



**ESWATINI
COMMUNICATIONS
COMMISSION**

**NOTICE NO. 7/2026 : PROPOSED
DECISION TO AWARD
BROADCASTING LICENCES.** Decision
in terms of Section 32 of the Eswatini
Communications Commission Act, 2013
DATE OF ISSUE - 9 JULY 2026





GENERAL NOTICE NO. 7/2026

PROPOSED DECISION TO AWARD BROADCASTING LICENCES

The Eswatini Communications Commission (ESCCOM) is a statutory body mandated to regulate the electronic communications sector, including broadcasting within the Kingdom of Eswatini. In accordance with Section 32 of the Eswatini Communications Commission Act, 2013, Section 11 of the Electronic Communications Act, 2013, as well as Section 21 of the Broadcasting Act, 2023, ESCCOM hereby publishes a proposed decision to award Broadcasting Service Licences to the applicants presented in this Notice.

Following the publication of an Invitation To Apply (ITA) wherein prospective broadcasters were requested to submit their proposals to be licensed under the following categories:

1. Free-to-Air Commercial Radio Broadcasting Service – 1 licence to be issued & reviewed to 2;
2. Free-to-Air Commercial Television Broadcasting Service – 1 licence;
3. Free-to-Air Community Radio Broadcasting Service – 4 licences; and
4. Free-to-Air Community Television Broadcasting Service – 1 licence.

The Commission subsequently conducted an extensive evaluation and reached its determination on all applications received, following the set evaluation criteria contained in the ITA.

Commercial Broadcasting Radio Licences to Be Issued:

In this regard, the Commission concluded that there were three (3) applicants who met the required threshold eligible to be granted the licence for a Free-to-Air Commercial Radio Broadcasting Service Licence.

In light of the number of applications received for Commercial Radio Broadcasting Licences, ESCCOM has revised its initial decision to issue one (1) licence and now proposes to issue two (2) licences under this category.

Other Licences intended For Issue:

On the other licence categories, the Commission received proposals as follows:-

1. Two (2) applications for Community Television Broadcasting which applications did not meet the qualification criteria for the grant of a licence.
2. One (1) application for Community Radio Broadcasting which did not meet the qualification criteria. Additionally, three

applications were submitted after the closing time and were not evaluated.

3. No applications for Commercial Television Broadcasting were received.

The Proposed Award:

Based on the above results of the evaluation, the Commission resolved to issue make an award the following licences:

1. Two (2) Licenses to provide Free-to-Air Commercial Radio Broadcasting Services.
 - a) Sakha Live Media Group (PTY) Ltd T/A Sakha Live FM
 - b) Icon PB Media (PTY) Ltd T/A Icon Connect
2. Zero (0) Licenses to provide Free-to-Air Commercial Television Broadcasting Services.
3. Zero (0) Licenses to provide Free-to-Air Community Radio Broadcasting Services.
4. Zero (0) Licenses to provide Free-to-Air Community Television Broadcasting Services.
5. Conduct an extensive training and capacity building on the preparation of competitive Bids when applying for licences, for prospective applicants still interested in Community Broadcasting licences in readiness for the second phase of invitations.
6. Re-Issue an ITA for more licences, in particular, Community Broadcasting Service Licences, and Commercial Television Broadcasting Service on or before 31 March 2027.

Public Consultation and Request for Written Submissions:

As part of the public consultation process contemplated in Section 32 of the Eswatini Communications Commission Act, 2013, ESCCOM hereby invites written comments from interested stakeholders and the general public on the proposed Decision to award these licences. The deadline for submission of comments is 17h00 on 31st July 2026.

The submissions should be addressed to:

The Acting Chief Executive Officer

Eswatini Communications Commission (ESCCOM)

P.O. Box 7811

Mbabane, H100, Eswatini

Email: broadcasting@esccom.org.sz

For the full proposed Decision, please visit www.esccom.org.sz.

