Principled Engagement: Obstacles and Opportunities in an Increasingly Consultancy Dominated World

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I once heard that a rural farmer in northeastern Thailand who opposed the construction of the Pak Mun hydropower dam had lamented—out of frustration with the project moving ahead—that, "The World Bank never believes any information that it has not paid for." His intention was to strongly critique the Bank for only myopically paying attention to knowledge it paid for. It could be argued, however, that the comment implies that the best way to influence policy is to work for—or at least closely with—institutions like the World Bank to produce knowledge that might be taken more seriously. Indeed, some academic political ecologists engage outside of academia for advocacy purposes, often through entering into various types of consulting arrangements (see Blaikie, 2008; 2012: Rocheleau, 2008; Walker, 2006). Academics pursue these opportunities partially because they perceive that doing so can help influence important institutions and policy debates, but also frequently due to these arrangements being well paid. Thus, political ecologists have often been critical of "applied development

research", especially when it has involved organizations such as the World Bank (see Blaikie, 2012; 2008; Rocheleau, 2008; Walker, 2006). Blaikie (2008, 768) commented that, "There is often a stand-off between academic PE [political ecology] and policy matters, due to fears of incorporation, compromising terms of reference for policy work and abandonment of critique and ideological purity." Peter Walker (2006) discusses the ambivalence and lack of engagement of many political ecologists to *policy* matters, seemingly advocating for more engagement. An eminent political ecologist, Michael Watts, commented, during a panel discussion at the 2000 Annual Meeting of the Association of the American Geographers (AAG)—and in response to criticisms that political ecology was not sufficiently engaged—that, "I feel no obligation to be *useful*" (Walker, 2006, 282). This statement apparently had some impact (see Walker, 2006; Blaikie, 2012), and led, more than a decade later to Piers Blaikie, himself a panellist on the 2000 panel, titling his 2010 AAG presentation, "Should some political ecology be useful?" Indeed, Blaikie (2008; 2012) has pointed out that there are various ways in which material produced by academics for their patrons is manipulated or otherwise influenced to legitimate courses of action that serve their own commercial or political agendas. This is the crux of my main concern about many consultancy arrangements. Some, such as Dianne Rocheleau (2008, 719), have however argued that political ecology researchers "need not follow the same path to be academically legitimate or politically 'clean'".

Here, I want to move in a somewhat different trajectory than past debates by specifically but briefly considering the nature of many consulting arrangements that academics frequently enter into, and ways that academics might productively engage outside of academia in more principled, or at least informed, ways. This is crucial, as private corporations, government agencies, aid organizations, non-government organizations (NGOs) and even academic institutions are increasingly organizing around private sector sponsorship and the hiring of consultants (see Williams, 1997; Hatakenaka, 2005; Kjaernet, 2010; Feighery, 2011). This is partially due to increasing specialization (Williams, 1997), but is also linked with the desire to maintain flexible work forces, something that fits with neo-liberalizing higher education (Feighery 2011). Indeed, the world is becoming a more consultant driven place.

Getting the Picture

I first became suspicious of consulting agreements in 1995 after I joined a small team of researchers to conduct the fish and fisheries component of a social and environmental impact assessment (SIA/EIA) for a large hydropower dam project in southern Laos. We conducted our research in good faith, and I co-authored a report that was critical of the project's expected negative impacts on fish and fisheries (Roberts and Baird, 1995). In that I was a junior member of the team, I did not communicate directly with our clients, but I learned that the manager

disliked our report and demanded changes to crucial conclusions. We refused, as there was no basis for adopting these changes, other than that they would make the project appear more attractive. Our report, however, was altered nonetheless, without consulting us, or even sending us the final version. Our names were retained on the report cover—to provide scientific credibility to the results—but the findings were no longer ours, they were those of our client. We had learned, in a rather extreme way, that as Paul Robbins (2004, 53) has put it, "he who pays the piper calls the tune."

Something seemed terribly wrong with the process. How could a company take our intellectual property and rework it for its own purposes without receiving our approval? I was puzzled and assumed that this sort of thing was unusual and outside of the norm of international consulting, and that it was something that could be attributed to the ability for consulting companies to get away with bad practices in non-industrialized one-Party states such as the Lao People's Democratic Republic (Lao PDR).

Soon after, I happened to meet a Frenchman on an airplane who identified himself as a "professional consultant". I explained our particular circumstances, expecting that he would be sympathetic. He was not. From his perspective, we had signed a contract that gave the company ownership of the report. From his point of view, contract law obliged us to produce what our employers required. Therefore, they had every right to alter its content, regardless of our opinion.[2] It was then that I realized that the problems we had encountered are not just limited to countries such as Laos. Similar experiences have also been reported by others. As Shannon Lawrence (2009, 104-5) wrote, in the context of consultants who worked on the large hydropower dams,

> "The author is aware of a number of cases of a consultant's work being replaced by that of another firm—or strong indications that this would be the case—if the consultant's predications of likely impacts and mitigation costs are too high…This situation is certainly not unique to Laos."

