

# Documents

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## ETHICAL GUIDELINES\*

Refugee Studies Centre, Queen Elizabeth House  
University of Oxford

*The Refugee Studies Centre's Research Committee has decided that the Ethical Guidelines for Good Research Practice (reproduced below), adopted with permission of the Association of Social Anthropologists of the Commonwealth, should govern all research conducted under the approval of the Refugee Studies Centre.*

*These guidelines contain general provisions on good practice, which are applicable to the conduct of research on forced migration. In addition to these guidelines, researchers may also be bound by more specific obligations under the regulations of their professional associations. This would be the case, for instance, for qualified psychologists or medical doctors, and other regulated professions.*

*These guidelines shall be complied with by anyone who is conducting research under the sponsorship of the Refugee Studies Centre, regardless of her or his formal affiliation with the Centre. All researchers are required to complete the research ethics form indicating their compliance with these guidelines having been interpreted in light of the conditions and particular circumstances of each individual research project.*

*The Sub-Committee on Ethical Guidelines shall be immediately notified of any serious ethical issue arising in the course of the research. Any serious concern regarding compliance with ethical standards will be forwarded to the Research Committee for further examination.*

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\* Permission to reproduce the "Ethical Guidelines for Good Research Practice", adapted by the Refugee Studies Centre (RSC), Oxford University (United Kingdom), has been kindly granted by the Association of Social Anthropologists (ASA) of the Commonwealth and by the RSC for this RSQ issue.

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## ETHICAL GUIDELINES FOR GOOD RESEARCH PRACTICE<sup>1</sup>

### Refugee Studies Centre

#### *Preamble*

Research on forced migration occurs in many places around the world; some where they are 'at home' and others where they are in some way 'foreign'. Such studies occur within a variety of economic, cultural, legal and political settings. As professionals and as citizens, they need to consider the effects of their involvement with, and consequences of their work for; the individuals and groups among whom they do their fieldwork (their research participants or 'subjects'); their colleagues and the discipline, and collaborating researchers; sponsors, funders, employers and gatekeepers; their own and host governments; and other interest groups and the wider society in the countries in which they work.

Researchers are faced increasingly with competing duties, obligations and conflicts of interest, with the need to make implicit or explicit choices between values and between the interests of different individuals and groups. Ethical and legal dilemmas occur at all stages of research - in the selection of topic, area or population, choice of sponsor and source of funding, in negotiating access, making 'research bargains' and during fieldwork, in the interpretation and analysis of results and in the publication of findings and the disposal of data. Researchers have a responsibility to anticipate problems and insofar as is possible to resolve them without harming the research participants or the scholarly community. They should do their utmost to ensure that they leave a research field in a state which permits future access by other researchers. As scholars committed to the pursuit of knowledge and the public disclosure of findings, they should strive to maintain integrity in the conduct of their research.

To these ends the Refugee Studies Centre, Queen Elizabeth House, has adopted the following set of ethical guidelines to which individual researchers should subscribe. They aim to alert researchers to issues that raise ethical concerns or to potential problems and conflicts of interests that might arise in the research process. They are intended to provide a practical framework for scholars to make informed decisions about their own behaviour and involvement, and to help them communicate their professional positions more clearly to the other parties involved in or affected by their research activities.

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<sup>1</sup> Adapted with kind permission from the ethical guidelines of the Association of Social Anthropologists of the Commonwealth.

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## I. RELATIONS WITH AND RESPONSIBILITIES TOWARDS RESEARCH PARTICIPANTS

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The association of researchers with the people among whom they carry out research entails personal and moral relationships, trust and reciprocity between the researcher and research participants; it also entails a recognition of power differentials between them.

**(1) Protecting research participants and honouring trust:** Researchers should endeavour to protect the physical, social and psychological well-being of those whom they study and to respect their rights, interests, sensitivities and privacy:

- a) Most researchers in forced migration would maintain that their paramount obligation is to their research participants and that when there is conflict, the interests and rights of those studied should come first;
- b) Under some research conditions, particularly those involving contract research, it may not be possible to fully guarantee research participants' interests. In such cases researchers would be well advised to consider in advance whether they should pursue that particular piece of research.

