

Illegal and Unethical Conduct by Stakeholders in the Context of Construction and Civil Infrastructure Development Projects

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Abstract

A countless number of projects are being undertaken across the globe at any time in the crucial field of construction and civil infrastructure development. Over many decades, and even centuries, these projects collectively have both profoundly influenced as well as immensely improved the quality of all our lives. At the same time many of these schemes were plagued by controversies before, during and sometimes even long after their completion. One major source of controversy revolves around illegal or unethical actions and conduct of their stakeholders. These take place at the expense of projects and conflict with the legitimate interests and concerns of other stakeholders. From false promises and assurances, to cases of fraud, nepotism and corruption, to violent incidents of intimidation such actions and conduct span a broad spectrum which, although widely known and often reported about, appears to have attracted little if any systematic analysis in the project management research community.

Based on an extensive study of literature available in the public domain and interviews with project practitioners, and their own knowledge and experience, the authors discuss in this paper with the help of several examples some of the more commonly encountered illegal and unethical actions and conduct by stakeholders which in practice have historically overshadowed and today still continue to cast a deep shadow on projects in the construction and civil infrastructure development category. The authors also present their ideas and practical suggestions as to how such problems can be addressed by project executives. The authors firmly believe that by systematically attempting to prevent legal and ethical transgressions from occurring and effectively and promptly addressing them if and when they do occur, projects are more likely to succeed than otherwise and can move closer towards achieving a win-win solution which can immensely benefit both them as well as their stakeholders.

Introductory Comments

For this research the authors have reviewed data which is available in the public domain on over two dozen large construction and civil infrastructure development projects

across the globe. The focus was primarily on projects undertaken and completed in the recent past. Projects in both developed as well as developing countries were selected for the review and these spanned various categories associated with construction and civil infrastructure development schemes including logistics and transportation, energy, water resource management, and mining.

This paper is divided into three parts. Part one discusses laws and ethics as two distinct yet very closely related concepts which both possess immense relevance for all projects regardless of where, when and by whom they are undertaken. They assume special significance for large construction and civil infrastructure development projects which are highly complex undertakings typically characterized by a large number of stakeholders, both in the primary and secondary stakeholder categories. The frequency, intensity, nature and time period of interactions which take place between such projects and their stakeholders offer many opportunities for occurrences of breaches of the law and/or ethical misconduct. Part two focusses on the types of often observed legal and ethical shortcomings which in practice occur on construction and civil infrastructure development projects and which were identified by the authors in their research for this paper. Several projects are highlighted for exemplification. Part three outlines a set of simple, practical and cost-effective ways and means by which projects can, especially from a preventative perspective, systematically attempt to address potential legal and issues.

The findings of this research can benefit project executives significantly by spreading awareness about the criticality of, as well as the considerable benefits stemming from, strict adherence to law and ethics on their projects, by pinpointing specific areas in which serious legal and ethical issues and shortcomings are often encountered in practice and by educating them about the effective mechanisms whose proper implementation can help prevent such issues and problems from occurring in the first place. Doing so can decrease project risk (including existential risk) and wastage of project resources and time, and the damage to reputation which would necessarily ensue from having to defend the project against allegations of legal breaches and ethical misconduct.

The Concepts of Law & Ethics in Project Stakeholder Perspective

Laws have been laid down since ancient times and are presumably as old as mankind itself. They are not cast in stone but are location-specific and evolve over time as a result of myriad contextual influences, inter alia, societal transformation, shifts in public attitude and economic progression. Actions once considered socially generally acceptable and which were legal in the past may no longer be so in contemporary times. A classic case is the now universally shunned practice of child labour, a phenomenon which was common worldwide right until about the middle of the last century. Yet, despite being the focus of much concerted global eradication action in the past few decades, cases of child labour continue to crop up even today as the

occasional media reports and images of very young children toiling under hazardous conditions at project construction sites or in factories in developing countries lucidly remind us.

In terms of their scope, detail, strictness, discretionary space, implementational priority and penalty in the event of non-compliance, laws may differ, sometimes significantly, from jurisdiction to jurisdiction. For instance, laws which are applicable at the federal or state levels in the United States of America basically do not apply in another sovereign country. And vice versa off course.

