

MSIA Reading Series

18

ETHICAL DILEMMA FOR SIA AND EIA CONSULTANTS

by

DR G. BALAMURUGAN

Deputy President,
Malaysian Social Impact
Association (MSIA)
1 November 2023
(2.30 – 4.30 pm)

Moderated by
**PUAN SRI JAHARA HJ
YAHAYA**
Exco, Malaysian
Association of Social
Impact Assessment (MSIA)



Penceramah:

Dr. G. Balamurugan
Timbalan Presiden MSIA
MSIA No A004



1st November 2023
Rabu 2.30 PM – 4.30 PM
Terbuka Kepada Semua

DILEMA ETIKA UNTUK PERUNDING SIA DAN EIA

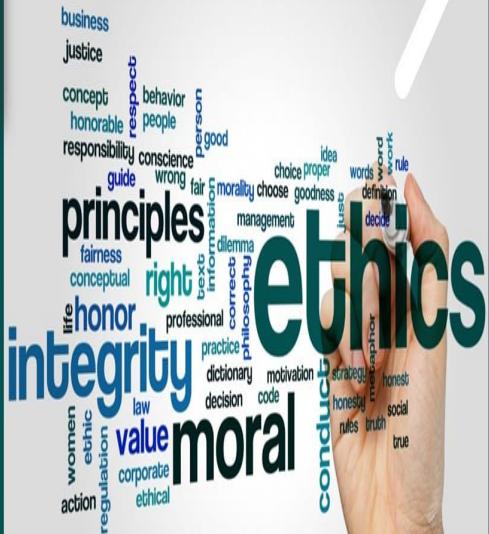


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1. INTRODUCTION

MSIA Reading Series 18 deliberates on an important topic concerning the code of ethics of consultants particularly those preparing SIA reports. This topic is rarely discussed in the open amongst SIA consultants but is immensely relevant to ensure the SIA reports are prepared professionally and are maintained at the highest of ethical standards. What contributes to ethics and professionalism are discussed. This reading series is a proceeding of the Malaysian Social Impact Association's (MSIA's) Hard Talk session entitled "Ethical Dilemma of SIA and EIA Consultants". This discourse was provided by Dr G. Balamurugan, Deputy President, MSIA and was moderated by Puan Sri Jahara Hj. Yahaya, an Executive Council member of MSIA. The following are the sub-topics deliberated:

- Ethics and Professionalism and their Six Elements:
 - Conflicts of Interest
 - Trust and Confidentiality
 - Public Well-being
 - Competence
 - Honorable Conduct
 - Consistent Advice
- Professional Conduct.

2. ETHICS AND PROFESSIONALISM

Ethics is an important and cornerstone of a profession. It is not easy to run away from issues related to ethics related to one's work. As SIA professionals, there is a need to follow the standards and right ethical practices, while protecting the trust and credibility of the profession. But as SIA consultants, it is well known that there are various ethical challenges in one's works. To start the discussion, let's start with the question: What are ethics? And who is a Professional?

Dr. Balamurugan's responses to these important points are to approach it by providing various case scenarios. Let's say someone found a bag containing important documents and RM5,000. He throws away the bag but keeps the money. So, in your mind do you think this is right or wrong? He finds the bag, there's no one, the bag is just lying on the road. There is no simple answer to this situation, but think about this. This actually brings to the question of what is ethics? These are a set of principles or values that have to be dealt with. It is basically what are believed to be good or bad, and not necessarily everybody agrees with it.

Just like the bag that was found, some people might say it is okay to take, some people say it is not okay. So, individuals have their values, that sometimes they are not always conscious of. So, simply said, ethics is about a set of values, and ethics is knowing the difference: what you have a right to do and what is right to do. So, ethics very often can be summarized as the difference

between these two; what you have the right to do and what is right to do? It is not about legality, as that is about the law. Ethics is somewhere between courtesy and the law.

So, back to the question; who is a professional? What are the key issues in professional ethics? Some examples of ethical dilemmas and examples of professional code of conduct will be provided. Ethics is a very wide topic; it covers many things. There is not enough time to look at everything, so a sample of the ethical issues will be provided that consultants faced involving SIA works, and towards the end during the Q&A, these issues can be revisited.