**(2) Anticipating harms:** Researchers should be sensitive to the possible consequences of their work and should endeavour to guard against predictably harmful effects. Consent from subjects does not absolve researchers from their obligation to protect research participants as far as possible against the potentially harmful effects of research:

- a) The researcher should try to minimise disturbances both to subjects themselves and to the subjects' relationships with their environment. Even though research participants may be immediately protected by the device of anonymity, the researcher should try to anticipate the long-term effects on individuals or groups as a result of the research;
- b) Researchers may sometimes be better placed than (at the least, some of) their informants to anticipate the possible repercussions of their research both for the immediate participants and for other members of the research population or the wider society. In certain political contexts, some groups, for example, religious or ethnic minorities, may be particularly vulnerable and it may be necessary to withhold data from publication or even to refrain from studying them at all.

**(3) Avoiding undue intrusion:** Researchers should be aware of the intrusive potential of some of their enquiries and methods:

- a) Like other social researchers, researchers in Forced Migration have no special entitlement to study all phenomena; and the advancement of knowledge and the pursuit of information are not in themselves sufficient justifications for overriding the values and ignoring the interests of those studied;
- b) They should be aware that for research participants becoming the subject of scholarly description and interpretations can be a welcome experience, but it can also be a disturbing one. In many of the social scientific enquiries that

have caused controversy this has not arisen because participants have suffered directly or indirectly any actual harm. Rather, the concern has resulted from participants' feelings of having suffered an intrusion into private and personal domains, or of having been wronged, (for example, by having been caused to acquire self-knowledge which they did not seek or want).

**(4) Negotiating informed consent:** Following the precedent set by the Nuremberg Trials and the constitutional laws of many countries, inquiries involving human subjects should be based on the freely given informed consent of subjects. The principle of informed consent expresses the belief in the need for truthful and respectful exchanges between social researchers and the people whom they study.

- a) Negotiating consent entails communicating information likely to be material to a person's willingness to participate, such as: - the purpose(s) of the study, and the anticipated consequences of the research; the identity of funders and sponsors; the anticipated uses of the data; possible benefits of the study and possible harm or discomfort that might affect participants; issues relating to data storage and security; and the degree of anonymity and confidentiality which may be afforded to informants and subjects.
- b) Conditions which constitute an absence of consent: consent made after the research is completed is not meaningful consent at all. Further, the persons studied must have the legal capacity to give consent. Where subjects are legally compelled (e.g., by their employer or government) to participate in a piece of research, consent cannot be said to have been meaningfully given by subjects, and researchers are advised not to pursue that piece of work.
- c) Consent in research is a process, not a one-off event, and may require renegotiation over time; it is an issue to which the scholar should return periodically.
- d) When technical data-gathering devices such as audio/visual recorders and photographic records are being used those studied should be made aware of the capacities of such devices and be free to reject their use.
- e) When information is being collected from proxies, care should be taken not to infringe the 'private space' of the subject or the relationship between subject and proxy; and if there are indications that the person concerned would object to certain information being disclosed, such information should not be sought by proxy;
- f) The long period over which researchers can make use of their data and the possibility that unforeseen uses or theoretical interests may arise in the future may need to be conveyed to participants, as should any likelihood that the data may be shared (in some form) with other colleagues or be made available to sponsors, funders or other interested parties, or deposited in archives.

**(5) Rights to confidentiality and anonymity:** Informants and other research participants should have the right to remain anonymous and to have their rights to privacy and confidentiality respected. However, privacy and confidentiality

present particularly difficult problems given the cultural and legal variations between societies and the various ways in which the real interests or role of the researcher may not fully be realised by some or all of participants or may even become “invisible” over time:

- a) Care should be taken not to infringe uninvited upon the ‘private space’ (as locally defined) of an individual or group;
- b) As far as is possible researchers should anticipate potential threats to confidentiality and anonymity. They should consider whether it is necessary to record certain information at all; should take appropriate measures relating to the storage and security of records during and after fieldwork; and should use where appropriate such means as the removal of identifiers, the use of pseudonyms and other technical solutions to the problems of privacy in field records and in oral and written forms of data dissemination (whether or not this is enjoined by law or administrative regulation);
- c) Researchers should endeavour to anticipate problems likely to compromise anonymity; but they should make clear to participants that it may not be possible in field notes and other records or publications totally to conceal identities, and that the anonymity afforded or promised to individuals, families or other groups may also be unintentionally compromised. A particular configuration of attributes can frequently identify an individual beyond reasonable doubt; and it is particularly difficult to disguise, say, office-holders, organizations, public agencies, ethnic groups, religious denominations or other collectivities without so distorting the data as to compromise scholarly accuracy and integrity;
- d) If guarantees of privacy and confidentiality are made, they must be honoured unless they are clear and over-riding ethical reasons not to do so. Confidential information must be treated as such by the researcher even when it enjoys no legal protection or privilege, and other people who have access to the data should be made aware of their obligations likewise; but participants should be made aware that it is rarely, if at all, legally possible to ensure total confidentiality or to protect the privacy of records;
- e) Measures taken by other researchers to maintain the anonymity of their research field and participants should be similarly respected.

**(6) Fair return for assistance:** There should be no economic exploitation of individual informants, translators and research participants; fair return should be made for their help and services.

**(7) Participants’ intellectual property rights:** It should be recognised that research participants have contractual and/or legal, interests and rights in data, recordings and publications, although rights will vary according to agreements and legal jurisdiction.

- a) It is the obligation of the interviewer to inform the interviewee of their rights under any copyright or data protection laws of the country where

research takes place, and the interviewer must indicate beforehand any uses to which the interview is likely to be put (e.g., research, educational use, publication, broadcasting etc).

- b) Under the UK Copyright Act (1988), researchers making audio or video recordings must obtain 'copyright clearance' from interviewees if recordings are to be publicly broadcast or deposited in public archives. Any restrictions on use (e.g., time period) or other conditions (e.g., preservation of anonymity) which the interviewee requires should be recorded in writing. This is best done at the time of the interview, using a standard form. Retrospective clearance is often time-consuming or impossible where the interviewee is deceased or has moved away.
- c) Interviewers should clarify before interviewing the extent to which subjects are allowed to see transcripts of interviews and fieldnotes and to alter the content, withdraw statements, to provide additional information or to add glosses on interpretations.
- d) Clarification must also be given to subjects regarding the degree to which they will be consulted prior to publication.

**(8) Participants' involvement in research:** As far as is possible researchers should try and involve the people being studied in the planning and execution of research projects, and they should recognize that their obligations to the participants or the host community may not end (indeed should not end, many would argue) with the completion of their fieldwork or research project.

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## II. RELATIONS WITH AND RESPONSIBILITIES TOWARDS SPONSORS, FUNDERS AND EMPLOYERS

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Researchers should attempt to ensure that sponsors, funders and employers appreciate the obligations that they have not only to them, but also to research participants, and to professional colleagues.

**(1) Clarifying roles, rights and obligations:** Researchers should clarify in advance the respective roles, rights and obligations of sponsor, funder, employer and researcher:

- a) They should be careful not to promise or imply acceptance of conditions which would be contrary to professional ethics or competing commitments. Where conflicts seem likely, they should refer sponsors or other interested parties to the relevant portions of the professional guidelines;
- b) Those who work in non-academic settings should be particularly aware of likely constraints on research and publication and of the potentiality for conflict between the aims of the employer, funder or sponsor and the interests of the people studied;
- c) Where some or all of the research participants are also acting as sponsors and/or funders of the research the potential for conflict between their different roles and interests should be made clear to them.

(2) **Obligations to sponsors, funders and employers:** Researchers should recognise their general and specific obligations to sponsors, funders and employers whether these are contractually defined or are only the subject of informal, and often unwritten, agreements. In particular:

- a) They should be honest about their qualifications and expertise, the limitations, advantages and disadvantages of their methods and data, and they should acknowledge the necessity for discretion with confidential information provided by sponsors and employers;
- b) They should not conceal personal or other factors which might affect the satisfactory conduct or completion of the proposed research project or contract.

