

# NIGERIAN CIVIL AVIATION AUTHORITY

P.M.B. 21029, 21038, IKEJA-LAGOS.

NCAA/DG/GC/8/15/362

14<sup>th</sup> July, 2021

The Managing Director  
Globacom Nigeria Limited  
Mike Adenuga Towers  
1, Mike Adenuga Close  
Off Adeola Odeku Street, Victoria Island  
Lagos.

## ILLEGAL ERECTION OF HIGH STRUCTURES AND REFUSAL TO RENEW EXPIRED AVIATION HEIGHT CLEARANCE CERTIFICATES BY GLOBACOM NIGERIA LIMITED

I am constrained to draw your attention to the continuing non-compliance by Globacom Nigeria Limited (Globacom) with the provisions of Section 30(3)(I) of the Civil Aviation Act, 2006 (the Act) and Parts 12.1.7.1.3.1, 12.1.7.1.3.2(2) and 12.1.7.1.11 of the Nigeria Civil Aviation Regulations (Nig.CARs), 2015.

For clarity, Section 30(3)(I) of the Act gives power to the Nigerian Civil Aviation Authority (NCAA) to prohibit and regulate the installation of any structure which, by virtue of its height or position, is considered to endanger the safety of air navigation. These structures include the telecommunication masts/towers erected all over Nigeria by Globacom.

Part 12.1.7.1.3.1 of the Nig.CARs prohibit any person or organisation from putting up a structure (permanent or temporary) within the navigable airspace of Nigeria unless such a person or organisation is a holder of Aviation Height Clearance (AHC) certificate granted by the NCAA under the Civil Aviation Regulations.

Part 12.1.7.1.3.2(2) require a person or organisation proposing the construction of a structure or alteration to existing structure to make a request in writing to the NCAA and pay the approved fee.

Part 12.1.7.1.11 state that the AHC certificate shall remain in force for a period of one (1) year when it shall be due for renewal, unless suspended or cancelled by the NCAA.

Your organisation has erected and continues to erect high structures (telecommunication masts/towers) all over Nigeria, without obtaining the required AHC and, in respect of those

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structures for which AHC certificates were obtained, has refused to renew same upon expiration, despite repeated demands.

The NCAA made these demands through the following means:

1. By letter dated 22<sup>nd</sup> of June, 2018, informing your organisation of the complaint by pilots of the danger posed by inappropriately erected, unapproved high structures within the navigable airspace of Nigeria, such as telecommunications masts/towers and fuel dumps, and the need to obtain AHC certificates in line with the Nig.CARs;
2. By reminder letter dated 2<sup>nd</sup> of August, 2018, also informing Globacom of the 7,012 telecommunication masts your organisation erected nationwide without obtaining AHC certificates;
3. By Letter of Investigation issued to your organisation on 3<sup>rd</sup> of August, 2018;
4. By reminder letter dated 25<sup>th</sup> of September, 2018;
5. By reminder letter sent to Globacom on 29<sup>th</sup> April, 2019;
6. By publication in daily newspapers giving all GSM operators (including Globacom) a 30-day ultimatum to comply with the regulatory requirement to obtain clearance from the NCAA to erect any high structure within the navigable airspace of Nigeria;
7. By several meetings with your organisation, after which you forwarded proof of payment of One Hundred Million Naira (N100,000,000.00) as deposit to obtain AHC clearance for your telecommunication masts, with a promise to pay the balance in instalments over a period of one year, and to conduct a physical audit of Globacom's sites in order to arrive at an exact figure of your masts; which you advised NCAA by letter dated 11<sup>th</sup> September, 2019, that you own and operate a total of 6,898 masts that needed to be regularized;
8. By letter dated 2<sup>nd</sup> of August, 2019, acknowledging receipt of the N100m and demanding payment of the balance;
9. By invoice issued to Globacom on 3<sup>rd</sup> February, 2020, for payment for AHC certificates for the 6,898 masts declared; and
10. By a final demand notice issued to your organisation on 17<sup>th</sup> of August, 2020 to obtain/renew AHC certificates for your masts, to which you have refused to comply till date.

The indebtedness of Globacom to NCAA as at date is as follows:

Serial No.	Validity Period	Statutory Requirement	Amount	No. of Masts	Sub-total Amount
1.	2006 - 2007	Application Fee	N100,000 per Mast	6,898	689,800,000
2.	2007 - 2022 (15 years)	Annual Renewal Fee	N50,000 per Mast	6,898	5,173,500,000 (344,900,000 x 15)



3.	One Off	Inspection Fee		6,898	200,930,000
			<b>Total</b>		6,064,230,000
			<b>Less Deposit by Globacom</b>		100,000,000
			<b>Amount Outstanding</b>		5,964,230,000

I need not emphasise the continuing grave danger posed to air navigation, particularly to low-flying aircraft, within the Nigerian airspace, by your organisation's telecommunication masts and towers erected without obtaining required clearance from the NCAA, and by your refusal to regularize/renew same. The NCAA will be failing in its statutory responsibility to ensure the safety of air navigation in Nigeria if it allows the non-compliance to remain unaddressed.