Let's start with this picture of a visit to the dentist. In many occasions the visit to the dentist is never enjoyable. When you go to the dentist, you have to open your mouth and you let the dentist, who very often is a stranger, to poke inside your mouth with sharp objects, to drill your teeth, to cause you a lot of pain and to do other things inside your mouth. But why is the dentist allowed to do this? If for some reason, Dr Balamurugan was to come and open your mouth and poke inside, you won't allow him to. But yet the dentist is allowed to do this. Why is this so? Why is the dentist given the trust to do this? Very simple in this case: the dentist is trusted because it is assumed that the dentist is a professional. The dentist is well trained, responsible and so also that's why the dentist is trusted. So, all of the attendees today in this meeting are also professionals. Remember, you are no different from the dentist, who is a professional, and you are also a professional. So here, the customer trusts the dentist and for all of the attendees here the clients trust you. So, in terms of a professional, he is no different from a doctor. So, the question is what is a professional? Typically, when you look at defining a professional, you are looking at specialized knowledge and intellectual skills. Usually, professionals have a formal graduate degree. Professionals are those that have authority in their judgement. They are usually accredited, licensed professionals, often have associations and peer review is a common practice.

For another example, if you take the baker who makes great bread, or the plumber who comes to repair the pipes; they also have skills but you may notice that very often they could not tick all the boxes characterizing professionals. They might not have a formal education, seldom practice peer reviews as you don't get a second plumber to come and check the work of the first plumber and so on. So, these are typical characteristics of professionals and all of you on the call today whether you're doing SIA or EIA, you all are professionals. I think you all can tick all the six professional boxes. So, then the question becomes why do professionals have special ethical responsibilities? Why must the government or public have to govern the ethical responsibilities? For example, all of the consultants who are doing SIA, they need to become a member of MSIA, or have to be member of MIP, sit for interviews, same if you are becoming a professional engineer you have to sit for an interview, examination and so on.

Professionals have specialized knowledge and skills if not put into practice properly can cause great harm to the society. For example, a picture of a dam can be shown here, if the engineers who

designed the dam are not professionals and they mess up the design, if the dam breaks thousands of people are going to die and therefore engineers are really governed, similarly with doctors because they need to do surgery and if they mess up, patients will die. So that is why doctors are similar people like the consultants who do EIA and SIA in a way this work also carries a lot of weight and if done wrong will end up messing up many things. That is why professionals are always regulated and have special ethical responsibility.

Ethics actually has many issues and scopes for professionals, for a start six topics will be considered. During this discourse, these topics would be touched very briefly, maybe if there is further interest, another session could be arranged. So, among the key issues in professional ethics there are six that will be discussed one by one.

3. CONFLICTS OF INTEREST

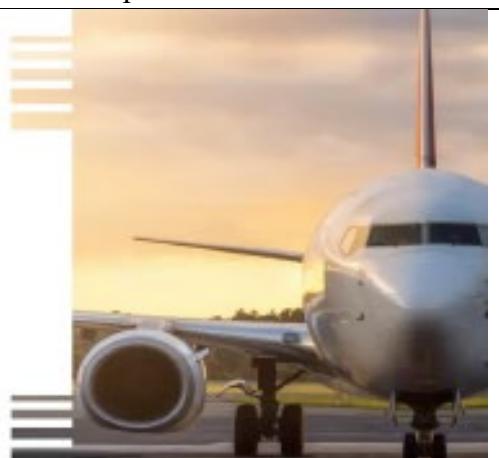
The first issue is conflict of interest. As a professional this issue is often faced and needed always be sensitive to avoid a potential conflict of interest. Conflicts of interest exist when a person in a position requiring to exercise judgment and the judgment might interfere with, either financial interest at stake, or personal interest or have family connections or prior relationships that might influence judgment, etc. So, whenever these situations arise one must be very careful, especially because all of us wear multiple hats. For example, Dr Balamurugan who as a speaker at this Hard Talk session, he is also the deputy president of MSIA, and he is also the managing director of his company, and he is also the president of his community association, so he wore multiple hats. So, the most important thing, make sure that the interest of a hat does not interfere with the other hats. And it is very often that the more hats you wear, the greater risk of ethical conflicts of interest.

Let us ponder over these following examples. Look at this example.

EXAMPLE

Your company was the lead consultant of an EIA for an airport project in the state of Pahang. The EIA was approved by the DOE. You resigned from the company a few months later.

The following year, as part of the project financing, the World Bank is doing a review of the project. You are freelancing at that time. They approach you to do a review of the approved EIA report. What is your position?



So, would you take up this job or not? So, here where you got two hats, you are a former staff, and the second hat you are a freelancer who is approached by the World Bank to review the item you did earlier. So, is there conflict or not?

