

ETHICS AND THE PRODUCTION OF THE BUILT ENVIRONMENT IN TANZANIA

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INTRODUCTION

Ethics deals with moral principles and is concerned with right or wrong behaviour. The media today is full of references to corruption in politics sports and many other social settings. Are architects and Quantity Surveyors immune to ethical challenges? What do we see when we follow the process of the built environment production in our cities today? What can we say about ethics when we analyse the formal and informal processes and practices involved in the production of the built environment of our cities? Can the professionals, including architects and quantity surveyors, be ethical in an un-ethical environment. Do architects and Quantity Surveyors operate outside the prevailing socio-economic and political environments.

The paper will attempt to review or incite debate on the key issues of code of ethics and professional conduct as is expected of architects and quantity surveyors under the following key themes: obligations to the client, obligations to the public, obligation to the profession, obligation to colleagues, and obligation to the environment.

DEFINITIONS:

Moral principles that control or influence a person's behavior: professional behavior,

Ethical: In accordance with right principals as defined by a given system of ethics or professional conduct.

Business ethics are about the **rightness** or **wrongness** of business practice

It is assumed here that members of a professional body be it architects or quantity surveyors and others involved in the production of the built environment shall undertake to perform professional services only when they, together with those they may engage as consultants, resource persons and the like, are qualified by **education, training** or **experience** in the specific technical areas involved. Since the production of the built environment involves a number of people and institutions, this discussions will mainly focus on the role of architects and quantity surveyors in the process. The process here deals with **obtaining work** (commissioning), **design, tendering, and construction**

GENERAL OBLIGATIONS

It is expected of architects and quantity surveyors that they meet the minimum standards of professional conduct and practice in the provision of their respective services to individuals and the public. As they recognise their responsibilities to their Clients, they also have to recognise their responsibilities to the public and fellow professionals.

Obtaining work

Architects and quantity surveyors obtain work as individual professional firms or a team as in the case for expressions of interest (EOI) and proposals(RFP) or competitions. On the other hand, they may obtain work directly from the Client through personal reference from trusted friends. In all cases it is expected that the professional or a team of professionals as the case may be, as an *obligation to the profession and the prospective Client*, should assess the prospective assignment as satisfy themselves that they have the requisite skills and resources to undertake the work at hand, it would be unethical to solicit for work that one is not *competent* to handle. As an obligation to the public and professional colleagues architects and quantity surveyors must understand the total environment surrounding the assignment to satisfy themselves that there would be no *conflicts of interest* or unethical influences. The impact on physical and social environment should be well understood right from this stage as an obligation to the public and the environment. Other ethical issues involved at this stage include: *taking over work* of another architect/quantity surveyor, *charging less fees* than laid down in the scale of fees laid down by AQRB, offering of paying monetary or other valuable consideration to solicit award. At this stage it is also important to be sure that you understand the precise nature of the services required by the prospective client. in this regard, the agreement for provision of the services should be in writing.

Competence

As a result of having no work in the office, architects are tempted to apply for whatever work they see advertised in the newspapers, it is advisable to pause a bit and reflect the capacity at hand vis avis the demands of the assignment. Many of our firms are relatively small with a number being of single ownership. this state of affairs may limit the exposure and experience of each firm. When in doubt, it is advisable to team up to enhance capacity otherwise it would be un-ethical to pretend to have the ability one does not have.

Conflicts of interest

In obtaining work, the main interest is to obtain work so conflicts of interest can appear when the architect/quantity surveyor does not subscribe to the project programme for some reasons. On the other hand if one is involved in organising a competition, it is expected that they should not take part

Taking over work from others

Before accepting a work offer, architects/quantity surveyors must make sure they are dealing with a client who is not hiding any information from them. Some private clients may ask you to prepare designs but to your surprise you discover many others have also being contacted for the same request. At the initial contacts it is wise to ask your client if he/she has contacted someone else also.

Solicit award

In public projects there are procedures laid down for the procurement of professional assignments in architecture and quantity surveying. these include the different acts and bylaws enacted for the purpose such as PPRA legislation and the like. These among others prohibit the issue of inducements to obtain work. The challenge here is that the issue of ethics goes beyond the architects and quantity surveyors. Who among the stake holders here propose inducements? is it the professional or the Client? If you happen to practice in a hypothetical environment where everyone is issuing inducements will the ethical survive? or will it be ethical to be unethical? You can answer this question for yourself.

Scope of work

a professional body be it architects or quantity surveyors and others involved in the production of the built environment shall undertake to perform professional services only when they, together with those they may engage as consultants, resource persons and the like, are qualified by **education, training or experience** in the specific technical areas involved. Therefore, it is not ethical to provide any less than expected of a normal practice. Architects/quantity surveyors must be in control of work they are doing for the clients. For avoidance of doubt, an agreement for the provision of services and conditions of engagement must be in writing.