Projects are not immune from laws. Laws apply as much to projects as they apply in non-project situations. The consequent practical implication is that projects are compelled to follow the relevant set of laws which are applicable to them in their own specific location or context. Sometimes there is the possibility of jurisdictional overlapping occurring such as mutually pre-agreed upon choice of alternative place of litigation should contractual disputes between stakeholders arise. Projects, therefore, do not operate on equal legalistic footing and some experience comparatively significantly more legal constraints than others.

Some laws in fact focus mainly on projects. This is especially evident for construction and civil infrastructure development projects which are embedded in an especially complex legal environment - notably more so in fact than projects in other categories. Construction and civil infrastructure development projects typically involve numerous organizations and groups of specialist individuals assigned a plethora of roles and responsibilities and tied to the project through a bundle of contracts. Contract formulation and administration assume great importance and failure on the part of contracting partners to meet their contractual obligations are oftentimes the focus of legal action in practice. Furthermore, projects in construction and especially civil infrastructure development involve acquisition and development of oftentimes enormous land spaces which inevitably sets them on a collision course with the natural environment and all living entities – communities, fauna and flora – already existing in these spaces. As public concern over the adverse social and environmental impacts of large-scale projects has grown over the years, projects in many places across the globe are encountering increasingly stricter legal requirements in numerous spheres, inter alia, public consultation, stakeholder engagement and respecting the rights of indigenous communities, bio-conservation, species and habitat preservation, environmental safeguards and the preservation of archeological and cultural heritage.

For this study the authors take a broad view of the concept of law which in their understanding encompasses not only the laws enacted through formal and prescribed procedure by federal, national, state or provincial legislatures but which also include the gamut of rules and regulations in the form of decrees, directives, ordinances etc. adopted by regions, counties, districts, municipalities, localities and so forth and which like laws also are enforceable and fully binding on projects taking place in their jurisdictions. As with violations of the law, failure by projects to abide by these rules and

regulations can result in serious consequences for them, on occasions even posing an existential threat.

Ethics, for its part, shares several fundamental commonalities with law. As an established branch of philosophy commanding growing interest, it too has a venerable tradition extending back at least to antiquity. Like law it holds relevance for virtually every sphere of life, such as, business and finance, medicine, media, politics, public administration, academia as well as programs and projects to name but a few. Both ethics and law overlap to a considerable degree. Two fundamental distinguishing features set ethics apart from law: firstly, while adherence to law is required at all times and violations if discovered and pursued are usually met with imposition of sanctions by the state on the violating entities in civil or criminal court, this is usually not the case in the event of ethical impropriety and, secondly, in our contemporary age law tends to exhibit a seemingly and comparatively faster rate of transformation than ethics over time. This is not to imply that ethics does not evolve over time which it can and obviously does. However, it is apparent that ethics does not exhibit the considerable level of variability across space which law evidently does and fundamental ethical principles and values also do not change as rapidly over time. At the same time, while peoples understanding of what constitutes ethical behavior and action is broadly consistent across space, there are culture-specific differences. What may be considered 'ethical' by many or even most people in one society may not necessarily be viewed as such in another. A case in point - and one frequently observed in practice - being the practice by project executives to award contracts to their immediate or extended family members resulting in them benefiting considerably financially or materially from projects. Whereas involving such entities may generally be frowned upon in western societies and viewed there as an undesirable practice because it smacks of favoritism which is deemed unfair and something to be avoided if and when possible, it may not be looked upon negatively in some other societies which take a more pragmatic view. There the reasoning could be that involving family members assures a relatively higher level of controllability over them due to their personal relationship which translates into consequently less risk and a higher likelihood of success for the project.

The nexus between law and ethics gives rise to a set of four distinct scenarios. For projects, these assume enormous and fundamental relevance as all actions, situations, events, interactions, behavior etc. involving the project stakeholders, both primary and secondary, over the course of the entire project life-cycle can be distributed among these scenarios which are:

Legal & ethical: Here stakeholder actions etc. over time are in strict observance of the law and they also respect ethical principles and values. This is the best of the four scenarios for the project and for its stakeholders. It reduces unnecessary, potentially serious risks to the project and steers it clear of public controversy. It also embodies good project stakeholder management and engagement and takes all stakeholders' respective interests into account and seeks to promptly, fairly and effectively address their legitimate concerns about the project.

