



AFRICAN DEVELOPMENT BANK GROUP

**AFUR & AFRICAN DEVELOPMENT BANK PRESENT  
A VIRTUAL WEBINAR ON  
REGULATORY INDEPENDENCE AND AUTONOMY  
29<sup>TH</sup> NOVEMBER 2023 @ 14:00 – 16:30 SAST**

**29<sup>th</sup> November**

<b>14:00 to 14:10</b>	Opening Remarks <b>Dr Honore Tapamo, Chairman AFUR</b>
<b>14:10 to 14:15</b>	Welcome Remarks <b>AfDB</b>
	<b>Presentations</b>
<b>14:15 to 14:35</b>	Regulatory Independence and Autonomy <b>AfDB</b>
<b>14:35 to 14:55</b>	Regulatory Independence and Autonomy – A Ugandan Case Study <b>Eng Ziria Waako, CEO, Energy Regulatory Authority (ERA), Uganda</b>
<b>14:55 to 15:15</b>	Regulatory Independence and Autonomy – A Senegal Case Study <b>CRSE, Senegal</b>
<b>15:15 to 16:00</b>	<b>Panel Discussion - Regulatory Independence vs Autonomy</b> <b>Moderator: Mr James Manda, Technical Manager, AFUR</b>
<b>Panellists</b>	AfDB; CRSE; ERA; NARUC
<b>16:00 to 16:15</b>	Questions and Discussion
<b>16:15 to 16:20</b>	Closing Remarks <b>Debbie Roets, Executive Secretary, AFUR</b>

## ABOUT THE TOPIC

Regulators have a crucial role to play in the economy and society. They ensure that the provision of Utility services goes uninterrupted: clean water runs in our taps, the lights remain on, and that infrastructure development is unhindered. However, these lofty ideals may not be realized and therefore fail to deliver these public services if their activities are unduly influenced, whether by the regulated industry, government, politicians or outside interest groups. For example, an electricity tariff increase that is justified by the operator's costs can be opposed by consumer groups or politicians wishing to make hay. Equally, the operator may lobby for higher prices, unnecessarily prioritising shareholders over consumers. This concept note will therefore endeavour to provide some insights and make a distinction between regulatory Independence and regulatory autonomy. The concept note will further explore the meaning, significance, and differences between regulatory independence and regulatory autonomy.

Regulatory independence and regulatory autonomy are both crucial concepts in modern governance and policymaking. While they share certain similarities, they also have notable differences that set them apart.

Regulatory independence refers to the ability of regulatory agencies to perform their functions without undue influence or interference from other branches of government or outside forces. These agencies are granted the power to make decisions on matters such as enforcement actions, rulemaking, and policy development without political pressure. The principle of regulatory independence is essential in ensuring that regulatory agencies remain impartial and free from political influence. It promotes the provision of fair, consistent, and unbiased regulation that is not influenced by outside interests.

On the other hand, regulatory autonomy refers to the extent of independence that regulatory agencies have to operate independently while remaining accountable to their parent agencies. [Remember the key word here is accountability]. It gives these agencies the flexibility needed to make decisions that suit their specific jurisdictions and the expertise of their staff. Regulatory autonomy is an important element in ensuring regulatory agencies can operate efficiently and effectively by adapting to the dynamic nature of the market and regulatory environments.

Thus, while both regulatory independence and regulatory autonomy are geared towards ensuring that regulatory agencies can perform their functions effectively, they differ slightly in their nature. One of the primary differences between the two concepts is the extent of influence that external forces can exert over regulatory agencies. While regulatory independence prohibits any external party from influencing the regulatory process, regulatory autonomy only limits external influence to a certain extent.

Another significant difference is that regulatory autonomy grants regulatory agencies more flexibility to adapt their operations to suit their contexts. The principle of regulatory autonomy recognizes that different jurisdictions may have varying regulatory landscapes where one size does not fit all. For instance, a regulatory agency in an urban area may have different regulatory challenges than one in a rural area.

In contrast, regulatory independence puts the emphasis on ensuring that regulatory agencies remain impartial and free from interference, which may be necessary in situations in which powerful external parties may try to exercise undue influence. In this case, the need for regulatory independence will be greater than the need for regulatory autonomy.

In conclusion, regulatory independence and regulatory autonomy are two important principles that underpin the effective operation of regulatory agencies. Both principles aim to ensure that regulatory agencies operate without undue influence, while remaining accountable and adapting to their jurisdictions. The primary differences between regulatory independence and regulatory autonomy arise from the extent to which regulatory agencies can operate independently and the degree to which external forces can influence them. Ultimately, both principles are essential in ensuring fair, consistent, and effective regulation.

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