Acting Chief Executive
Eswatini Communications Commission

I. INTRODUCTION

- I.1. The Eswatini Communications Commission (“the Commission” or “ESCCOM”) is a statutory body established in terms of Section 3 of the Eswatini Communications Commission Act, 2013 (“the ESCCOM Act”).
- I.2. In terms of Section 6 of the ESCCOM Act, the Commission is mandated to regulate the communications sector in Eswatini, including broadcasting services, in a manner that promotes the public interest, ensures fair competition, and supports the orderly development of the sector.
- I.3. The Commission further derives its broadcasting regulatory authority from the Broadcasting Act, 2023 (“the Broadcasting Act”), which provides for the licensing, regulation, and development of broadcasting services in the Kingdom of Eswatini.
- I.4. The Commission is further empowered by the Act to allocate and authorise the use of broadcasting frequencies and other related technical resources, subject to applicable legislation, regulations, national frequency plans, and spectrum availability.
- I.5. In accordance with Section 6 of the Broadcasting Act, no person shall provide a broadcasting service except under, and in accordance with, a broadcasting licence issued by the Commission.
- I.6. Following the coming into force of the Broadcasting Act through Legal Notice No. 189 of 2024, the Commission issued an Invitation to Apply (“ITA”) on the 2nd of December 2025, inviting eligible entities to submit applications for broadcasting service licences in accordance with the applicable legal and regulatory framework, under the following categories:
 - (a) Commercial Radio Broadcasting Services;
 - (b) Commercial Television Broadcasting Services;
 - (c) Community Radio Broadcasting Services; and
 - (d) Community Television Broadcasting Services.

1.7. In this regard, the ITA included, among others,:

- (a) the specification of the categories of broadcasting service licences available for application;
- (b) details relating to the applicable licensing requirements, procedures, and obligations associated with each licence category;
- (c) information relating to applicable technical parameters and frequency spectrum considerations where relevant;
- (d) confirmation that broadcasting service licences would be issued subject to compliance with applicable laws, regulations, licence conditions, and technical standards;
- (e) details of the applicable application and licence fees;
- (f) instructions regarding the preparation, formatting, and submission of applications;
- (g) the deadline times and dates for submission of applications (14h00 on 17 February 2026) and that the applications would be opened by the Commission after 14h00 on that date; and
- (h) the evaluation criteria and methodology applicable to all applications, including the weighting assigned to each criterion.

1.8. The licences to be issued under the ITA will authorise successful applicants to establish and operate broadcasting services in accordance with the Broadcasting Act, applicable regulations, licence conditions, and any other requirements prescribed by the Commission.

1.9. The ITA further specified the applicable technical and operational parameters, including frequency spectrum considerations where applicable, and indicated that the assignment of broadcasting frequencies and related technical authorisations would be subject to the applicable frequency plans, legislation, regulations, technical standards, and spectrum availability.

1.10. The Commission is satisfied that the ITA and the licensing process were conducted in a manner consistent with the applicable legislative framework and the principles of administrative fairness and good regulatory practice.

1.11. This document sets out the Commission's proposed decision, the process followed in evaluating applications, and the reasons underpinning the proposed licensing outcomes. This is done in compliance with Section 32(1) of the ESCCOM Act, which requires the Commission to publish its proposed decisions and invite public representations, prior to making a final determination.

2. OBJECTIVES OF THE LICENSING PROCESS

2.1. The ITA was issued to advance the objectives of the Broadcasting Act, including those set out under Section 4, which include:

- (a) promoting a diverse and pluralistic broadcasting sector;
- (b) encouraging fair competition in the provision of broadcasting services;
- (c) promoting the development and production of local content;
- (d) ensuring equitable access to broadcasting services; and
- (e) supporting innovation and investment in the broadcasting industry.

2.2. In addition, the licensing process further sought to:

- (a) facilitate the entry of new market participants into the broadcasting sector;
- (b) strengthen the sustainability and resilience of the broadcasting industry;
- (c) promote participation by local entrepreneurs, including SMMEs; and
- (d) ensure alignment with national development priorities and policy objectives.