Legal & unethical: in this scenario stakeholder actions etc. stay within the limits of the law but conflict with ethical principles and values. A good example is the payment of the minimum wage to project employees by a well-established and successful construction company. Though the minimum wage is permissible under law it can be viewed as inappropriate in ethical perspective if the company is in a long-term financially strong position and commands the resources to comfortably pay its workers a wage higher than the legally permitted minimum. The excessive and unjustified use, or misuse, of the instrument of eminent domain by governments is another example where law and ethics collide.

Illegal & ethical: This is perhaps the rarest and most unusual scenario encountered in the project context. Here stakeholder actions etc. fall afoul of the law but evidently do not conflict with ethical principles or values. For example, the law in country X may prohibit the import of personnel safety equipment used on construction activities from overseas, preferring to rely on and supporting domestic equipment manufacturers, although imported equipment may be comparatively superior to domestically produced ones, and assure users a higher standard of safety. If the project opts to acquire and use imported equipment at its site surreptitiously this would certainly constitute a violation of the country's law but it would not transgress ethical boundaries as the physical safety of its employees working on site assumes a higher priority on the ethical spectrum than the safeguarding of corporate interests.

Illegal & Unethical: This is definitively the worst scenario and in the best interests of the project must strenuously be avoided at all times. Public disclosure of such actions etc. by primary and secondary stakeholders - which are witnessed frequently in the context of large construction and civil infrastructure development projects - may not only generate immense negative publicity but can also culminate in strong legal or public administrative action against the project. In the extreme case this can lead to the premature termination of the project and overshadow future projects involving stakeholders found to have been indulging in such practices.

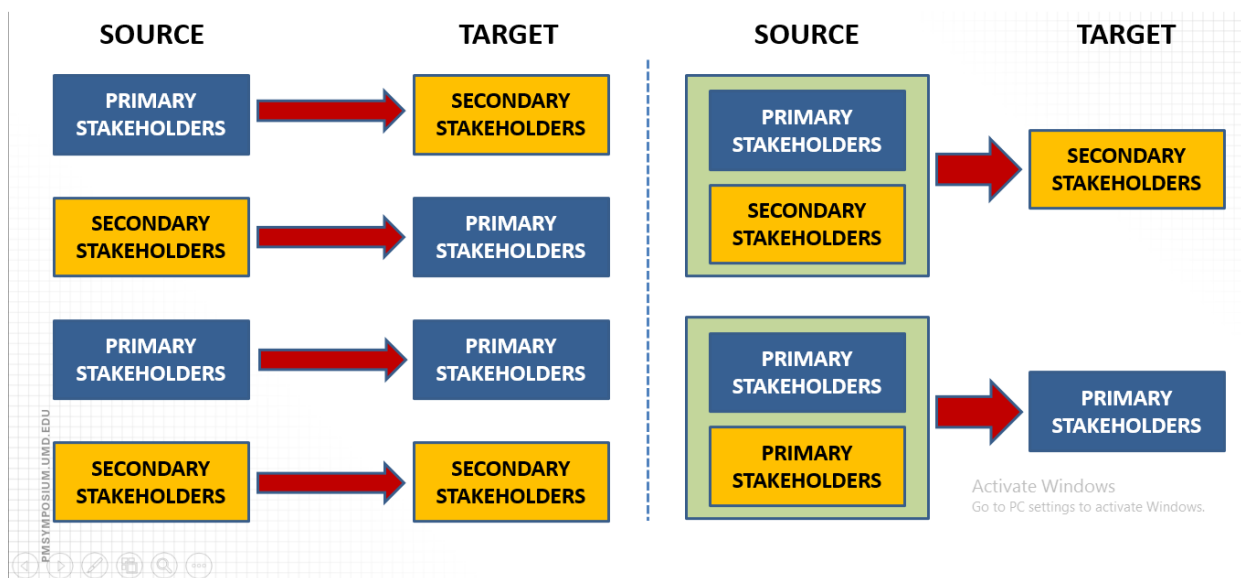
A Scenario-Based Approach for Analyzing Illegal and Unethical Conduct by Project Stakeholders

