication networks in Nigeria has been aided by the use of licensing to encourage competition among telecom carriers. This is accomplished through the licensing of numerous telecommunications firms, as well as other anti-monopoly measures like competition (anti-trust) laws and the use of licensing to regulate competition through the Nigerian Communications Act 2004 under Section 91 (3), which forbids a licensee from engaging in any practice that would significantly lessen competition in the sector. This is so that the market for basic telecommunications services can be made more competitive and open to the free entry of private investors in the hopes that this will spur network growth and efficiency throughout the industry. Competition laws also seek to increase access to products; lower costs improve quality, increase variety/choices, and increase market opening to more competition. But due to the exploitative tendencies and antics of telecom companies, such as price fixing, market sharing, boycotting rivals or suppliers of equipment to licensees of other licenses, bid rigging, market and customer divisions, predatory pricing, cross subsidization, and excessive pricing, the issue of license has been a mixed bag for subscribers in the sector despite the existence of such laws.

RECOMMENDATIONS

The following recommendations are made in order to further improve the use of licensing to encourage competition among telecom operators in light of the study's findings and conclusions:

(1). Market structures, especially market sectors that can be exposed to anti-trust tactics, need to be reviewed on a regular basis. In addition to this analysis, there should be continuous assessments of the amount of competition within selected telecom markets and periodic evaluations of the presence of dominance in all telecom markets in Nigeria. As long as the telecom market is regularly watched, stakeholders will be vigilant.

(2). Pricing for telecom services should always be cost-oriented and take into account the actual expenses operators expend to provide the services in question. This means that both operators and their customers must be able to grasp the principles guiding tariff setting, including the requirements for both current pricing and changes to those prices over time. Aiming to be as economical as possible to the largest pool of potential service users, the rules should alternatively not be focused on generating enough money for regulated operators to cover their investments**.**

(3). Most importantly, there ought to be rules for striking a fair balance between the public interest and the economic interests of mobile operators. In light of this, the ncc should be urged to formulate a tariff regulation regime for the mobile industry in order to implement the ntp's policy recommendations. If it has already done so, it should be urged to publish the regime on its website and other publicly accessible media for the benefit of both operators and customers. With regard to the expense of providing mobile services as well as the lengthy exclusivity time granted to the operators for recouping their investments, the main goal of such a system will be to ensure that end-user rates are reasonable and fair. The protection of the public interest must always come first in the minds of telecom regulators, even though it is crucial to guarantee investors an acceptable return on their financial investments.

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