(3) **Negotiating 'research space':** Scholars should be careful to clarify, preferably in advance of signing contracts or starting their research, matters relating to their professional domain and to control over the research project and its products:

- a) They are entitled to full disclosure of the sources of funds, personnel, aims of the institution, the purpose(s) of the research project and the disposition of research results;
- b) They are entitled to expect from a sponsor, funder or employer a respect for their professional expertise and for the integrity of the data, whether or not these obligations are incorporated in formal contracts. Even when contractual obligations may necessitate the guarding of privileged information, the methods and procedures that have been utilised to produce the published data should not be kept confidential;
- c) They should pay particular attention to matters such as: – their ability to protect the rights and interests of research participants; their ability to make all ethical decisions in their research; and their (and other parties') rights in data collected, in publications, copyright and royalties.

(4) **Relations with gatekeepers:** Where access to subjects is controlled by a national or local 'gatekeeper', researchers should not devolve their responsibilities onto the gatekeeper. Whilst respecting gatekeepers' legitimate interests, researchers should adhere to the principle of obtaining informed consent directly from subjects once access has been gained. They should be wary of inadvertently disturbing the relationship between subjects and gatekeepers since that will continue long after the researcher has left the field.

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### III. RELATIONS WITH, AND RESPONSIBILITIES TOWARDS, COLLEAGUES AND THE DISCIPLINE

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Scholars derive their status and certain privileges of access to research participants and to data not only by virtue of their personal standing but also by virtue of their professional citizenship. In acknowledging membership of a wider intellectual community researchers owe various obligations to that community and can expect consideration from it.

**(1) Individual responsibility:** Researchers bear responsibility for the good reputation of the discipline and its practitioners. In considering their methods, procedures, content and reporting of their enquiries, behaviour in the field and relations with research participants and field assistants they should therefore try to ensure that their activities will not jeopardize future research.

**(2) Conflicts of interest and consideration for colleagues:** It should be recognised that there may be conflicts of interest (professional and political) between the researchers and, particularly local researchers and those from other countries.

- a) Consideration for and consultation with researcher who have worked or are working in the proposed research setting is advisable and is also a professional courtesy. The particular vulnerability of long-term research projects to intrusion should be recognized.
- b) In cross-national research, consideration should be given to the interests of local scholars and researchers, to the problems that may result from matters such as the disparities in resources available to visiting researcher, and to problems of equity in collaboration. As far as is possible and practicable, visiting researchers should try and involve local scholars in their research activities but should be alert to the potential for harm that such collaboration might entail in some contexts.

**(3) Sharing research materials:** Researcher should give consideration to ways in which research data and findings can be shared with colleagues and with research participants:

- a) Research findings, publications and, where feasible, data should be made available in the country where the research took place. If necessary, it should be translated into the national or local language. Researchers should be alert, though, to the harm to research participants, collaborators and local colleagues that might arise from total or even partial disclosure of raw or processed data or from revelations of their involvement in the research project;
- b) Where the sharing with colleagues of raw, or even processed, data or their (voluntary or obligatory) deposition in data archives or libraries is envisaged, care should be taken not to breach privacy and guarantees of confidentiality and anonymity, and appropriate safeguards should be devised.

**(4) Collaborative and team research:** In some cases researchers will need to collaborate with those from other academic disciplines, as well as with research and field assistants, clerical staff, students etcetera. In such cases they should make clear their own ethical and professional obligations and similarly take account of the ethical principles of their collaborators. Care should be taken to clarify roles, rights and obligations of team members in relation to matters such as the division of labour, responsibilities, access to and rights in data and fieldnotes, publication, co-authorship, professional liability, etcetera.



(5) **Responsibilities towards research students and field assistants:** Academic supervisors and project directors should ensure that students and assistants are aware of the ethical guidelines and should discuss with them potential (as well as actual) problems which may arise during fieldwork or writing-up.

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#### IV. RELATIONS WITH OWN AND HOST GOVERNMENTS

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Researchers should be honest and candid in their relations with their own and host governments.

(1) **Conditions of access:** Researchers should seek assurance that they will not be required to compromise their professional and scholarly responsibilities as a condition of being granted research access.

