

**Press statement by Mr. Francis Wangusi, Ag. CCK Director General, on Migration of Broadcasters Forum to the New Licensing Framework, on 10<sup>th</sup> November 2011 at the CCK Boardroom**

**Distinguished Members of the Fourth Estate**

The landscape of Information and Communications Technologies (ICTs) today is witnessing tremendous transformation. This is the case in all facets of ICT including broadcasting. The Broadcasting sector today is witnessing diversity and every Kenyan can identify with the various broadcasting stations in the country. You will agree with me that the changes have come as a result of the joint effort both from the government and the players, as well as the viewers and listeners who have a big role to play in determining the content aired on those stations. Looking back in the earlier years, the market was narrow with only one broadcaster, Voice of Kenya at the time. Now, Kenya boasts over 100 stations spread countrywide.

These changes have come about as a result of the regulatory reforms that have yielded various market segments. Today an investor in the broadcasting sector can choose from five service areas either in the category of Public Broadcasting; Commercial Broadcasting; Community Broadcasting; Subscription Broadcasting or Signal distribution.

The Broadcasting sector was ushered into a new era in 2009 following the amendment of the Kenya Communications Act 2008 and the introduction of the Kenya Communications (Broadcasting) Regulations in 2009. As you all know, Communications Commission of Kenya was at that time also vested with additional mandate, through these legal tools, to license and regulate broadcasting services in Kenya. Subsequently, the Kenya Information and Communications Act, Cap 411A gave broadcasting permit holders a transition period of one year to obtain licences from the Commission under the new regime. However, this transition was not to happen as envisaged due to the litigations that hindered the effective implementation of the Kenya Information and Communications Act. This may probably explain why existing broadcasters are still operating with expired permits.

However, I am happy to note here that the Commission continued to be proactive in developing various regulatory tools including the licensing framework, the draft broadcasting programming guidelines and draft complaints handling procedure. Consultations with the public have already been undertaken to ensure the documents are fit for use in regulating the broadcasting sector.

In order to operationalize this new framework and effect the migration of the broadcasters to the new regime, the Commission notified all broadcasters on 15<sup>th</sup> August 2011, providing a window of three months for submission of applications for licences as provided for in the Kenya Information and Communications Act, Cap 411A. It is the intention of the Commission to ensure that the migration is smooth by giving priority to the existing broadcasters. In effect, we notified over 100 exiting broadcasters who constitute both radio and television broadcasters, cable television operators, satellite television operators, mobile television operators and Internet protocol television service providers. It is worth noting that the issuance of new licences will firstly be on the basis of the existing resources and frequency licences that were legitimately assigned by the Commission. In this respect, the Commission shall also take action against any broadcaster in possession of illegal frequency resources after the lapse of the 15<sup>th</sup> November 2011 deadline.

As the deadline approaches, the Commission continues to receive numerous enquires and high interest from the existing broadcasters. The team at the Commission is on hand to provide the necessary advise on the application process and ensure all those making submissions are fully guided where necessary.

We also understand that this is a new area not only for the Commission but equally for the industry, and consequently, we are bound to have challenges as we begin the journey in the new era. We are however encouraged by the rate of response from the industry. It is also our hope that those who have not made their applications to do so by the stipulated deadline of 15<sup>th</sup> November 2011. The process is open and transparent. We would wish to emphasize that we have put in place a team to be at the disposal of our customers and ensure no last minute submission misses out.

The Commission further wishes to assure the existing broadcasters that we have respect for legitimate investments which are already in place and will therefore

uphold and protect them accordingly. We are also exploring ways of fast tracking the application process to minimize any possible disruptions of this very critical service. On the part of broadcasters, CCK would like to call for compliance in order to help the process move forward in an amicable manner. A number of broadcasters have been in consultation with the Commission and have been guided appropriately. Nevertheless, we also wish to emphasize that lack of a broadcasting licence under the prevailing legal framework may result into loss of spectrum resources or withdrawal of the frequency licence held. This therefore means that failure by an existing broadcaster to apply for a licence will be interpreted to mean that the broadcaster is no longer interested in providing those services and the repossession of the frequency resources held will therefore take effect.

Let us all endeavour to create an efficient broadcasting industry that can service the high demands of the viewers and investors alike. You all appreciate that spectrum is a scarce public resource and it is therefore incumbent upon the Commission, on behalf of Kenyans, to see how best we can achieve plurality, diversity and more innovation yet still maintain a vibrant sector.

Thank you all for your attention.