


Legal **oversight**

Navigating complexity is often key to the successful delivery of major construction projects, writes R&A Legal Solutions' Rabia Choudri.

Across Africa and the Middle East, airports are undergoing one of the most ambitious phases of transformation seen in decades.

Governments are modernising gateways to support economic growth, private investment, and rising passenger demand, often while keeping existing operations live.

In this environment, legal expertise is no longer a background function, it is a core delivery discipline.

Airport infrastructure is uniquely complex. It sits at the intersection of construction, regulated operations, safety and security oversight, international standards, and sovereign interests.

Legal frameworks must accommodate not only how an airport is built, but how it is financed, operated, regulated, and kept functioning during periods of change. Few sectors demand such a tightly integrated legal approach.

Airports are not static assets, they are live, regulated environments with multiple stakeholders. Civil aviation authorities, security agencies, airlines, border control, lenders, contractors, and operators are all involved in airports and each have distinct legal and operational requirements.

Managing those interfaces is central to successful delivery of any project, and arguably this is even more important when it comes to often multi-million or even billion-dollar construction contracts for airports.

One of the key challenges of airport projects is often continuity of operations. Unlike many other infrastructure assets, existing airports must often remain fully operational during redevelopment.

This places heightened importance on legal structures that clearly allocate risk, define interfaces, and align construction obligations with safety, security, and regulatory compliance.

The role of a legal partner like partner like R&A Legal Solutions is to ensure that contracts, procurement frameworks, and governance mechanisms reflect that reality from the outset.

Much of our work is concentrated in African and Middle Eastern jurisdictions where governments are modernising civil aviation legislation, strengthening regulatory institutions, and introducing or refining PPP and concession frameworks.

These reforms are essential to attract private capital, but they also introduce legal uncertainty as new rules are tested in practice.

Predictability varies significantly between markets and can shift quickly with political transitions or institutional change.

Navigating that uncertainty requires more than technical drafting. It requires a deep understanding of how law, policy, and institutions interact on the ground.

We advise clients which include governments, investors, lenders, and operators, on structuring projects to remain bankable over the long-term.

That includes robust change-in-law protections, clear government support obligations, step-in rights, and termination and compensation mechanisms that protect against regulatory or political disruption.

Public procurement is another area where legal capability can determine whether a project progresses or stalls. Procurement laws impose strict procedural requirements, and non-compliance can expose projects to bid challenges, audits, or unenforceable contracts.

Our approach is to design procurement and PPP structures that are both compliant and commercially workable, reducing the risk of later disruption while maintaining investor confidence.

Airport PPPs, in particular, demand careful structuring. Compared with other PPP sectors, aviation projects involve greater regulatory oversight, more complex operational interfaces, passenger and revenue demand risk, and heightened sensitivity around safety and security.

Where PPPs require restructuring, often due to traffic shocks, financing constraints, or policy change, the legal pathway must navigate lender consents, regulatory approvals, and procurement law constraints simultaneously.

Political transition remains one of the most material risks to long-term airport infrastructure commitments.

Changes in leadership can lead to project reviews, renegotiations, or pauses, particularly where foreign investment or concessions are involved. Anticipating that risk is essential.

At the start of any project, it is important to focus on early stakeholder mapping, realistic approval sequencing, and contractual frameworks that provide practical remedies if projects are disrupted by political or regulatory change.

On several airport expansion projects in Africa, we have advised governments to identify and sequence key approvals, such as aviation, environmental, security and procurement approvals, at the very start of the project, rather than dealing with them later or in parallel.

By clearly setting out when each approval was needed and building this into the project programme and contracts, projects were able to avoid construction being stopped part-way through.

This helped keep works on schedule and reduced the risk of delay claims and additional costs.

During periods of political or institutional transition, we have helped governments' structure airport construction contracts with step-in rights, suspension mechanisms and defined compensation regimes.

These tools allowed projects to continue, or be temporarily adjusted, without triggering termination or prolonged disputes, ultimately reducing exposure to contractor claims and protecting public funds while maintaining operational continuity at live airports.

Together, these measures demonstrate how early legal and regulatory planning can materially influence project outcomes, not only by managing risk, but by accelerating delivery, preserving value and ensuring that airport infrastructure remains resilient in the face of political and regulatory change.

Looking ahead, technology will play an increasingly significant role in shaping airport regulation and contracting.

Digital procurement, BIM-enabled construction, smart airport systems, biometrics, data governance, and cybersecurity are already influencing how airports are developed and operated.

Legal frameworks must evolve accordingly, addressing issues such as system interoperability, data ownership, performance standards, and operational resilience, especially where airports must remain live during upgrades.

Across all of this work, our philosophy is simple. Legal advice must be practical, commercially grounded, and informed by how airports actually function.

In rapidly redeveloping markets, success depends as much on managing process and stakeholders as it does on legal theory.

As aviation infrastructure becomes ever more central to national development strategies, the strength of legal capability behind airport projects will continue to be a decisive factor.

Structuring projects that can absorb change, withstand scrutiny, and remain deliverable over time is not optional, it is essential. AW

About the author

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