To examine illegal actions and/or unethical conduct involving stakeholders occurring on construction and civil infrastructure development projects more systematically and specifically, the authors propose the following simple analytical framework based on the findings of their research for this paper as well as their decades-long study of and personal experience with projects. This framework encompasses six distinctive scenarios involving the two main stakeholder categories found on all large construction and civil infrastructure development projects, namely, the primary and secondary stakeholders. The difference between these two stakeholder categories lies therein, that primary stakeholders all have assigned roles and responsibilities on projects based on some contractual obligation or legal responsibility binding them to the schemes while

secondary stakeholders do not have such formal links to projects but are affected by them positively or negatively and financially, materially or in some other way or ways over time. Examples of primary stakeholders are the project owner or client, project manager and team, project consultants and advisors, financiers, contractors and subcontractors, vendors, and government bodies actively participating in projects; examples of secondary stakeholders are local communities and individuals, civil society organizations, media, academia and government bodies not actively participating in projects.

Depending on context, situation or circumstance during the project life-cycle, primary and secondary stakeholders both may serve as the source of illegal actions and/or unethical conduct directed against each other as well as against stakeholders within their own respective categories. Primary and secondary stakeholders can also jointly target other primary or other secondary stakeholders on occasions. The scenario-based analysis can be shown with the help of the following illustration:

FIGURE 1: Sources & Targets of Illegal/Unethical Stakeholder Actions & Conduct



Source: Developed by the Authors

Scenario 1: Primary Stakeholders (Source) → Secondary Stakeholders (Target): In this scenario illegal actions and unethical conduct by primary stakeholders has a negative effect on secondary stakeholders. In the worst cases, the adverse consequences of such actions and conduct for the secondary stakeholders effected can be multi-faceted and enduring for a long time. This scenario is very common on large construction and civil infrastructure development projects. Common manifestations observed in practice include the display by project executives of a callous, uncaring and dismissive attitude towards secondary stakeholders and overlooking the opportunity to closely

communicate or consult with them about the project, intentionally misleading secondary stakeholders by understating the project's negative impacts and overstating its positive impacts on them, and failing to provide them with preferential job, investment and other opportunities on the project.

More serious manifestations include ignoring potential health, safety and other hazards which may result from the project as has on several occasions happened in the case of mining projects where contamination of the drinking water sources of local communities occurred culminated in severe illness. Also, many disturbing cases have come to light where secondary stakeholders were refused adequate compensation for the financial, material and other consequential losses experienced by them because of large construction and civil infrastructure development projects or where payment of compensation was delayed for an excessive period of time. Several highly publicized cases have come to light in recent years where projects resulted in the encroachment of land of indigenous tribes (such as oil and gas pipeline projects in the United States of America and Canada) or destruction of sites of cultural or spiritual importance to secondary stakeholders, the demolition of two 46,000 years old aboriginal cave sites in Australia by the Rio Tinto mining corporation in 2020 being a sad case in point. Oftentimes, and with a view towards suppressing opposition, construction and civil infrastructure development projects go hand in hand with the application of strong-arm tactics, usually in connivance with state entities and not infrequently having fatal consequences. Several documented murders of environmentalists, especially in the Latin American project context, aptly demonstrate this disturbing phenomena which is displaying an increasing trend with time.

Scenario 2: Secondary Stakeholders (Source) → Primary Stakeholders (Target): Illegal actions and/or unethical conduct directed by secondary stakeholders against primary stakeholders are also frequently experienced on large construction and civil infrastructure development projects. For projects this can result in cost and schedule overruns, unwanted scope or design changes and in extreme cases even their premature termination with the heavy financial losses and reputational damage this entails.

Illegal and unethical actions and conduct by secondary stakeholders also cover a broad spectrum of manifestations ranging in intensity from the mild to the serious. Milder ones include reneging on assurances, commitments and promises of support for projects prior to or in the pre-execution phase of their life-cycle, failing to prevent or help prevent avoidable losses to projects by withholding crucial information, unfairly tarnishing the project's image through disinformation, pursuit of excessive compensation for losses experienced or pursuit of fraudulent compensation claims. For instance, in the case of the Lyari highway project in Pakistan's largest city Karachi, the powerful land mafia allegedly settled groups of people in the area earmarked for the highway's construction in order to acquire relocation compensation.