3. LEGAL AND REGULATORY FRAMEWORK

3.1. The licensing process was conducted in accordance with the applicable legal and regulatory framework, including:

- (a) the Eswatini Communications Commission Act, 2013;
- (b) the Broadcasting Act, 2023;
- (c) the Electronic Communications Act, 2013; and
- (d) the terms and conditions set out in the ITA.

3.2. In terms of Section 21 of the Broadcasting Act, the Commission is empowered to invite applications for broadcasting licences and determine the number and categories of licences to be issued, having regard to policy objectives and market considerations.

3.3. Section 21(5) of the Broadcasting Act requires the Commission to evaluate applications based on prescribed criteria, including:

- (a) technical capability;
- (b) financial resources;
- (c) ownership and control;
- (d) programming proposals; and
- (e) the extent to which the application advances the objectives of the Act.

3.4. In terms of Section 32(1) of the ESCCOM Act, the Commission is required to publish its proposed decision and invite representations from interested parties prior to making a final determination.

4. DEFINITIONS AND INTERPRETATION

4.1. For purposes of this document, unless the context indicates otherwise:

- (a) **“Community Broadcasting Service”** has the meaning assigned to it under Section 2 of the Broadcasting Act, 2023, and refers to a broadcasting service which is:
 - i. fully controlled by a non-profit entity;
 - ii. carried on for non-profit purposes; and
 - iii. serves a specific, identifiable community;
- (b) **“Community”** means a geographically defined community or a community of interest, whose members share common social, cultural, economic, or other characteristics;
- (c) **“Control”** includes the ability to exercise decisive influence over the governance, strategic direction, and operations of an entity;
- (d) **“Non-profit entity”** refers to an organisation that does not distribute profits to its members or shareholders, and whose income is applied solely towards its objectives.

4.2. These definitions are applied in interpreting and assessing compliance with community broadcasting requirements.

5. THE LICENSING PROCESS

5.1. The licensing process comprised the following stages:

- (a) Publication of the ITA;

- (b) Submission of applications;
- (c) Administrative compliance review;
- (d) Technical and substantive evaluation;
- (e) Scoring and moderation; and
- (f) Formulation of a proposed decision.

5.2. The Commission ensured that the process was conducted in a manner that was:

- (a) fair;
- (b) transparent;
- (c) objective; and
- (d) non-discriminatory.

5.3. In conducting the licensing process, the Commission was required to consider, among other things:

- (a) the promotion of diversity and plurality within the broadcasting sector;
- (b) the advancement of local content development and cultural expression;
- (c) the technical and financial capability of applicants;
- (d) the ownership and governance structures of applicants;
- (e) the sustainability and viability of proposed broadcasting services; and
- (f) the extent to which applications support national development objectives and the public interest.

5.4. All applications were treated equally and evaluated against the same criteria and requirements as set out in the ITA, thereby ensuring a consistent and impartial assessment process.

6. PROCEDURAL FAIRNESS AND GOVERNANCE

6.1. The Commission conducted the licensing process in accordance with established principles of:

- (a) procedural fairness;
- (b) transparency;
- (c) accountability; and
- (d) consistency.

6.2. All applications were evaluated using the same criteria and methodology as prescribed in the ITA, ensuring a uniform and objective assessment process.

6.3. Members of the evaluation panel were required to declare any actual or potential conflicts of interest prior to and during the evaluation process. Appropriate safeguards were implemented to manage any identified conflicts and to maintain the integrity and impartiality of the process.

6.4. The Commission is satisfied that the process was conducted in a manner that is lawful, reasonable, and procedurally fair, consistent with applicable administrative law principles.

7. APPLICATIONS RECEIVED

7.1. Nine (9) applications were received by the deadline (14h00 on 17 February 2026) and were subsequently opened by the Commission in the presence of the ESCCOM Application Opening Committee, representatives of applicants from Inkwela FM, Wiggle Tunes, MustHave Radio, Sakha Live Media, ICON PB, SevenT2, Tholulwazi Hub, and Springfield University, who verified the receiving of the applications.