Let's look at a second example. This one is tricky.

EXAMPLE

You submitted a proposal to do the SIA & EIA for a large road project in Selangor. But you were not successful.

A few months later, you were invited by the government to be a member of the SIA Review Panel to review the SIA for the same project which was submitted by your competitor.

Would you accept the invitation to be in the panel ?



So here, what are the different hats you're wearing? First, the hat is somebody who submitted a proposal but did not win the project. Second hat is you're being asked to be a panel member to review the SIA project that is submitted for the same project that you did not win, but by a competitor. So, will you agree to be the review panel?

So, these are examples where conflicts of interest arise and as a professional, that person must always be very sensitive towards these sorts of things. No answers will be provided, but these examples would have to be thought about.

A third example follows.

EXAMPLE

You are an engineer working for the state government, but you hope to leave soon to seek for a higher paying job at Contractor XYZ (but have not receive any job offer yet).

You are advising a committee that is evaluating three tenders for constructing a new government building. One of the tenderers is Contractor XYZ, and you think that Contractor XYZ is the best.

How would you advise the committee?



Whenever a conflict of interest arises, what can be done? In most times there always are conflicts of interest. What can be done about this? The three common options are:

- i. recusal,
- ii. disclosure, and
- iii. management.

Let's consider the large road project in Selangor. One option is for you to decline straight away because there is a conflict of interest. The second is by disclosing, say you do want to be in the review panel here, you can disclose it as might be acceptable to the ways looking at it, you might tell the department saying that you actually submitted a proposal before but didn't get it but if the department still want you to be in the selection committee, sometimes the client or the government department can accept this, for them it is not a conflict of interest. But it requires you to make the disclosure.

In the case of the three tenders, it is very tricky because you're still working for the government, you will not tell the committee that you actually went for the interview, so you are in a difficult situation. Sometimes it is not easy to handle the situation. This is a classic case where it is not an easy situation to handle because if you reveal that you cannot review then all your bosses and everybody in the department know that you are praying for the job outside. But if you do accept the review role, and later XYZ gets the tender, and you leave, then people will think you have not been very honest. So, give it a thought; you can recuse yourself, you can disclose or sometimes that you can manage the conflict of interest. Sometimes the situations where there are conflicts of interest but you are probably the only expert around and they need you, so they probably say you can advise but you cannot vote or you can come in for advices for the first part of the meeting, that you leave the meeting room later. So, there are many ways of managing conflict of interests.



"Under disclosure rules, I'm required to tell you I own stock in the company whose drug I'm prescribing."

Sometimes doctors own stocks in the company that is producing the drug they are prescribing.

4. TRUST AND CONFIDENTIALITY

As a professional, trust is the cornerstone of a professional relationship. If the client does not trust you and you do not trust the client; that relationship is doomed. Just like your doctor or dentist, you trust the doctor because the doctor is going to cut open your stomach, so you better trust the doctor. So, similarly when you are doing EIA or SIA, the consultant and the client must have the common trust, otherwise it would not work. In establishing trust, confidentiality is a very important aspect of a professional relationship. So, imagine you go to see a doctor, you got some problem, what do you think will happen if the doctor tells all your friends this person got this problem. You don't like it right? So, that is why in a professional relationship confidentiality is very important. What the client revealed to you should be kept in confidential. You cannot reveal it to other parties, else then you lose the trust between you and your client. Sometimes, this becomes a very difficult situation when it comes to ethics because sometimes the information that you receive from a client may impact you or your family. That is why whenever you do a project, most of the clients will ask you to sign a non-disclosure agreement that means what the information you get from them cannot be shared to anybody else.

But situation arises when you get information that might be of importance to you or your family as can be seen in the next example, what will you do?

EXAMPLE

You have been appointed to undertake the design for a large petro-chemical complex in Bintulu. The client provides you with lots of information about the project to enable you and your team to do the planning and design effectively.

You find out from the project plans that your mother-in-law's house will be affected by the project and will most probably have to be acquired.

Do you tell your mother-in-law ?



This is a real situation that could happen to any of you that you have information that impacts your family or your friends but you also sign a non-disclosure agreement. This puts you in a very difficult spot. If you tell your mother-in-law and the news gets out then you're breaking your contract with a client because the client says you need to be confidential about this. But if you do not tell your mother-in-law, you're going to have a serious problem in the family later. So, this is an example of professional ethics where you have issues of confidentiality. This is likened to the Malay proverb; "*Digenggam takut mati, dilepas takut terbang*". In many of the professional ethics issues, this proverb is very relevant, always put you in a very difficult spot.