Sometimes influential secondary stakeholders seek to gain personal benefit or benefits for their immediate or close family members from projects and as a means of pressure resort to subtle blackmail by hinting at administrative, political or other practical hurdles placed in the way of projects if their demands are resisted. Secondary stakeholders have on several occasions demonstrated an inclination towards violence, causing significant material losses through vandalization of construction and civil infrastructure project sites, facilities, machinery and infrastructure, and in more serious cases, resorting to verbal and physical intimidation and even kidnapping and murder of primary stakeholders. This has been particularly apparent in states having strong and active insurgent movements, such as Afghanistan, India, Iraq, and the Phillipines.

Scenario 3: Primary Stakeholders (Source) → Primary Stakeholders (Target): Here the illegal actions and unethical conduct of some primary stakeholders result in adverse and direct or indirect consequences, which at times can be quite severe, for other primary stakeholders. They are encountered frequently on large construction and civil infrastructure development projects. Sometimes the actions and conduct in question are not directed against other primary stakeholders specifically but can still result in significant damage to them nonetheless.

Illegal actions and unethical conduct by primary stakeholders which can damage other primary stakeholders or inflict damage on the project per se are typically observed in several areas, inter alia, in the award, formulation and administration of project contracts and in the project procurement system (irregularities), in project cost and schedule estimation (overestimates), in project communications (intentionally withholding or falsifying crucial information), in relation to specified quality standards (non-adherence), in upholding professional standards (disinterest), and through practices and dealings which are corrupt or fraudulent.

A pervasive and high-profile issue observed on many construction and civil infrastructure projects relates in particular to the mistreatment or exploitation of their human resources. This phenomena covers a broad spectrum of actions and conduct all of which may have long-term adverse and sometimes irreparable physical and psychological consequences for the persons affected. Some of the more 'milder' manifestations include, for example, displays of favoritism and nepotism towards well-connected project employees, unfair performance appraisals based on subjective or personal considerations, a lack of incentives and rewards in recognition of very good or outstanding performance, inconducive office environments and working conditions, snooping in the private sphere of employees and failing to offer employees adequate emotional counseling & mentoring.

These 'milder' manifestations pale however in comparison to the more serious observed ones observed on many construction and civil infrastructure development projects. Illegal actions and unethical conduct here appear to be comparatively less frequent but the physical and mental toll they exact on employees can also be much more significant. Examples range from discriminatory practices in hiring and promotions,

tolerating workplace harassment, bullying, aggression and coercion, to failure to uphold required workplace safety standards and, in more extreme cases, to sheer apathy for observing basic human rights standards at project sites. A case in point of the latter are the horrendous working conditions experienced by migrant labour from several Asian countries employed at construction sites in the Middle East. A particularly notorious and much debated example is the State of Qatar where according to a recent British study over 6,000 labourers have reportedly died in accidents at diverse project sites under construction in preparation for hosting the world football championship games scheduled to be held in Qatar at the end of 2022.

Scenario 4: Secondary Stakeholders (Source) → Secondary Stakeholders (Target): This usually happens when secondary stakeholders are bitterly divided and polarized either over their support for, or for their opposition to, the project and attempt to utilize every option available at their disposal to respectively push the project through to successful completion or derail it prematurely. While many of their options to support or oppose projects are within their rights (and therefore legal) and in ethical perspective are non-controversial, some of the measures they resort to on occasions may clearly transgress legal and/or ethical boundaries. Milder measures may include ostracization and boycotts the result of which create serious and enduring community divisions and a tear in social cohesion. More serious measures include intimidation and the spectrum of intimidatory measures used by project supporting or opposing secondary stakeholders against each other in the project context can be quite broad, ranging from harassment and verbal abuse against individuals or groups to subtle and direct threats directed against life and property to, in extreme cases, actual violent physical attacks resulting in destruction of property and the deaths of people.