7.2. The Commission received applications in response to the ITA across the following broadcasting service categories:

- (a) Six (6) applications for Commercial Radio Broadcasting Services;
- (b) Two (2) applications for Community Television Broadcasting Services;
- (c) One (1) application for Community Radio Broadcasting Services;
- (d) Zero (0) applications for Commercial Television Broadcasting Services.

7.3. During the opening, it was noted that some applicants submitted both hard copy applications and soft copy applications as required by the ITA, while other applicants did not submit the soft copy applications. Efforts were made to request applicants to submit the soft copy applications as this was not a penalizing or disqualifying requirement.

7.4. The Commission notes that three (3) of applications were submitted after the prescribed deadline set out in the ITA.

7.5. In accordance with the requirements of the ITA, and in order to uphold the principles of administrative fairness, transparency, and equal treatment of all applicants, late applications were not considered in the evaluation process.

8. ABOUT THE APPLICANTS

8.1. Sakha Live FM

Sakha Live FM submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence.

The applicant presented a comprehensive commercial radio broadcasting proposal supported by a detailed business, financial, and technical implementation plan. The application demonstrated a clear understanding of the broadcasting market and outlined a phased approach towards the establishment and operation of the proposed service.

The directors and shareholders collectively possess more than twenty (20) years of experience in media, advertising, broadcasting support services, and audio production. The applicant further proposed a senior management structure with extensive operational experience in the broadcasting sector.

Sakha Live FM indicated that it intends to create approximately thirty (30) direct employment opportunities during its operations. The application was supported by a bank guarantee of E10 million and included financial projections demonstrating the anticipated commercial viability of the proposed service.

8.2. Icon Connect Radio

Icon Connect Radio submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence.

The proposed radio station is positioned as a lifestyle-oriented commercial broadcasting service focusing on business, entrepreneurship, current affairs, entertainment, and Eswatini

music content. The application seeks to address perceived gaps in the existing broadcasting market while promoting local culture and creative industries.

The applicant demonstrated significant experience in content production and media development through its association with productions that have achieved regional recognition. The application further highlighted collaborations with local artists and content creators and demonstrated a commitment to supporting local independent producers and small businesses.

The applicant submitted a detailed commercial, financial, and technical proposal supported by projected revenue streams and a phased network rollout strategy. The proposed operation intends to employ between twenty-five (25) and thirty (30) full-time staff during the first year of operation, with a commitment that at least ninety percent (90%) of employees will be Emaswati nationals.

8.3. Nkwela FM

Nkwela FM submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence.

The applicant currently operates as an online radio station and seeks to expand its services into terrestrial broadcasting. The proposal emphasizes local ownership, community engagement, and market growth through expanded geographic coverage and strategic partnerships.

The application demonstrated experience within the media and broadcasting sectors, particularly through the involvement of Mr. Mpumelelo Dlamini, who has experience in media entrepreneurship and community broadcasting management. The proposed management structure also included individuals with extensive experience in radio operations, human resources, and legal services.

Nkwela FM proposed a staff complement of thirty-eight (38) employees and committed to supporting local small and medium enterprises through procurement and partnership opportunities. The applicant also proposed the use of modern digital studio infrastructure and identified prospective transmission sites.

8.4. Must Have Radio

Must Have Radio submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence through Promenade Investments.

The application proposed the establishment of a commercial radio service supported by a local management structure and operational team. The applicant demonstrated a commitment to developing a sustainable broadcasting operation while contributing to employment creation within the sector.

The proposal outlined plans to create between twenty-one (21) and forty-four (44) direct jobs over the first five years of operation. The applicant also indicated that funding had been committed towards ensuring business continuity and regulatory compliance.

While the application demonstrated a basic operational framework and management structure, the proposal contained limited information regarding long-term funding sources, executive management capacity, and market projections.

8.5. Seven T2

Seven T2 submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence.

The applicant proposed a commercially operated radio service supported by experienced broadcasting professionals and strategic partnerships within the media industry. The application emphasized operational expertise, market development, and support for local content production.

The proposed management and operational team collectively possess significant experience in broadcasting, programme management, human resources, and legal services. The applicant further indicated that support would be provided through collaboration with established media industry partners from outside the borders of Eswatini.