5. PUBLIC WELL-BEING

The next issue is public well-being. As a professional, if you look at all the professionals' code of conduct, whether engineers, planners, architects, environmental professionals, doctors, etc. it will always talk about professionals must safeguard public interest. Sometimes issues arise where your client's interest is in conflict with public interest, and you as professionals are always caught in between. Let's look at the next example.

EXAMPLE

Six months ago, you developed a **Handbook on Public Participation** for use by the government. The handbook details out all the best practices for engaging with public/ stakeholders during an SIA. Everyone loved your handbook.

Now you have to do an SIA for a big dam project which is on a fast-track – it has to be completed before the onset of the next monsoon. Because of the very short time frame and its national importance, the Project Proponent requests you to shorten and simplify the public participation process.

What would you do ?



This issue on public interest usually put consultants in a dilemma because if focused too much towards the public interest, you may not get more jobs from clients. This put them in a dilemma, this situation happens all the time and as professionals you need to live with facing how to manage your client at the same time safeguard public interest.

6. COMPETENCE

The next issue is on competence. In the case of professionals, competency is the cornerstone. If you're not competent you shouldn't become a professional because other people depend on you. Take a doctor as an example, if you are not competent then you shouldn't be a doctor because you're going to kill people. Similarly, if you are not a competent engineer, you might destroy a building and cause the death of thousands of people. So, competence is very important in professional ethics, if you look at the professional ethics the code of conduct for professionals all of them state the same thing that say, for example the board of engineers - registered engineer shall only undertake assignments only if he is qualified by education and experience. If you're not qualified don't do it. This goes the same with town planners, architects and others. As professionals a lot of people depend on them and their actions can lead to very serious consequences and therefore maintaining competence is very important. That is also why all professional bodies ask their members to do Continuous Professional Development (CPD) to maintain their professional level. Always improve yourself and improve your skills overtime, as tools and technology change over time. As professionals, you must always be competent because if you don't then you would be creating problems for other people. That is why if you go to a doctor's office, all the doctors like to put their certificates on the wall. This is especially so for doctors not because they like to boast but because showing off their competence gives comfort to their patients. Some people

complain about CPD being difficult and all that, but this is very much tied to professional ethics that you need to maintain competence at all times so therefore that's why CPD has been introduced.

7. HONORABLE CONDUCT

The next point is honorable conduct. A professional is expected to conduct himself or herself at a higher level than most members of the society. This ties back to the point earlier that professionals should have specialized knowledge and their work have significant consequences on the society. Therefore, as professionals you are expected to conduct yourselves at the level higher than most other members of the society. You must not only be seen to be professional, but must also be seen to be honorable, seen to be honest, and seen to be competent. As an example, for a long time, most lawyers do not advertise their office. Their sign board is only black and white small signage because lawyers are professionals and not supposed to advertise. This means they are supposed to conduct themselves at the higher level. Not to cheapen themselves by selling their services. The expectation is as a professional you must portray qualities that will put confidence to the society, will put confidence in your client and will put confidence in your work.

8. CONSISTENT ADVICE

The last point is consistent advice. Whenever you give advice, you must be as a professional, and you must be consistent. What is meant by consistent is that you cannot give one advice to one party and then give a completely different advice to another party on the same matter. As an example, let's say you are a consultant for the government and there is a mangrove forest here. You tell the government that this mangrove forest is ESA rank, very important and sensitive area, this mangrove must really be protected by turning it into a national park. This advice is when you are a consultant to the government. But then three months later, when a developer wants to build a golf course here, you change your advice saying it is okay to develop the golf course as it is only taking a bit of the area. Surely the mangrove area can be replaced elsewhere. So, this is a case where you are not consistent with your advices, by giving two separate advices to two different clients. This is not ethical and you must be consistent with the advice.

So according to Dr Balamurugan, as examples from him and his company, because they do a lot of work for the government and at the policy level, they give a lot of advice on forestry. Often, they tell the government not to touch an area, and to protect the area as a national park. And if six months down the line, somebody asks them to do a project inside the area, they say sorry they cannot do the project because it will be in conflict with their own advice earlier. So, you must always remember not to give conflicting advices to different clients.

Let's look at this example.