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[2] It does appear that based on contract law, academic consultants who sign contracts that give away their intellectual property are vulnerable to being sued for breach of contract if they violate those agreements, following standard contract law. It would appear that consultants have very few legal avenues to pursue if their work is, in their view, inappropriately used by a contractor. Moreover, a consultant that reveals 'confidential' or 'proprietary' information when publically denouncing the use of his or her work by a contractor is vulnerable to legal action. The wording in each contract is crucial in such cases, but employers frequently hire lawyers to create contracts that favor corporate interests.

Burned Again

Since then I have done a number of consultancies, mainly for smaller NGOs, most of which have not required me to sign away my intellectual property. Modes of engagement that allow academics to support oppressed groups can represent important options to other types of contractual arrangements. Crucially, I avoided situations such as the one I had encountered in 1995, but I was still engaging through other avenues. Indeed, there are many ways to engage, a point that is underemphasized in these debates (although see Burawoy, 2005).

Near the end of my Master's research in Ratanakiri Province, northeastern Cambodia, in 2002, I was approached through a colleague by the World Bank task manager responsible for overseeing a substantive Bank-funded project, the Biodiversity and Protected Areas Management Project (BPAMP), which included a component to improve the management of Virachey National Park, one of the country's largest and most important protected areas (Baird, 2009). He was initiating a new component of the project intent on investigating "migration" issues associated with Virachey National Park. We met at a restaurant in the capital of Ratanakiri Province, Ban Lung, and he explained that the Bank wanted to understand the reasons indigenous ethnic Brao and Kavet peoples who historically lived inside and adjacent to the park had long been moving in and out of the area now encompassing the protected area. Since I had been conducting in-depth field research with the Brao living inside and adjacent to the park for a couple of years, I was in an excellent position to answer this question. I was, however, sceptical based on my past experience working on the EIA/SIA in Laos. I wanted to avoid past problems, but it also seemed like a good opportunity to explain the actual situation to the World Bank. This would, I hoped, benefit the Brao and Kavet. Thus, I wanted to engage to assist the people with whom I had conducted my research. I also suspected that the World Bank might not be happy with our findings, as we were already aware of project shortcomings. My solution was to sign a contract with the World Bank-supported project, but only if we could retain rights over our research findings, and therefore be able to publish our results elsewhere regardless of the opinion of the World Bank or its Cambodian partner, the Ministry of Environment (MoE). This, we thought, would give us the type of leverage that would prevent those hiring us from gaining full control over our intellectual property. Because there was nobody else out there with an intimate understanding of the circumstances of interest to the Bank, the project administrators agreed. We felt that our bases were covered.

We conducted our research in good faith, and prepared an extensive report that went well beyond the consultancy terms of reference. Our main objective was to explain issues that were important for the Bank and the MoE to understand if there was going to be any hope of the indigenous peoples we worked with being treated fairly.

Neither the World Bank nor the MoE were satisfied with our draft final report, as we found that the project had been responsible for forcibly relocating indigenous Brao and Kavet peoples outside of the park in violation of the World Bank's safeguard guidelines. Neither a resettlement plan nor an indigenous peoples plan had been prepared, which put the project in violation of World Bank policy (see, also, Baird, 2009). Our report had the potential to shut down the flow of project funds. Although we sent our report directly to the same World Bank task manager based in Washington D.C. who had recruited us and claimed that the project really wanted to know what was happening, he never responded. I suspect that he was quiet because acknowledging receipt of the report would have constituted admitting that he was aware of our findings about World Bank safeguard violations. If he knew that this was the case, he would have to suspend the project. Instead, he apparently made the Cambodians at the MoE aware of the potential implications of our report and left them to pressure us to make changes.