Consequently, the Management of Globacom Nigeria Limited is invited to a meeting with the Authority to discuss and resolve this issue. The meeting is scheduled to hold as follows:

Date: **Monday, July 26, 2021**

Time: **11:00 am**

Venue: **Conference Room**

**Nigerian Civil Aviation Authority**

**Nnamdi Azikiwe International Airport**

**Abuja**

While looking forward to a constructive meeting, please accept the assurances of my high regard.

Please be guided accordingly.



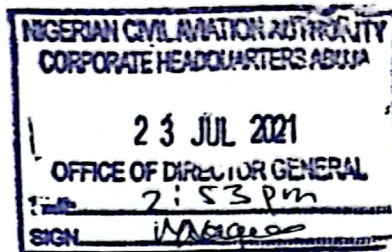
**Capt. Musa S. Nuhu**

**Director-General**



July 23, 2021

The Director General  
Nigerian Civil Aviation Authority  
Nnamdi Azikiwe Int'l Airport,  
Domestic Wing Abuja  
Abuja FCT



Dear Sir,

Attention: Capt. Musa. S. Nuhu

**RE: ILLEGAL ERECTION OF HIGH STRUCTURES AND REFUSAL TO RENEW EXPIRED AVIATION HEIGHT CERTIFICATES BY GLOBACOM NIGERIA LIMITED**

Your letter dated July 14, 2021 with the above subject refers.

We have been invited by NCAA to discuss and resolve the aforementioned issue as scheduled below:

Date: Monday July 26, 2021

Time: 11.00am

Venue: Conference Room, NCAA

Nnamdi Azikiwe International Airport

Abuja FCT

We are very much disposed to attending the meeting as scheduled, however our Management staff will be unavoidably absent on the said date due to prior commitment and we hereby seek your indulgence to reschedule the meeting preferably by a month.

Thus, subject to your concurrence the meeting can be rescheduled to August 26, 2021 at the same time and venue.

We will be grateful if our request is obliged.

Please accept the assurances and courtesies of our Management.

Thank you.

Yours faithfully,  
For: Globacom Limited

  
Legal Services



# NIGERIAN CIVIL AVIATION AUTHORITY

P.M.B. 21029, 21038, IKEJA-LAGOS.

CONTACT PERSON: 081 50883323  
MR ORELUYE: 080 33500357

NCAA/DG/CSLA/RM/T1/307

The Managing Director  
Globacom Limited  
Mike Adenuga Towers  
1, Mike Adenuga Close  
Off Adeola Odeku Street, Victoria Island  
Lagos.



30<sup>th</sup> July, 2021

05/08/2021  
@  
11:03 AM

Attention: Legal Services

**RE: ILLEGAL ERECTION OF HIGH STRUCTURES AND REFUSAL TO RENEW EXPIRED AVIATION HEIGHT CLEARANCE CERTIFICATES BY GLOBACOM NIGERIA LIMITED**

I am directed to refer to your letter dated July 23, 2021, in response to ours dated July 14, 2021, and to convey the Authority's concurrence to rescheduling of the meeting to the date requested by you, that is, Thursday, August 26, 2021 at the same time and venue

I am also to convey to you the assurances of the high regard of the Director-General.

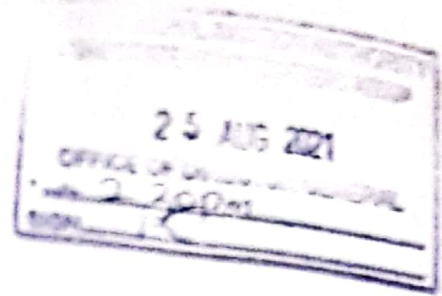
Emmanuel Dubem Chukwuma  
Legal Adviser/Head, Compliance & Enforcement  
For: Director-General

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August 25, 2021

The Director General  
Nigerian Civil Aviation Authority  
Nnamdi Azikiwe Int'l Airport, Domestic Wing Abuja  
Abuja FCT



**Attention: Barr. Emmanuel Dubem Chukwuma**

Dear Sir,

**RE: ILLEGAL ERECTION OF HIGH STRUCTURES AND REFUSAL TO RENEW EXPIRED AVIATION HEIGHT CERTIFICATES BY GLOBACOM LIMITED**

Your letter dated July 30, 2021 with the above subject refers

We are grateful that our request for rescheduling of the meeting from July 26, 2021 was magnanimously conceded and rescheduled as indicated below.

**Date: Thursday, August 26, 2021**

**Time: 11am**

**Venue: Conference room**

**NCAA**

**Nnamdi Azikiwe International Airport  
Abuja FCT.**

However we are constrained to inform you that our Chief Operating Office/COO expected to attend the crucial meeting is unavoidably absent due to unforeseen circumstances.

We further seek your indulgence to reschedule the meeting preferable by a month. Thus, subject to your concurrence the meeting can be rescheduled to Thursday September.23, 2021 at the same time and venue.

Kindly oblige our request.

Please accept the assurances and courtesies of our management.

Thank you.

Yours faithfully,  
For: Globacom Limited

G.O. Talabi (Mrs.)  
Executive Director: Legal Services