Seven T2 projected the creation of at least twenty (20) permanent jobs within the first two years of operation and committed to directing a significant portion of procurement expenditure towards local small and medium enterprises. However, Seven T2 failed to comprehensively respond to the ITA by not providing some key information such as network plans, technical plans, and providing sufficient supporting documentation to verify the experience of key staff members.

8.6. Wiggle Tunes

Wiggle Tunes submitted an application for a Free-to-Air Commercial Radio Broadcasting Service Licence.

The proposed radio service is designed to focus on youth development, entrepreneurship, innovation, and educational content. The applicant seeks to provide a platform that promotes personal development, business growth, and opportunities for young people.

The applicant demonstrated experience in online broadcasting and content creation, providing evidence of familiarity with audience engagement and programme development within digital media platforms.

The proposal also highlighted the involvement of individuals with backgrounds in law, information and communications technology, and corporate governance. The applicant further proposed a revenue model intended to support the long-term sustainability of the broadcasting service. However, the application provided limited evidence of experience in operating a commercial terrestrial radio service and did not demonstrate the depth of operational expertise reflected in several competing applications.

8.7. Inkhanyeti TV

Inkhanyeti TV submitted an application for a Free-to-Air Community Television Broadcasting Service Licence.

The applicant proposed the establishment of a community television service aimed at providing information, education, entertainment, and development-oriented programming to its target audience.

The application was supported by a consortium of Emaswati professionals with extensive experience in broadcasting, governance, financial management, marketing, compliance, and donor-funded projects. Collectively, the project team reported more than one hundred (100) years of professional experience across these disciplines.

The applicant further proposed governance structures incorporating board committees and community participation mechanisms intended to support accountability and stakeholder involvement in the operation of the service. Though the application attempted to cover all aspects of the ITA it however, revealed a lack of understanding of what the sought community

television station should be with respect to serving an identifiable target community and coverage expectations.

8.8. Springfield TV

Springfield TV submitted an application for a Free-to-Air Community Television Broadcasting Service Licence.

The proposed television service is intended to serve the university community, including students, staff, and associated stakeholders, through educational, informational, and community-focused programming.

The application demonstrated a degree of institutional credibility through the submission of audited financial statements and identified experienced individuals in broadcasting, transmission, regulatory compliance, public administration, and academic leadership.

The applicant proposed a community television service supported by technical infrastructure, programming schedules, and institutional resources available through the university environment. It was noted though that the application lacked the necessary support to meet the intended purpose for which this category of licence is intended to serve, as the application proposed to serve Springfield University community's needs which would most appropriately be a Campus Community broadcasting service.

8.9. Radio Sikhuphe

Radio Sikhuphe submitted an application for a Free-to-Air Community Radio Broadcasting Service Licence.

The applicant expressed a strong interest in establishing a community radio service aimed at providing information and broadcasting opportunities to local communities, in a similar manner as the licenced public broadcasting station does.

The proposal demonstrated enthusiasm and commitment towards broadcasting activities and reflected a desire to contribute to media diversity and community development.

The application was primarily driven by the applicant's personal initiative and interest in broadcasting and represented an initial effort to participate in the broadcasting sector.

However, the application revealed a significant lack of understanding of community broadcasting services and the coverage expectations. The application further failed to provide evidence to substantiate the planned rollout of the service, sustenance of business operations and proof of funding for the station.

9. EVALUATION METHODOLOGY

- 9.1. Following completion of the preliminary compliance review, the Commission conducted a detailed technical evaluation using the scoring framework published in the ITA.
- 9.2. Each application was independently assessed by members of the evaluation committee against the prescribed criteria and sub-criteria. Individual scores were allocated and subsequently consolidated to determine the final score achieved by each applicant.
- 9.3. The Commission applied a structured and transparent evaluation framework, consistent with Section 21 of the Broadcasting Act and the requirements set out in the ITA as shown in Table 1 and Table 2 below.