EXAMPLE

As a consultant to the government, you have advised the govt many times that low income groups/ B40 communities should be given emphasis and consulted/ engaged more intensively than other groups in an SIA.

However for a new project that you are working on, 2 low income communities are strongly objecting to the project. They have organised several loud protests and have threatened to march to the Parliament. They refuse to talk to you.

What do you do ?



This is a case of whether you are giving the same advice. In your advice to the government, you say that no matter what, the B40 community should always be emphasized, consulted and protected more intensively than the other groups in the SIA. But, now you have the situation where the low income B40 committees do not want to be in contact with you, but your own advice is this sort of group must be really intensively engaged, and so you might have a situation where your action could be in conflict with your own advice. So, this is an example of ethical issue that could arise in your day-to-day SIA and EIA works.

So, those are some of the six ethical issues for professionals. There are of course many more ethical issues and many more examples but could not be deliberated much more because of the time constraint. Next Dr Balamurugan felt that there is a dire need to show some examples of professional conduct.

9. PROFESSIONAL CONDUCT

An illustration is taken from the Board of Town Planners. It is stated that a professional town planner must hold up all the dignity, high reputation with the profession, must discharge duties to the client complete fidelity. Town planners must maintain high degree of professional competence. So, many professional bodies have similar code of conduct, most of them talk about maintaining reputation of professional, complete fidelity with the client, competency and so on. If you look at the next one, the Board of Engineers guidelines, see safeguarding the public interest, talk about competency, should publicly act in a professional manner, to have trust in the client and vice-versa, and initiate conduct responsibly, and enhance the reputation of the profession. You cannot do anything that will sully the profession, because if one EIA consultant or one SIA consultant did

something bad, then all of us in the same group are impacted. People will say, all consultants are the same, because of one person's bad conduct. So, we need to safeguard the reputation of our profession as well.

Another illustration can be taken from the International Association for Impact Assessment (IAIA) on ethics for SIA practitioners. Whenever you're free you can go and look at it on the IAIA website. They have 20 items, things like respect for participant, informed consent, no forced participation, stakeholder has the right to withdraw, full disclosure of funding sources whose paying you to do the exercise, and so on. There are so many ethical practices or code of conduct for SIA practitioners, that are recommended by IAIA. It is a good reading if you have time, you can go and look at this. All together there are 18 points. You can go to the website and look at this.

10. CLOSING REMARKS

Dr Balamurugan provided a quick summary. First, as professionals, SIA consultants, have a great impact on our clients and society because of the specialized knowledge and skills. And also because of the special duty of care and responsibility, therefore the code of conduct or the ethical conduct becomes very important. This work can have a great impact on society.

Second point he highlighted that in any profession when you have a client, trust between the professional and the client is absolutely crucial. And if there is only a little trust with the client, then the consultant cannot do the work properly. If you cannot do your work properly, you really cannot advise your client to do the right thing. So, trust is very important.

However, sometimes the client wants you to reveal this, or the client asks to do something which you don't want to do, and many consultants in their career have faced this sort of things, especially the younger ones, you will always be under pressure if the clients ask you to do this. But he always believes that at the end of the day, becoming very good in what you do, if you are very good in your work, nobody will ask you to do funny things. The reason why people come to you asking you to do some funny stuff is because they think you are at their level and you will do all this hanky-panky stuff. But if you demonstrate that you are very good in your work, and you are better than anyone else, nobody will try to ask you to do funny stuff.

So, Dr Balamurugan's last advice is to become very good in what you do is a distinguished way of overcoming any of these ethical problems.

11. QUESTIONS AND ANSWERS SESSION

Puan Sri: We will give Pn Herlina the first question.

Helena: My question is quite simple. We are appointed and paid by the clients. So, the clients usually have their expectation for us SIA consultants to be on their side, assist and provide solutions to their challenges. But, when we conduct impact assessment, we produce an assessment report that must be true and transparent. So, based on your rich experiences, how can we express to our clients that we cannot transgress our code of ethics, and give too much compromise to the interests of the client?

Dr. Balamurugan: This is a very good question. Even for me who in my 30 years career, we still face this problem over and over again. So, what you said is right, that we are appointed and employed by the client and therefore our responsibility is to the client, but at the same time we also have the responsibility to society. As shown earlier, as professionals, we have our code of conduct that is also to ensure public well-being. Problems arise when the interests of the client are against the interests of the public. And I think that one of our primary responsibilities is to minimize this conflict between the client and the public. But how do we help the client in replacing, redesigning, or adjusting the project so we can reduce the impacts towards the public. That is our job. I don't think our job is only in doing the assessment, but also in guiding and improving the project by reducing the impacts of the projects. That is our main role how to reduce the impacts of the project. So, when we started doing EIA or SIA projects, what we usually tells our client is that our role is not only to write an assessment report, but also using the assessment to provide recommendations to minimize impacts and improve the project.

