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THE REPORT OF THE ALTON DELEGATES TO THE FEDERAL MINISTRY OF ENVIRONMENT ON NESREA VERIFICATION, CERTIFICATION AND ENUMERATION HELD IN ABUJA ON 17TH MAY 2011

The meeting, presided over by a Deputy Director Mr. Oladipupo on behalf of the acting Director of the department, started with a prayer by one of the DDs.

The introduction of all present was done with the following representing ALTON

1. Gbenga Onakomaiya - Sub-Committee Chairman on Environmental Matters (ALTON)
2. Oyeronke Oyetunde - MTN
3. Isah Usman - Visafone
4. Oluseyi Osunsedo - Etisalat
5. Abdulahi Kokori - Helios Towers
6. Uchena Oji - Airtel
7. Kieran Enechi - Zoom Mobile

The presiding officer informed all present that the meeting became necessary, as a result of the letter written to the Minister of Environment, on the concerns of ALTON over the Environmental Verification and Certification, of Telecom Mast and Base stations authorised by NESREA. The Minister had directed the Department of Environmental Control, to look at the issues and concerns noted in the ALTON letter and advise him accordingly.

He inquired, of the progress of the Verification and Certification projects from the ALTON team and a firsthand brief of the issues in the letter to the minister.

The Head of the ALTON delegation thanked the Minister, through the DD and other officials of the Ministry for the unique opportunity offered by this avenue to express our concerns on the merits and demerits of the exercise ordered by the Certification project. He however informed the meeting that ALTON would not be in a position to give progress reports on the projects as we believe, this is regulatory function bestowed on NESREA.

He however gave the graphic details of events of action, cumulating to the meetings of today. The details in his account are enumerated here below,

- The call for interactive meeting with stakeholders, by NESREA on the 8th of Sept 2009, objective of which was to
 - Discuss environmental and human health concerns associated with Telcom. Mast installations
 - Identify ways and options to mitigate negative impact of the mast installation
 - Forge partnership amongst key stakeholders to facilitate harmonious working relationships
- The stakeholders so invited included NCC and the session was chaired by the Hon Minister of Environment, Mr. John Odey.
- Among the decisions and recommendations reached at the forum were
 - That Environmental auditing of all telemast should be carried out by NESREA in collaboration with NCC

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- Review of existing regulations and guidelines on Telecoms operations,
 - Committees involving key stakeholders, anchored by NESREA, to be set up
 - The FME to take up the issue of multiple request for EIA to the National Council on Environment
 - Need for follow up and implementation of the outcome of the session
- That we were invited, vide an advert in the newspaper, “for a follow up to the interactive session of Sept 2009”, by NESREA for 24th of Feb 2010
- At the “follow up meeting” the DG of NESREA handed down a directive to Telecom Operators to carry out an Inventory and Audit of all Mast and Base Stations within 3 months from that day.
- That “NESREA has accredited Consultants from whom you can engage for this service”. The list of 116 was made available to us, with a view that “NESREA will review your submission and certify the mast and base stations to be environmental compliant.”
- That we did asked and had cause to believe that the Audit exercise, will lead to eventual certification of the base stations.
- Based on the above, the operators committed huge resources into the audit exercise and subsequent production of reports which was done twice, because the report layout was not initially clearly spelt out. It was also noted that operators committed these resources at a period when budgets provision was difficult to make for such unexpected expenses.
- That we called for meetings in December 2010 and January 2011, where NESREA informed us that they were appointing “Project Monitoring Company” PMC to do an Enumeration and Certification of the Audit exercise earlier ordered by them.
- We were however concerned on being told that we were to bear the cost of the project, negotiate with PMC and get back to them before the commencement of the project on the 1st of March 2011, despite our observations noted below,
 - Neutrality and credibility of the Project would be compromised if we were to pay for it
 - That NESREA is an agency established by an Act of the National Assembly and as a Regulator should not subject herself, to any players in the industry helping to pay for her responsibilities
 - That it is unethical that we were not involved in the process of selecting PMC and yet, we were being made to negotiate with them. We were not even aware of the criteria of their selection.
 - That we have almost 20,000 base stations in the country and how possible would it be for one single company to criss-cross and do a thorough job of enumerating them.
 - That at the estimated cost given by the PMC, we are looking at a whopping sum of almost 3.5 billion naira from the operators already burdened by the high cost of operations, coupled with the attendant implication on the increase in cost for the subscribers.
- Despite our observation we were told we have options of negotiating in order for the project to commence or we will have our sites closed for environmental violations.
- With this in mind we had a meeting with PMC in Lagos in February and were given the shocking news that we are to pay the sum of 140k per site for the enumeration. We requested for the detailed analysis of the cost, and we had our experts work on the cost drivers

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submitted by PMC, which was given to NESREA and copied to PMC as reasonable cost project for the project.

