

Strategies and special needs for regulators for transition to IMT 2000: A Kenyan Response

By:

Mercy Wanjau – Principal Legal officer, Communications Commission of Kenya

Mwende Njiraini – Assistant Engineer, New Technologies and Internet Services, Communications Commission of Kenya

Fixed mobile convergence allows seamless services between fixed and mobile networks. This convergence provides opportunities for the provision of enhanced and integrated services by fixed and mobile operators. Fixed mobile convergence creates a situation where mobile networks can substitute fixed networks if mobile operators offer the similar tariffs, services and quality of services as fixed line operators. In this environment, therefore, the regulator's role is to foster fair competition between fixed, mobile operators and value added service providers for the ultimate benefit of consumers.

Like most other developing countries Kenya has a low fixed-line teledensity and Internet penetration and has in recent years experience explosive growth of mobile telephony. This growth provides an opportunity for fixed-mobile convergence. Consequently, the regulator needs to adopt responsive strategies and policies to facilitate the smooth transition to fixed-mobile convergence.

An enabling policy and regulatory environment is critical in ensuring that the global realities of convergence provide benefits for the country. The challenge however is that no one solution exists as the ultimate regulatory response for convergence. The objective of any regulatory framework that may be applied should therefore take into consideration the administrative, legal, cultural and social factors existing in a country.

This paper seeks to share the Kenyan experience and will address among other issues the telecommunication sector reforms that have been implemented to encourage private sector investment, improve economic accessibility to services and quality in service delivery. Additionally, review on the regulatory framework has been proposed to facilitated unified technology neutral licensing and other initiatives that are driven by convergence to address among other issues, artificial and historical barriers to market entry and competition, predictable tariff regulation, prohibition of abuse of dominant market position and universal services access.