



Solving construction project disputes out of courts

Did you know that you could solve your disputes in other ways that don't include going to court? Disputes are a common occurrence on construction sites. And, the presence of a dispute does not mean anything other than the existence of disagreement between any of parties on a project — the client, consultants and the contractor. So, you must always know that where two or there are gathered, there is a possibility of conflict. But most importantly, disputes should be managed in such a way that a solution will be reached in the most cost-effective and fastest method possible. Of course litigation is a proven process that gives results. However, I think it puts forth the informal and impersonal front at the expense of the parties involved. While this may be the *modus operandi*, it may give uncalled for results, since the matter on the table is guided by facts. Personal considerations may carry little weight and relationships will not be preserved at all. Further, litigation will be quite complex and full of inflexibilities. As such, there are other alternatives to dispute resolutions. There is mediation, negotiations and arbitration. All these methods have one thing in common; a chance for a third neutral party who is an expert in the sector to give a judgment. Besides, the costs are minimal and the aura of proceedings is not too intimidating. They are a little like the traditional courts that promise impartiality even when the elder of council is giving judgment to his own son. You will be listened to, respected and get a fair hearing. The affair is settled fast and the solutions can be tailor-made to suit the particular situation. Indeed, these methods have become so popular that some of the courts have resolved to get evidence on attempted resolution before the legal process commenced. Arbitration is the most credible if credibility is taken to mean enforceability. The parties are bound by the judgment of the arbitrator and the ruling registered at the High Court. Failure to honour the promises results to the more rigorous litigation process. This is not to say we denigrate mediation and negotiations, it just depends on the seriousness of the matter. As a matter of fact, these two latter methods will assure speed and confidentiality of content as well as minimal expenditure. *The writer is managing director, Aiko Consultants Ltd, quantity surveyors and project managers.*

BOOMYA

Home of property and leisure

Nairobi's
changing
skyline

Announcement by
Hilton Hotels to build
Africa's tallest building at
Upper Hill underscores
a trend where the city is
becoming Africa's
home for skyscrapers

by Wahinya Henry
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Plans by Hilton Worldwide to construct Africa's tallest building at Upper Hill, Nairobi, underscores a trend where the city has one of the fastest changing skylines in Africa. It also reaffirms Nairobi as Africa's conference city of the future, with several global hotel chains in a race to grab prime positions in the Kenyan capital. These include Radisson Blu, Concord, Best Western and Villa Rosa Kempinski, which are already open. Other major brands coming to town include Ture Inn and Sheraton. The latter has avoided Kenya, but has a presence in other East African countries. Ramada, founded in Chicago by Marlon Isbell Swiss chain Mövenpick Hotel, is on course to open its doors in Westlands before end of this year. Hovering in the background is the Marriott, a US-based hotel chain that operates more than 500 five-star establishments across the world and several Chinese hotel brands. Last year, New York Stock Exchange-



FACTFILE

- In Nairobi, there are 14 buildings that stand taller than 80 m (262 ft).
- Rising 195m above the ground, the 32-storey Britam Towers at Upper Hill is the third tallest building in Africa and Kenya's tallest building
- But UAP Tower is Nairobi's highest reaching building (by virtue of standing on high grounds). UAP stands 163 m (535 ft) tall.
- The third-tallest building in the city is the 33-storey, 140 m (459 ft) Times Tower.
- Coming up is the Hase Towers at Upper Hill. At heights of 300m and 200m, the twin towers will be Kenya's tallest building.
- Dwarfing the city and Africa at large will be the Hilton Nairobi Upper Hill at 330m (43 storeys).

listed Company Hilton Worldwide announced it has signed a franchise agreement with Reliance Hotels to open Hilton Garden Inn Hotel at Jomo Kenyatta International Airport.

Hilton Nairobi Upper Hill, to stand 330 metres making it the tallest skyscraper in Africa, will be the third hotel investment by the Hilton Group in Kenya after Hilton Nairobi.

Tourism

"Kenya's economic growth trend is strong and the planned hotel investment reflects confidence in the country's growth trajectory, rising middle class, urbanisation, devolution and position as a regional hub for multinational businesses," says PWC in a report, *Hospitality Outlook 2016-2020*, focusing on Kenya, Tanzania, Mauritius, Nigeria and South Africa. PWC says Kenya has one of the

biggest and most diverse tourism industries in East Africa, offering a range of niches including the Meetings, Incentives, Conferences and Events (MICE) segment and safari ecotourism. "In many ways, the drivers of long term demand in Kenya's tourism sector, including supply diversity, infrastructure quality and destination accessibility, remain extremely attractive and are among the strongest, not just regionally, but across the whole continent of Africa," says the report.

Hilton Nairobi Upper Hill is due to open in 2020, as a 255 guestroom and suite hotel. It will be built under a management agreement with Jabavu Village Ltd and White Lotus Projects. It will offer multiple food and beverage outlets, including a relaxing pool-side bar, specialty smokehouse and grill restaurant, lobby dining area with landscaped deck and a boutique roof-

top bar with unbeatable vista views of the Nairobi skyline on the 43rd level. The building will become not only Kenya's tallest building, but will dominate the African skylines, currently dominated by South African and Egyptian buildings. At 330m, Hilton Nairobi Upper Hill will take the mantle from the continent's leading skyscrapers Carlton Centre (223m) and Ponte City Apartments (173m), both of Johannesburg, South Africa.

Rising 195 metres above the ground, the 32-storey Britam Towers is the third tallest building in Africa and Kenya's tallest building in Kenya, but UAP Towers (163m) stands higher by virtue of being on a higher ground. Both buildings are also located at Upper Hill, Nairobi.

But despite the good news of more hotel investors, concerns about political fitters over 2017 General Election and terrorism in the near term, remain the primary issues impacting the hospitality sector. Recovery is expected to fully begin in 2018 after the elections, with growth averaging 1.1 per cent compounded annually through to 2020.

LEFT: An artist's impression of the proposed 330m high, 43-storey Hilton Nairobi Upper Hill, set to be Africa's tallest building. BELOW: UAP Towers (163m) is currently Kenya's highest standing building. PHOTOS: COURTESY