Other members of the ALTON team also recalled the transparency of the Min of Environment, which dates back to the days of FEPA and advent of GSM operations, liberalisation of the Telecom industry. The uncertainty of the standard requirements, procedures and processes for Health and Environment regulations, specifically for the Telecom industries, which now pervades the regulatory environment, has become a source of concern in the industry, to which we sought the assistance of the Honourable Minister.

The Deputy Director, in his response thanked all members of the ALTON team for the candid way we expressed ourselves and thereafter asked each of the MOE officials to respond, ask question and/or make comments on our presentations. The questions and answer are hereby summarised below.

1. Is there unity among all operators with regards to the issues raised and is ALTON a full representative of all the operators?

Answer

That ALTON is a registered body representing all operators and infrastructure provider in the country. That we have been committed together on this and other issues affecting the telecom industry and the reason why we have high level representation at the meeting.

2. Did we submit our site coordinates and locations to NESREA?

Answer

Yes the reports submitted by all operators are made in line with the directive that it should be on LGA, and States basis with physical addresses and GPS coordinates of sites clearly stated.

3. Did we get back to NESREA to inform them of our meeting with PMC?

Answer

Yes a letter was written to NESREA informing them of the outcome of our meeting with PMC, alongside our recommendation on the cost, based on the cost drivers given by PMC. That PMC was also copied.

4. How much did we pay to NESREA for the conduct of the Audit exercise?

Answer

NESREA was not paid directly, but we pay the Accredited Consultants given to us by them. We also note that since we are not allowed to use any consultant other than one from the list given to us by NESREA, it was our opinion that they are representing the agency.

5. Have we tried "Legalise lobbying" to pursue our case with any government agencies?

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Answer

Yes, we have been engaging and soliciting the assistance of agencies and individuals who could help our cause. We have written several letters in this regard and our stand has been not to be confrontational, hence our accepting to abide by some directives and pay demands & levies which were not proper, before complaining. Some of these were in the face of intimidations using law enforcement agencies, thugs and miscreants.

6. Have we taken our case to National Council on Environment for consideration?

Answer

We have taken some of our cases to the FEC, the National Assembly and even sought the assistance of the NSA, because of the security concerns of some of the actions of the MDA's, we would formally make our case to the Council as advised by the officials.

7. Do we all conduct EIA for our site?

Answer

Yes we know the importance of the exercise, and we have been doing this with the MOE. Some of us have pending applications with the Ministry and we appeal that they should look at and come up with a different process peculiar with the Telecom Industry. We noted that building of cell site cannot be likened to other construction processes.

8. What is our collective and individual policy on CSR?

Answer

Some of us enumerated the CSR programs of the operators and we promise to send to them documents that can attest to these. We informed them that the CSR program is so robust that the industry has now become a yardstick for other industries.

9. How much are we ready to pay for the Certification Project?

Answer

We reiterate our support for and the importance of the exercise, and commend NESREA on their effort. We once again express our willingness to MOE to support NESREA in their efforts by bearing a portion, not more than 50% of the cost as revised by us. That this proposal is made in the national interest and in view of the kind proposal by NESREA to support our industry in addressing the myriad of demands from MDA's with regards to multiple regulations and demands, that our proposal should not be seen as payments for the certification project, but our little support for the agency.

Conclusions

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The DD once again appreciates the frankness of our presentations and the procedures we adopted in resolving the differences. He notes that a meeting of the department heads would hold immediately after the meeting to put together a report, on their finding from us and the PMC, which would be sent to the Minister. He informed us that a national guideline on Telecom and the environmental issues is in the offing, to which our contributions would be welcomed.

Delegates Conclusion and Observations

Our deductions, observations and recommendation from the meeting are hereby highlighted below

- That we should intensify the pressure on the ministry to intervene on the issues noted at the meeting. The intensity would be in the form of continuous letters and reminders to the Minister and the Ministry officials.
- That we should prepare and present a standard EIA procedure relevant to Telecom industry to the department for consideration.
- That we should encourage our company to always align with the decisions of ALTON and this should be the position that all will follow, so as to be seen as a body with one accord.

Gbenga Onakomaiya

Sub-Committee Chairman on Environmental Matters (ALTON)