Scenario 5: Primary Stakeholders & Secondary Stakeholders (Sources) → Secondary Stakeholders (Target): This scenario apparently is encountered comparatively less frequently than the four above-mentioned scenarios. A cross-category 'alliance' of this sort occurs usually when primary stakeholders join forces with passionately supportive and active secondary stakeholders with a view towards ensuring that projects are implemented at any cost against fierce and tenacious opposition from opposing secondary stakeholders. This can result in situations where both legal and ethical boundaries are heavily transgressed. In their research for this paper the authors discovered that in a few projects key project opponents were physically intimidated and in some documented cases others were murdered by contract killers hired by the project and who were helped by some secondary stakeholders.

Scenario 6: Primary Stakeholders & Secondary Stakeholders (Sources) → Primary Stakeholders (Target): This is probably the least common scenario and documented examples are rare, probably because the primary stakeholders involved would obviously seek to avoid disclosure of such situations in order to avoid possible legal recriminations by the project. The reasons why primary stakeholders, who because of their contractual relationship or legal responsibility to the project would normally would be expected to be fully supportive of it, would consciously seek to sabotage or cause

damage to the project can vary considerably according to situation or context. A hypothetical example is when disgruntled primary stakeholders who have turned against their projects - for instance, because they perceive having been unfairly treated by them or because the projects failed to uphold commitments made to them or because of a realization that their participation in the projects may probably result in significantly less net benefits than they originally anticipated - conspire with secondary stakeholders opposed to these projects. One way in which primary stakeholders can play their part would be through anonymous disclosure of highly sensitive or confidential information about their projects which can be used against the project by secondary stakeholders opposed to them. This can result in consequential delays and/or additional cost for the project, staff demotivation and stress, embarrassment and reputational damage to it which can be difficult if not impossible for the project to rectify or overcome over time.

Simple, Practical and Cost-Effective Suggestions for Preventing and Managing Illegal Actions and Unethical Conduct on Construction and Civil Infrastructure Development Projects

As shown above, construction and civil infrastructure development projects offer many possibilities for actions and conduct by primary and secondary stakeholders which transgress legal and/or ethical boundaries and which constitute a significant risk factor for these projects. Yet, despite the obvious difficulty countering such challenges on large and complex projects over their life-cycle entails, there are many useful steps that projects can adopt to systematically attempt to prevent illegal actions and ethical misconduct from occurring in the first place. In the view of the authors, following simple, practical and cost-effective measures lend themselves for consideration:

- Sincerity and commitment by the key project stakeholders towards upholding both the law as well as the highest attainable standard of ethics at all times and in all spheres of their projects must be unequivocally expressed, formally documented and periodically reiterated by top-level project executives. As actions speak louder than words this expressed commitment must, more importantly, be translated into clear policies and practical steps to clearly signal to all primary stakeholders that any breaches of law and ethics on their part will not be tolerated and will attract swift and appropriate punitive countermeasures.

- All large construction and civil infrastructure development projects should develop a formal and documented project ethics policy and specific code of conduct to which all their primary stakeholders must be contractually obliged to abide by at all times and which is strictly and impartially monitored continually for compliance by the projects. Many organizations across the globe, especially in the commercial sector, have long adopted formal written codes of ethical conduct which their employees and business partners are expected or required to closely abide by when undertaking their operations, programs and projects. Several professional

associations have also developed codes of ethics for their members. A notable relevant example in this regard is the Project Management Institute's *Code of Ethics and Professional Conduct* which is an eight-page document outlining the importance of ethics for project management practitioners and identifying four values—responsibility, respect, fairness and honesty – for its members to abide by as its foundation, each of which include both aspirational and mandatory standards.