Some clients like this approach, while some clients prefer the old way of not wanting our recommendations.

So, now as consultants we always say we must learn to choose our clients. Over time we have realized that we do not want to work with certain kind of clients, as we know their mindsets will always cause conflict, so we will always be looking for clients who are also equally ethical and responsible. We cannot always go back to certain clients that we already know they are not ethical and not responsible. Stay away from those problematic clients. So, to summarize, we must manage the expectation, we must be clear with the client our role is to help them to make recommendations to reduce any potential bad impacts to the society, and not only in terms of writing a report. Second, over time we must be selective in choosing our clients. Do not do work with everyone. Be careful and selective with the clients we are working with.

Puan Sri: Related to the same concern, is that we must have mutual respect and trust with each other. But there are cases that as consultants we have to toe the line, especially in controversial projects. Even sometimes, the project proponents expect us to present the assessment report to them first, and ask us to make adjustment and editing to the report to not show the bad impacts. Should we entertain their request and is that ethical?

Dr. Balamurugan: So, as a consultant, we are clear that we are appointed by the client, we are not simply working independently, but under the umbrella of the client. So, what I realized over the years is that as in Malaysia, our field is not fully matured yet, many clients do not quite understand things properly. So, we must first begin by winning the client's trust. If the client does not trust you, in many cases that will happen that they want to check the report findings beforehand. So, building that trust is very important. I also realized that many consultants in making recommendations in their report, they are not sensitive with the costs by making unrealistic recommendations, to a point sometimes the mitigation measures cost more than the project. So, from the client's perspective, this consultant is not practical and give useless recommendations. So, for consultants, you must be able to be innovative with the recommendations and also be cost-time sensitive. I think the client has the right to see the assessment report in advance, as when we present the report to DOE or PLANMalaysia, it is actually the client's project that is presented, not the consultant's project. For me as a standard practice, we always present to the client first, to show our recommendations and explain why we make the recommendations in such ways, because the client is to bear the responsibility from our assessment and recommendations of mitigation measures. So, we could not really present without telling them.

As a professional, one of our tasks is to educate our clients. Not all clients may accept but at least we should try. I can share one of my experiences with my clients. Initially when we started to tell our clients that we want to do public engagement, but the clients said no, because the project is top-secret. The clients expect us to do the SIA and EIA without public engagement, and without the survey process. So, we told them DOE will throw away your report, and you will not get the approval. Then they agreed, but they will monitor the process. We did three FGDs and later the EIA was approved. Then three years later, they came back to us for another project, as usual we said we are going to start with our survey and FGD, and they said *okay* no problem go ahead and do it.

So, this is one client who earlier refused to allow anything, but for the second project because you already gained their trust they said go ahead and do it. Then, three years later they came back to us for the third project. This time they said I know you are going to do your FGD, so what they decided is they let you do 30, and their own engagement team will do another 30. This is what I meant by a consultant having a responsibility to educate the clients. It is not easy, as it takes time and need to build mutual trust.

Puan Sri: Next question Dr. Low.

Dr. Low: For those of you who do not know, Dr. Balamurugan and myself actually shares the same supervisor. There is one thing that I remember what my supervisor told me, when you become a consultant be true to yourself, and this is where the ethics come in. You must work within your own conscience. So, I suppose he also told Dr. Balamurugan the same thing and I'm

very glad that Dr. Balamurugan gave the talk today on the professional ethics especially because we always have conflict within ourselves when we take projects. Nowadays, of course we are quite selective in taking clients, so this is what I do agree with. It's very important to have your conscience with you when you take on a project. Sometimes, it's not about cost (or money you receive) anymore, because you know when it is against your conscience, you cannot sleep at night. So, the conscience and the competency are very important.

So, my question to Dr. Balamurugan is that since you have a lot of experience on clients, whether clients sometimes push you to the brink that you have to write something that is contrary to your conscience? For myself, I always write the truth, and whether they accept it or not, I will tell them this is the truth. There are some projects you know that were rejected not by the DOE, but by NGOs. This is where they come in, and this is when conscience, consistency and competency come in, and this is always at the back of my mind. So, how do you resolve that?