We had failed to anticipate the power dynamics we were embedded within. We were prepared to take on the World Bank, as they were located in the USA, and did not pose a direct threat to us, but since they had lent money to the Government of Cambodia for the project, the MoE was the official project-owner. The World Bank task manager must have realized that it would be difficult for us to deny requests from the Government of Cambodia to remove the crucial safeguard violation information. My co-author met with the Cambodian project director, and he literally begged us to make changes. Indeed, employers dissatisfied with consultancy findings frequently claim that there are problems with reporting quality, even if it is content that they are really concerned about (see Fisher, 2008). We were, however, not about to succumb, as we felt that we had an ethical obligation to not betray the indigenous people who we had been working with. While our contractual agreement was useful in preventing the MoE or the World Bank from altering our report without our approval, the project was still able to impose strong pressure, and since we were conducting other research in Cambodia, being on the wrong side of the government could result in serious problems for us. Piers Blaikie was, himself, temporarily banned from traveling to Nepal for a period after *Nepal in Crisis* (Blaikie et al., 1980) was published (Robbins 2004, 53). Still, we were willing to stick with our convictions, even though the first move that the project made was to refuse to pay us according to our contract. The contract did, indeed, state that we would only be paid if the report was deemed satisfactory. Also, the Cambodian project leaders continued to exert pressure. We held out for over a year, but finally, when MoE officials promised that they would stop engaging in the practices that violated safeguard standards in the future, we decided that we had made our point, and that it would be useful for the indigenous peoples if our report went public. So we made some changes, while still maintaining other sections that were useful for making our main point about the indigenous peoples living inside and near the park having received a bad deal. But overall, we were

dissatisfied. We had failed in our efforts to not get boxed into a restrictive contractual agreement.

Implications

One of the crucial implications of many consulting contract arrangements is that one's intellectual property be given up to clients. This effectively allows employers to use an academic's name for credibility but determine the content attributed to that person. Moreover, the contracts that academic consultants sign frequently include clauses that prevent public disclosure of any 'proprietary information' related to the project (see, for example, Fisher, 2008). Essentially, it is a sort of 'gag clause'. This issue has not been sufficiently highlighted in past debates amongst political ecologists, but it speaks to the core of academic ethics.

Academics, especially those at public institutions, should be separated from other professional groups because of our intellectual independence. We should aspire to represent a more independent voice. According to Kjaernet (2010, 162), "As an ideal in academia, scientific freedom is the basis for both the legitimacy of research as an activity, and for the credibility of research findings." Instead, however, it is becoming increasing common for academics to sell their intellectual property without challenging the substance of the consultancy contracts that are the basis of those engagements, thus leading to violations of our fundamental ethics as academics. For example, several studies regarding the relationship between funding sources and outcomes in pharmaceutical research have illustrated how sponsors have caused the under-reporting of unfavorable drug effects (see Rampton and Stauber, 2002, 336). As pointed out by Kjaernet (2010, 165), "There is no reason to believe that social science research, which relies on dynamic interpretations and interplays of meaning that exist in the field and which arise in the researcher's contact with it, is less vulnerable to similar influences." It is fine and even desirable for academics to provide their opinions to clients in reports, etc., but it is inappropriate in most circumstances, with some possible exceptions, for academics to give up ownership of their intellectual property.

Second, the case study from Cambodia demonstrates that even when one is mindful of the types of structural problems associated with consulting contacts, a point that Fisher (2008) also emphasizes, there are still other ways to influence the reports that ultimately emerge, and those also need to be carefully considered (see Blaikie, 2012). Moreover, consultants frequently become entangled in local power structures, and this reduces independence. We therefore need to educate ourselves regarding the types of potential pitfalls that exist.

So, does this all point to the difficulty of engaging outside of academia in principled ways? It would be easy to draw such conclusions, and certainly we need to be wary of the power of capital. Still. I think academics should engage, but it is crucial that engagement occurs in more principled and inventive ways. Many of us have important contributions to make, but how should we best engage? We should

be aware of the potential pitfalls associated with entering into consultancy agreements with capitalist corporations, or others supporting capital interests. This raises the question of how truly useful engagements within the market realm can be. Certainly, not taking money from people generally provides independence, but not an inside track to influence. There are, however, various principled ways in which academics can engage productively outside of academia that do not involve consulting arrangements (see, for example, Hirsch, Turner, this issue), and I think that those who have advocated for engagement could spend more time considering such options, and advocating for them.

There are also ways that some of the most egregious problems with academics engaging in consultancies can be avoided. First, as public intellectuals we need to generally resist the types of contracts that result in others becoming unrestricted owners of our intellectual output. This will not be easy as restrictive contracts have become the norm, whether coming from private companies, the World Bank, United Nations agencies, bilateral donors and even NGOs such as WWF and Conservation International. It will be especially difficult for junior scholars who might not have enough of a standing to negotiate the removal of these sorts of restrictions, without risking being rejected altogether. Thus, it is crucial that senior scholars clear the path for others by being especially pro-active in shifting the paradigm so that it becomes normative for academic consultants to maintain at least some control over their intellectual property. Of course, there will still be cases when information provided to researchers by employers will need to remain confidential, but at a minimum, the idea that academics should write reports that can then be altered and repackaged without their approval needs to be more forcefully challenged.