- Measures implemented by projects against their primary stakeholders for repeated non-compliance or serious violations of laws and the ethics code can and should include a broad spectrum of punitive actions, for instance, ranging from formal reprimands, suspension, transfer, removal or firing of individuals engaging in illegal or unethical practices to permanent blacklisting of organizations.
- Experience over time has shown that certain aspects of complex construction and civil infrastructure development projects are particularly susceptible to illegal actions and/or unethical conduct by stakeholders. The procurement process is an excellent example thereof and an area where inadequate safeguards or failure to implement safeguards effectively often results in the award of contracts on the basis of personal relationships or in exchange for payment of bribes and kickbacks, or special favors to project decision-makers. The consequences of such actions may on occasions be grave if, for instance, material inputs are of substandard quality and construction planning, design or execution deficiencies and flaws are hushed up or intentionally overlooked. Therefore, project procurement processes need to be especially carefully designed and implemented in a manner which at all times renders them highly transparent, fair and devoid of any conflicts of interest, and open to critical scrutiny. They must also operate in conjunction with a robust incident reporting and performance monitoring system.
- Compilation of and circulation among all primary stakeholders of a law & ethics reference handbook. Its content would contain detailed information on all laws which apply specifically to the projects as well as both the minimum and desired ethical standards which have been set for the projects and how primary stakeholders are expected to deal with other and with the secondary stakeholders. The handbook can and should also provide primary stakeholders with specific guidance how to handle legally or ethically difficult or challenging situations. By reviewing a set of both good and bad situational examples and case studies from past projects the handbook can contribute towards reducing the potential for unintentional or accidental breaches of the law or ethical conduct stemming from lack of awareness, knowledge and experience on the part of primary stakeholders.

- A brief and mandatory training course or workshop for all primary stakeholders can also be a helpful measure in spreading broad awareness and knowledge about specific project-relevant laws and the code of ethics which all primary stakeholders are expected to abide by for the duration of their respective participation in projects. As many primary stakeholders in complex construction and civil infrastructure projects tend to join the projects at different points in time over its project life-cycle, and are not usually part of a project throughout its entire life-cycle, these courses or workshops can be repeated over time for the benefit of new incoming primary stakeholders new and also with a view towards ensuring that all of them are familiarized to the same extent with the laws and ethical standards applicable to the projects they are participating in.

- Conducting periodic and anonymous surveys of, and interviews with, primary stakeholders throughout the project life-cycle to determine if any of them directly witnessed or are aware of any situations on projects in which laws were violated or the projects' standards of ethics were not upheld and to ascertain what the nature and perceived consequences of such transgressions for the projects were. Surveying and interviewing can also be helpful tools for acquiring constructive feedback from stakeholders and soliciting ideas and suggestions from them as to how existing safeguards against violations of the law and ethical misconduct can be consolidated and if feasible where more effective safeguards can be introduced.

- A complaint & suggestion box and a telephone or e-mail hotline for providing primary and secondary stakeholders with the opportunity to report illegal actions and ethical misconduct is a useful way of bringing issues quickly, easily, cheaply and, if desired, anonymously to the attention of projects. Many organizations already have such systems in place for a long time and their effectiveness has been shown time and again. Serious consideration may also be given to encouraging the practice of whistle-blowing and ensuring that would be whistle-blowers are protected from possible reprimand and future discrimination.

- Last, but not least, upon successful completion of projects consideration should be given towards rewarding primary stakeholders in recognition for, and in appreciation of, very good or excellent performance for upholding the law and ethical standards for the duration of their participation in a project. Consideration should also be given for according these stakeholders preferential access to future projects.

Concluding Remarks

As shown in this paper, projects in construction and civil infrastructure development offer on numerous occasions opportunities for behaviors by stakeholders which can be

categorized as illegal or unethical. Such behaviors are not location-specific apparently. They can and do occur across the globe but research and experience appear to indicate that they tend to occur comparatively more frequently and intensely in places where laws, public governance and scrutiny are weak and their implementation is inadequate or inefficient which is often the case in lessor developed countries. While the problem is widely acknowledged, clearly much needs to be done in practice to redress this situation.

Throughout their years-long collaborative research on the subject of project stakeholder management and engagement the authors have argued consistently that upholding the highest standards of legality and ethics is an objective that all projects must consciously seek to attain under any and all situations and at all times. Besides constituting the right moral course of action it also fully serves the interests of the project especially by reducing threats which can consequently cast a deep shadow over projects or even threaten their very existence. Projects thus stand to gain immensely by seeking earnestly to prevent situations which are illegal or unethical from arising and, in the event that such do arise, by managing them promptly, fairly and effectively. Doing so will contribute towards achievement of a win-win situation for all stakeholders.

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