Dr. Balamurugan: Thank you, so first, it is not easy to resolve, this is very challenging especially when you're young, when you're starting your career is actually very difficult. Nowadays, I don't have much hair left, so clients listen to me. When you are younger it is different. So, yes to answer your question, what I personally have done over the years, we are already clear to ourselves that there are certain types of projects, we will not take. We will not touch. No matter what the fees, for example, we do not do EIA for logging projects, for mining projects, for hill-slope development, for anything that involves large scale clearing of forest. So, these are projects we will not touch. Even if people ask, we will not submit proposal because this is our company policy and because we know this sort of projects will have a lot of issues. It's very difficult to satisfy your client. So, for me, it is better not to take. Second point, they are also certain clients that we will not do work with. I think you need to be clear that certain clients no matter how much money they offer you, don't do work for them. So, if you are clear what types of projects that you don't want to do and the type of client you don't want to work with, then I think you can eliminate many of these potential conflicts of interests or potential ethical problems. But there is also sometimes real problem, when in the beginning the client looks okay, the project looks okay, you can accept the project. Then half-way in your work you realize actually the client is not okay, the project is not okay, then you will be in a moral dilemma. It's a very difficult situation. But I think as consultant sometimes you must be brave enough to say no, I don't want to work with you anymore. So, I will tell you one story, we had a client, this was many years ago. They asked us to change the laboratory data, they're not happy and it's not even EIA project, this was post-EIA monitoring. So every month our team go to collect samples and every time the samples keep on showing high DSS level. And the client said, don't put this in the report and change the data to show lower values. We tell them no, we cannot do this, this is laboratory data you have to show. They still say must change, they keep harassing, then they call the office ask us to change. Finally, I went there, I met the boss, say we are resigning from this project. I don't want to do this project anymore. You can find another consultant. So, we left and they also owe us a lot of money, I said never mind you don't have to

pay. You can keep your money. We are walking away from this project and we quit. The client said this is first time the consultant sacked the client. So, I think sometimes we have to make that decision that we just walk away from a particular client. So, of course you do not want to do this. You want to try to manage the situation, but sometimes certain clients and certain projects, you don't have a choice but to just walk away, and in the process, you lose money, too bad.

TS Eng: Thank you very much Dr. Balamurugan on the information sharing and I agree very much with you. Just on the issue of being selective of clients, my way of doing things is somewhat a bit different. Normally, I will treat it this way, maybe we are somewhat lucky in our involvement in this EIA. We might know a little bit more, or extra from the client or the project proponent. As for me, I will try to understand the situation and then try to deliver the right message to the client. I'm new in this industry, maybe a bit ignorant, so we don't actually get them to know the whole consequences of doing so, but we straight away jump to conclusion of saying that it's actually not in the right way of practice. I don't know because I'm not as much experienced, but I do believe that there are also new investors and developers coming, but if let's say we don't try to assist and help them, as a matter of fact, ultimately, they might just go into some others, which might end up in a wrong manner. As you know, somewhat we are Malaysian, there is another way, instead of going through a professional way, sometimes this other way will come to interfere. That is actually why I'm saying that maybe I will try to get involve and advise in the way we did, and my capacity and ability first. Then, if really the channel is not in the same wavelength, then I would certainly excuse myself like what Dr. Balamurugan practices. But for me, I think I'm still going to ask certain charges, as usual that certainly there all those work that we have done, as a matter of fact, if you go to a doctor, the doctor is still going to charge you. So, I think to be fair for us and to be fair also for the client's end, and to charge our service provided to them, not to say I'm going to chop them with big charges, but enough with amount the value that we have actually given for the project. I think it can actually be worked out. But, I'm not sure when it comes to be selective when it comes to selection of clients. In a way maybe it is a good way in business, but I'm not sure whether it is a right way for a professional practice. I'm not sure. But, I think transparency itself is a very good word. I think another word I have picked up here is sustainability. Let's say they are running a factory, assuming the information have not been delivered to them, ultimately the project might just not work properly and just wait for right time to come, might just go to hit you very badly. At that point of time, I don't think we still can be within a good range of managing it.

Dr. Balamurugan: These ethical issues, very much would depend on your conscience. Going back to what Dr. Low mentioned, at the end is whether you can sleep peacefully at night. If you do that, can you sleep peacefully at night, so if you can go and do it, you can't then do not do it. So, I suppose that as you grow older you have more conscience, then when you were younger.