(2) **Cross-national research:** Research conducted outside one's own country raises special ethical and political issues, relating to personal and national disparities in wealth, power, the legal status of the researcher, political interest and national political systems:

- a) Scholars should bear in mind the differences between the civil and legal, and often the financial, position of national and foreign researchers and scholars;
- b) They should be aware that irresponsible actions by a researcher or research team may jeopardise access to a research setting or even to a whole country for other researchers.

(3) **Open research:** Forced Migration researchers owe a responsibility to their colleagues around the world not to use their role as a cover for clandestine research or activities.

(4) **Legal and administrative constraints:** Researchers should note that there may be a number of national laws or administrative regulations which may affect the conduct of their research, matters pertaining to data dissemination and storage, publication, rights of research subjects, of sponsors and employers, etcetera. They should also remember that, save in a very few exceptional circumstances, social research data are not privileged under law and may be subject to legal subpoena. Such laws vary by jurisdiction. Some which may have consequences for research and publication in the U.K. are, for example, the Data Protection Act, law of confidence, Race Relations Act, defamation laws, copyright law, law of contract, and the Official Secrets Act; in the U.S.A. particularly important are the federal regulations governing human subjects' research, the Privacy Act, the Freedom of Information Act and the Copyright Act.

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#### V. RESPONSIBILITIES TO THE WIDER SOCIETY

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Researchers also have responsibilities towards other members of the public and wider society. They depend upon the confidence of the public and they should in their work attempt to promote and preserve such confidence without exaggerating the accuracy or explanatory power of their findings.

(1) **Widening the scope of social research:** Researchers should use the possibilities open to them to extend the scope of social inquiry, and to communicate their findings, for the benefit of the widest possible community. Scholars are most likely to avoid restrictions being placed on their work when they are able to stipulate in advance the issues over which they should maintain control; the greatest problems seem to emerge when such issues remain unresolved until the data are collected or the findings emerge.

(2) **Considering conflicting interests:** Social inquiry is predicated on the belief that greater access to well-founded information will serve rather than threaten the interests of society:

- a) Nonetheless, in planning all phases of an inquiry, from design to presentation of findings, researchers should also consider the likely consequences for the wider society, groups within it, and possible future research, as well as for members of the research population not directly involved in the study and with the immediate research participants;
- b) That information can be misconstrued or misused is not in itself a convincing argument against its collection and dissemination. All information is subject to misuse; and no information is devoid of possible harm to one interest or another. Individuals may be harmed by their participation in social inquiries, or group interests may be harmed by certain findings. Researchers are usually not in a position to prevent action based on their findings; but they should, however, attempt to pre-empt likely misinterpretations and to counteract them when they occur.

(3) **Maintaining professional and scholarly integrity:** Research can never be entirely objective – the selection of topics may reflect a bias in favour of certain cultural or personal values; the employment base of the researcher, the source of funding a various other factors may impose certain priorities, obligations and prohibitions – but scholars should strive for objectivity and be open about known barriers to its achievement:

- a) Researchers should not engage or collude in selecting methods designed to produce misleading results, or in misrepresenting findings by commission or omission;
- b) When it is likely that research findings will bear upon public policy and opinion researchers should be careful to state the significant limitations on their findings and interpretations.

## *Epilogue*

The reputation of Forced Migration research will inevitably depend less on what professional bodies assert about their ethical norms than on the conduct of individual researchers. These guidelines are aimed at helping researchers reach an equitable and satisfactory resolution of their dilemmas. This statement of ideals does not impose a rigid set of rules backed by institutional sanctions, given the variations in both individuals' moral precepts and the conditions under

which they work. Guidelines cannot resolve difficulties in a vacuum nor allocate greater priority to one of the principles than another. Instead, they are aimed at educating researchers, sensitizing them to the potential sources of ethical conflict and dilemmas that may arise in research, scholarship and professional practice, at being informative and descriptive rather than authoritarian or prescriptive. They aim to ensure that where a departure from the principles is contemplated or where the privileging of one group or interested party or parties is deemed situationally or legally necessary, the researcher's decisions should be based on foresight and informed deliberation.

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