Table 1: ITA Commercial Broadcasting Evaluation Criteria

Criteria	Points
OPERATIONAL EXPERIENCE	20
ECONOMIC AND ENVIRONMENTAL IMPACT	15
MARKET PLAN	10
BUSINESS AND COMMERCIAL PLAN	30
NETWORK, STUDIO AND TECHNICAL PLANS. PROPOSED DAILY PROGRAMME SCHEDULE	25

Table 2: ITA Community Broadcasting Evaluation Criteria.

Criteria	Points
COMMUNITY PARTICIPATION	25
OPERATIONAL EXPERIENCE	15
ECONOMIC AND ENVIRONMENTAL IMPACT	5
PROGRAMMING PLAN	20

INCOME & EXPENDITURE PLAN	15
FM NETWORK, STUDIO AND TECHNICAL PLANS.	20

9.4. Applications were assessed against the following key criteria:

- (a) technical feasibility and readiness;
- (b) financial viability and sustainability;
- (c) governance, ownership, and control structures;
- (d) programming and content strategy, including local content commitments; and
- (e) regulatory compliance.

9.5. A minimum qualifying threshold of **70%** was applied. Only applicants achieving or exceeding this threshold were considered for possible licence award.

9.6. The application of this threshold ensured that only applicants demonstrating adequate technical, financial, and operational capability progressed for further consideration.

9.7. The evaluation process was undertaken by a multidisciplinary panel comprising individuals with expertise in technical, financial, legal, and broadcasting content matters.

9.8. In assessing the Operational Experience criterion, the Commission considered the applicant's demonstrated experience in broadcasting and related business activities, the competence and experience of its proposed management team, the adequacy of its organisational structure and staffing arrangements, and its overall readiness to implement and operate the proposed broadcasting service in a sustainable manner.

9.9. The Economic Development and Environmental Impact criterion assessed the applicant's contribution to employment creation, participation of local content producers, support for SMMEs, local content commitments, and environmental considerations.

9.10. The Market Plan criterion evaluated the applicant's understanding of the broadcasting market, market forecasts, target audience strategy, marketing plans,

advertising strategies, customer service mechanisms, and service implementation plans.

9.11. The Business and Commercial Plan criterion assessed financial sustainability, revenue generation strategies, profitability forecasts, financial assumptions, projected cash flows, funding arrangements, and overall commercial viability.

9.12. The Technical Plan criterion evaluated the proposed broadcasting infrastructure, network design, coverage plans, transmission arrangements, implementation schedules, technical resources, and quality assurance measures.

9.13. The Governance, Ownership and Regulatory Compliance criterion assessed ownership structures, corporate governance arrangements, compliance mechanisms, local ownership requirements, and the applicant's overall alignment with applicable legislative and regulatory frameworks.

9.14. In addition to numerical scoring, evaluators documented qualitative observations identifying key strengths, weaknesses, risks, and areas requiring further clarification. These observations informed the Commission's final recommendations regarding licence awards and any conditions that may be imposed upon successful applicants.

9.15. The Commission is satisfied that the evaluation process was conducted in a manner that was reasonable, proportionate, and consistent with applicable legal and regulatory standards.

9.16. For purposes of transparency, the Commission notes that:

- (a) top-performing applicants scored within the range of **72% to 85%**;
- (b) non-qualifying applicants scored below the minimum threshold, within the range of **20% to 67%**.

9.17. Upon completion of the evaluation process, the final scores achieved by the Commercial Radio Broadcasting Service Licence applicants were as follows:

Applicant	Final Score
Sakha Live FM	85
Icon Connect Radio	82
Nkwela FM	72
Seven T2	67
Must Have Radio	65
Wiggle Tunes	44
Radio Sikhupe	23
Springfield TV	20
Tholulwazi Hub	66

9.18. The evaluation results demonstrated that Sakha Live FM and Icon Connect Radio achieved the highest overall scores and exhibited the strongest combination of operational capability, commercial viability, technical readiness, and regulatory compliance.

9.19. While other applicants demonstrated varying levels of potential, several applications contained material weaknesses relating to technical planning, governance structures, financial sustainability, operational readiness, or supporting evidence, which adversely affected their overall scores.