Herlina: This is a special question. This is regarding a recent project that I think you know. In the beginning, you decided to not take up the project, but later after a few months, you decided to take

the project. Can you share what happened and what made you change your mind regarding the project?

Dr. Balamurugan: So, there are situations where initially I do not want certain projects, but later decided to take the projects. There are also certain projects that I initially want, but then later decided not to take. So, on the question by Herlina, this is the first scenario that initially I do not want the project, but a few months later I agree to become the consultant. So, before I answer that question, let me explain, for me I'm guided by a few things. I will do my own screening. First of all, is that project endorsed by the government or not. Because when projects are in plan, government will do their own feasibility study comprising various aspects; engineering, social, environment, costs, etc. and it goes through many committees. For me that's the first criteria, that if the government has endorsed the project, then I will consider. If the government has yet to endorse the project, then I will not agree to take the project. But, even if the government has endorsed certain projects, then I know it is going to be run by a bad developer, I still do not want to take the project.

So, in the case of this particular project, at the start it was poorly designed, not enough engagement done with the public, and the developer was quite stubborn. That was my understanding from what I heard. So, when the developer first came to ask to do the project, I declined, saying I'm very busy, I hope you can find someone else to do. Then, a month later they came back asking again saying you are highly recommended, please take this project. Again, I said I already told you, I am busy, I do not want this project. Okay, so I forgot about them. But then 6 months later they come back again, and this time the client actually made a presentation to me. And they said, I know why you do not want to take the project, because all kinds of problems with the project. But they have realized a lot of mistakes, and they have changed and they are going to modify the project, also do a very extensive stakeholder consultation with the public. So, they actually explain all the changes they are doing and the new approach towards the project. So, that is why I changed my mind. Even though I think the project is still going to be a difficult one, but I appreciate their effort to modify the project design and also the approach in dealing with the public. But at the same time there are also opposite situations that initially I agree to take, but in later months after knowing more about the project and its issues, I could decide to withdraw.

Herlina: Additional question about the same project, after you took the project and conducted the SIA, did you feel satisfied and think it was a good decision to take the project?

Dr. Balamurugan: That is not easy to answer. But overall, I think it was the correct decision to take the project. Actually, after getting feedback from the government, as the ultimate owner is the government, we can understand why the project is so important for the country. So, from that angle, I think it was worth it, not only about the project private concessionaire. If you understand from the perspective of the government on why the project is so crucial, then it takes on a different

perspective and then you know that you made the right decision. As it is based on national interest. So, also the main lesson here, when we conduct stakeholder engagement, we must realize that the stakeholders are not only the local communities, but must also consider the perspective and interests of the government, state or federal, as it can be of national interests. But getting the right balance can make it quite difficult.

Puan Sri: We have one question from Joanna, quite specific regarding code of conduct for SIA, do we already have it?

Dr. Bala: We already have a draft, but yet to finalize and distribute. The MSIA code of conduct is already in the MSIA framework 2035 that we have uploaded on our website. We have already listed the suggested code of conduct for all members that we can decide during the next AGM.

Dr. Low: Taking a project can also be because we want to take a challenge, and must be based on our conscience. There is also a suggestion that the SIA code of conduct must also be shared with the project proponents, so they can understand better about SIA.

Puan Sri: Just to end, Dr. Balamurugan can you give us a few summary points as takeaways for the participants, something that we want to ponder upon.

Dr. Bala: Ethics is complex, and very multi-dimensional. But to keep it simple, follow your heart, like Dr. Low said. If your conscience says okay then do it, if your conscience says not okay don't do it, because you will not be able to sleep at night. My second point is if you are very good in your work, many of the ethical issues will disappear. People will not dare to make you do funny stuff. If you have made your name for yourself, very good in what you do, people will listen to you and they would not ask you to change your results or fiddle with this or that. So, I encourage especially all the young professionals here, be the best you can in your field, by that way you will eliminate many of the ethical issues, people will not dare to interfere with you.

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The contributions and deliberations of the panelist, Q & A participants and the moderator during the MSIA Hard Talk session are very much appreciated.

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In the spirit of inclusivity and transparency, MSIA is open and frequently invites experts of various fields and stakeholders to share their perspectives on how the SIA processes can be more effective. Their views are analysed and reported. Any views and assumptions expressed however are solely those of the panelists and Q & A participants, and do not necessarily reflect that of MSIA.