In addition, academics need to be conscious of the types of pressure that can be brought to bear on them, and they should try to position themselves in ways that reduce the chances of problems arising, even if the case study from Cambodia illustrates that this is not always easy or even possible. Although clauses in contracts that give consultants the right to publish their findings independently is one way of reducing risk, these clauses may not be enough to prevent pressure. Still, we should try to anticipate and reduce the chances of these sorts of problems emerging, a point made by Blaikie (2012). Howitt (2005) has also pointed out that making reports available to the public is crucial for ensuring that consultants are not overly positive.

Authenticity Consulting (no date, 33) identified unethical consultants as those who overly desire to have a good relationship with their clients, to the extent that they quickly adopt the client's perspective and fail to voice any disagreement. Michael Goldman (2005, 136) has written about how many consultants who live in Washington D.C. and work frequently for the World Bank, are "enthusiastically and loyal to task managers", for fear that they might not be hired again. Overall, the

sort of collusion and self-censorship that many consultants, including academics, engage in for fear that being fully truthful could jeopardize employment opportunities needs to be limited through finding ways to shield consultants from being penalized for doing their work in principled ways. So far, insufficient work has been done to develop the governance systems that would make principled engagement through consultancy easier. I also find it odd that most of those who write about ethics in consulting focus on the responsibilities of the consultant rather than asserting that ethics standards need to be upheld not only by consultants (see, for example, Authenticity Consulting no date; International Union of Architects no date). Those who hire consultants need a code of ethics. But it is also true that the ethical responsibilities of academics and consultants should are not going to be the same. For academics, institutional review boards (IRBs) have an important influence, as they are particularly concerned about minimizing reducing impacts on research subjects, and academic institutions require intellectual independence. But when one works for a consulting company, being ethical to one's employer seems to be the main focus of contractual arrangements. Outside of academia, there are no IRBs, and intellectual independence is generally not emphasized. This is part of the reason why crossing the academic-consultant line is frequently both awkward and problematic.

One way to generally maintain more independence would be to choose through an independent professional organization via a rotational or lottery system, so that consultants (including academics) who have criticized projects in the past are not punished by being black-listed from employment. Fisher (2008) also recognizes the desirability of having a 'neutral agency' or an 'honest broker' to commission of direct impact assessment for projects, but points out that it is not easy to reduce bias to minimal levels, and that gaining recognition for such appointees can also present considerable challenges. Moreover, it might be difficult for such a system to gain recognition, as it would necessitate removing considerable power from employers. At the very least, developing professional associations explicitly focused on increasing ethical standards in the profession would be helpful. For example, the National Society of Professional Engineers in the United States has developed a code of ethics that the organization sees as fundamental to its mission.[3] In any case, if the ways that consultancies are presently formulated can be adjusted, and scholars themselves can become more knowledgeable about potential pitfalls, it should become more plausible for academic Political Ecologists to principally and productively engage outside of academia. As Blaikie (2012, 238) put it, "a good map of the hazards of the journey is essential." Although we must also be realistic and recognize that various forms of power—both more overt and subtle—invariably exist in all kinds of human

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[3] http://www.nspe.org/index.html, accessed December 25, 2012.

relations (Sharp et al., 2000), that does not mean that we should not make efforts to become more attentive of power relations, so as to reduce their impact.

Another important trajectory would be for academic institutions to themselves develop stronger and clearer ethical standards for directing academics engaging in consulting arrangements outside of academia. For example, when I asked a senior administrator at my former university about using data collected during my Master's research during a consultancy with the World Bank, I was told that this was fine, as long as my graduate research remained my own intellectual property. This was deemed fundamental to conducting research in an academic institution. But intellectual independence has been received much less consideration when it comes to academics producing knowledge as consultants. Should a certain level of academic independence be required, or should companies be allowed to fully own knowledge produced by academics working as consultants?

In closing, in response to Blaikie's provocative rhetorical question, "Should some political ecology be useful?", my answer is a qualified, yes, but I think it is crucial to recognize that there are many ways of being "useful," just as there are many ways of engaging. Consulting is not the only avenue, and we do not have to do consulting to be useful. As Rocheleau (2008) has pointed out, geographers have a long history of engagement outside of the academy, but we must recognize that not all forms of engagement are equally "useful" or even useful at all. As pointed out by Fisher (2008, 239), academics need to "become critically engaged", including considering more carefully what he calls the "structures of interests" that have the potential to impact on consultancies. Thus, moving towards more principled forms of engagement that are sensitive to the power dynamics associated with producing knowledge for clients and disseminating it is important.

Acknowledgements

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