10. SUMMARY OF EVALUATION OUTCOMES

10.1. Commercial Radio Broadcasting Services

10.1.1. The Commercial Radio category recorded the highest number of qualifying applications, three (3) in total, thus reflecting strong interest and participation in this segment of the broadcasting sector.

10.1.2. Following the evaluation process, three (3) applicants achieved the required threshold by obtaining scores above 70% and demonstrated strong overall capability. These applicants are:

- (a) Sakha Live FM;
- (b) Icon Connect Radio; and

(c) Nkwela FM.

10.1.3. These applicants distinguished themselves by demonstrating, among other things:

- (a) sound and feasible technical implementation plans;
- (b) credible and sustainable financial models to support ongoing operations;
- (c) appropriate governance and management structures; and
- (d) programming strategies that are responsive to audience needs and aligned with national broadcasting objectives.

10.2. Community Broadcasting Services

10.2.1. Applications received under the Community Radio and Community Television categories did not meet the required threshold and regulatory standards.

10.2.2. In terms of the definitions and Section 10 of the Broadcasting Act, a community broadcasting service is required to:

- (a) be fully controlled by a non-profit entity;
- (b) serve a specific and identifiable community; and
- (c) promote active community participation in its operations and programming.

10.2.3. Upon evaluation, the applications were found to be deficient in several key respects, including:

- (a) failure to clearly define and substantiate the target community to be served;
- (b) lack of credible mechanisms to ensure meaningful community participation and control;
- (c) absence of appropriate non-profit governance structures; and
- (d) limited evidence of financial and operational sustainability within the community broadcasting model.

10.2.4. On this basis, the Commission concluded that the applications did not comply with the statutory definition and core requirements of community broadcasting as set out in the Act.

10.3. Commercial Television Broadcasting Services

10.3.1. No applications were received under the Commercial Television Broadcasting category.

10.3.2. The Commission notes that this outcome may be attributable to prevailing market conditions and broader industry dynamics affecting the viability and attractiveness of this segment.

10.3.3. In light of this, the Commission will undertake a review of the applicable licensing framework and conditions with a view to encouraging greater participation when an Invitation To Apply is reissued under this category.

11. REASONS FOR THE PROPOSED DECISION

11.1. Award of Two Commercial Radio Broadcasting Licences

11.1.1. Although the ITA initially contemplated the award of one (1) Commercial Radio Broadcasting Service Licence, the Commission resolved to award two (2) licences, having regard to the overall outcomes of the evaluation process.

11.1.2. This decision is informed by the following considerations:

- (a) the high quality and competitiveness of the top-performing applications, both of which demonstrated strong technical, financial, and operational capability;
- (b) the need to promote competition and media plurality, in line with Section 4(2) of the Broadcasting Act, 2023;
- (c) the potential to stimulate economic growth, support job creation, and enhance local content development within the broadcasting sector; and
- (d) the Commission's assessment, based on the information available, that the market can sustain more than one commercial radio operator.

11.1.3. On this basis, the Commission is satisfied that the proposed award of two licences is reasonable, justified, and aligned with the public interest, as well as the objectives of the Broadcasting Act, 2023.

11.1.4. The Commission further notes that certain risks were identified in the applications, including operational and market-related risks. These will be appropriately managed through the imposition of licence conditions, ongoing compliance monitoring, and regulatory oversight.

11.2. Non-Award of Community Broadcasting Licences

11.2.1. The Commission determined that none of the applications received under the Community Broadcasting categories met the required threshold and regulatory requirements.

11.2.2. In particular, the applications did not adequately demonstrate compliance with:

- (a) the definition and core characteristics of community broadcasting as provided for under the Act; and
- (b) the fundamental principles of community ownership, control, participation, and non-profit orientation.

11.2.3. In these circumstances, the Commission is of the view that awarding licences would be inconsistent with the legislative framework and the objectives of promoting genuine community-based broadcasting services.