Design

The design stage demonstrates the professional capability and level of the relevant professionals involved in the projects. Architects and quantity surveyors are expected to meet the Client's needs while being conscious of the impact of their work to the public while adhering to professional standards and being fully aware of the environment. Here we may ask some questions. Is it ethical to rubber stamp drawings/documents done by others? Is it ethical to design or specify for high energy consumption only for the sake of appearance. What about leaning to imported materials and technologies at the expense of local materials and skills? architects and quantity surveyors are responsible for the resources to be deployed for building projects as they make various decisions at the design stage but with consequences to the construction stage and beyond. How are we thinking of our local resources and skills when designing and advising on costs? these are questions we need to keep asking on our day to day practice.

Tendering

This stage demand attention to ethical principles and behaviour as it decides on who and how the bulk of resources especially money is to be used in the next stage of construction. Here, the spectrum of actors is enlarged but still the role of architects and quantity surveyors remains critical in advising on the different construction stages. The challenges here include: engaging the wrong contractor for the works due to some unethical practices among the decision makers. Today the newspapers are filled with articles saying something about corruption in projects etc.

To address ethical practices, among others, for public projects the tendering process is guided by procedures and regulations given by the Public Procurement Regulatory Authority (PPRA). The objective of PPRA are:

1. Ensure the application of fair, competitive, transparent, non-discriminatory and value for money procurement standards and practices;
2. Set standards for the public procurement systems in the United Republic of Tanzania;
3. Monitor compliance of procuring entities; and
4. Build, in collaboration with Public Procurement Policy Division and other relevant professional bodies, procurement capacity in the United Republic

On the other hand, privately sponsored projects can fall under a number of scenarios according to the wishes of clients. In some cases the contracts between the client and contractor are not disclosed to the consultants, the client buys the materials and the contractor constructs the building. The selection process is therefore confidential and as such the competence of the contractors cannot be

guaranteed. Professionals are called to adhere to ethical standard of business practice and behave with independence, integrity, and fairness towards the public, their clients and fellow professionals. How can an architect/quantity surveyor achieve these things under such an environment? On the other hand, professionals are called to advise when they detect any kind of misconduct and if the parties do not heed to their advise, then the best option is to pull out of the project. The consequences of unethical practice at the tendering stage reverberate into the construction stage of the building.

Construction

All professionals including architects and quantity surveyors are duty bound to observe ethical principals when dealing with the construction of projects by adhering to the established legal and professional frameworks while at the same time upholding professional integrity and honesty. However, these expectations cannot be achieved by the professionals themselves as it takes all the actors in the process. The actors involved in the construction of buildings include the clients, contractors, suppliers, statutory institutions and consultants and experts of various professions. Again these operate under the prevailing socio economic and political environment which frames what can be done and what cannot be done.

Design and Build Approach.

Act No 4 2010: Clause 35 (3) Where a firm undertakes any work on design and build method of procurement the architectural and quantity surveying components shall be handled by an architectural firm and quantity surveying firm.

Notwithstanding the good intention of the clause, there is need to expound more on the relationships of the firms with the contractor who is the contracting agency for the project how would the professional ethics of the various parties be integrated in such an organization structure? I call upon architects and quantity surveyors to debate on this matter with special contribution to those who have some experience in this arrangement.

Conclusions

All being said, the processes and practices producing our built environment have become more complex where the traditional role of architects and quantity surveyors and other actors is changing. They are becoming more of servants to the forces of change rather than experts guiding them. Some private clients wonder why they are forced to use architects and quantity surveyors while they can get drawings easily and have some good *fundi* to do the construction while he/she take care of his/her own money.



Were all the professionals including architects and quantity surveyors not involved in the production of the good neighbors here?

It is easy to agree unanimously that working and practice in accordance to accepted ethical principles is healthy to the individual, the professions and the public at large. However, it is also important to note that while governments and professional bodies struggle to develop codes of ethics, it is also to be noted that the question of what is right or wrong (ethics) depends on personal as well as societal mindset and attitudes. You may have all the constitutions, laws and bylaws needed to define ethical behaviour but if the people themselves do not own them, they will never materialize on the ground. For instance while newspapers and media all over the world complain about corruption, corruption continues to corrupt even more. It seems, from historical evidence, that human beings have a high propensity to do the wrong things even if they know they are wrong from ethical point of view. In my opinion there are two poles: one is "**individual greed**" and the other is "**public good**", when individual greed surpasses public good ethics are diminished leading to social decay and when **public good** surpasses **individual greed** ethics are enhanced leading to social health. What can be done then? the fact that this topic was chosen for this seminar shows that there is concern on ethics in our day to day practice. Therefore this concern should be kept up through more and more debate until we are all on one platform.

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