11.2.4. The Commission will, however, consider appropriate capacity-building and stakeholder engagement initiatives prior to reissuing an ITA for this category.

11.3. Rejection of Late Applications

11.3.1. Applications submitted after the prescribed deadline were not considered, in accordance with the requirements of the ITA.

11.3.2. This approach was necessary to uphold:

- (a) procedural fairness;
- (b) transparency; and
- (c) equal treatment of all applicants.

11.3.3. The Commission is satisfied that the strict application of submission deadlines is essential to maintaining the integrity and credibility of the licensing process.

12. PROPOSED DECISION

12.1. The Commission, having duly considered the outcomes of the evaluation process, the applicable legal and regulatory framework, and the overarching objectives of the Broadcasting Act, hereby proposes the following:

(a) To award **two (2)** Commercial Radio Broadcasting Service Licences, subject to the completion of all further regulatory processes outlined in this document, to the following applicants, whose submissions were assessed as meeting and exceeding the prescribed evaluation criteria:

- i. Sakha Live FM; and
- ii. Icon Connect Radio;

(b) Not to award licences under the Community Broadcasting categories, namely:

- i. Community Radio Broadcasting Services;
- ii. Community Television Broadcasting Services;

on the basis that the applications received did not meet the required threshold and regulatory requirements applicable to community broadcasting, including the fundamental principles of community ownership, control, participation, and non-profit orientation;

(c) To reissue Invitations to Apply (ITAs), subject to such revisions and interventions as the Commission may determine appropriate, for the following categories:

- i. Community broadcasting services, following the implementation of targeted measures to enhance applicant capacity and understanding of the community broadcasting framework;
- ii. Commercial television broadcasting services, following a review of the applicable licensing conditions and market considerations to promote greater participation.

13. FURTHER REGULATORY PROCESSES

13.1. The proposed award of licences set out in this document is provisional in nature and does not constitute a final grant of broadcasting rights. The proposed award is subject to the completion of further regulatory processes and the satisfaction of all applicable legal and administrative requirements by the preferred applicants.

13.2. In this regard, the Commission will undertake a series of post-evaluation processes to ensure that the proposed licensees fully comply with the statutory and regulatory framework governing broadcasting services in the Kingdom of Eswatini. These processes are intended to safeguard the integrity of the licensing regime and to ensure that only qualified and compliant entities are granted licences.

13.3. Without limiting the generality of the foregoing, the proposed award of licences is subject to:

(a) confirmation of compliance with all regulatory requirements, including verification of the accuracy and completeness of information submitted in the applications, as well as confirmation that the applicants meet all technical, financial, legal, and operational obligations prescribed under the applicable legislation, regulations, and the ITA;

(b) fit and proper person assessments (vetting), which will include due diligence processes to assess the suitability, integrity, financial standing, and track record of the applicants, their directors, shareholders, and key management personnel, to ensure that they can operate broadcasting services in a responsible and lawful manner; and

(c) finalisation of licence terms and conditions, including the negotiation and agreement of specific obligations relating to, inter alia, technical rollout, service coverage, local content commitments, compliance reporting, and adherence to applicable codes and standards.

13.4. The Commission reserves the right to withdraw or amend the proposed award if any of the above requirements are not satisfactorily met, or if any material

information is found to have been misrepresented or omitted during the application process.

- 13.5. The final decision to grant licences will only be made upon completion of all required processes and after due consideration of any representations received during the public consultation phase.

14. RIGHTS OF REVIEW AND APPEAL

- 14.1. Any person aggrieved by the final decision of the Commission may exercise such rights of review or appeal as may be available under applicable law.

- 14.2. This includes the right to seek administrative review or judicial review in accordance with the laws of the Kingdom of Eswatini.

15. INVITATION FOR PUBLIC COMMENTS

- 15.1. In terms of Section 32(1) of the ESCCOM Act, the Commission hereby invites written representations on this proposed decision.

- 15.2. Submissions must be made on or before the 30th July 2026.

- 15.3. Submissions should clearly indicate any information claimed as confidential.

- 15.4. The Commission will consider all submissions before making a final decision.

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