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Introduction: a spectrum of public participation

This article critically analyses the consequences of different levels of public participation in decision-making processes for chronically disadvantaged and marginalised people. The International Association for Public Participation (IAP2) Spectrum of Public Participation (2007) lists five levels of participation. At one end of the spectrum is a top-down process of dissemination, which entails only informing people about a proposed policy; participants listen rather than contribute. Next is consultation, which seeks both to inform and to elicit public opinion. In the middle of the spectrum is involvement, which seeks to incorporate public concerns in decision-making processes. Next comes collaboration, viewed as a decision-making partnership. And at the other end of the spectrum is empowerment, in which participants have final responsibility for decision-making. Social scientists have long engaged critically with the deployment of participatory methods in development and displacement in particular, but their critiques often do not sufficiently disaggregate according to the various levels of participation on the IAP2 spectrum.

This article presents a case study of one of these five possible levels of participation for governmental decision-making in the UK: a ‘community consultation’ commissioned by the UK Government on the feasibility of resettlement of the Chagos Archipelago, a remote British Overseas Territory in the Indian Ocean whose inhabitants were forcibly removed in the 1960s and 1970s. In the UK Government’s Consultation Principles (HMG 2013), non-legally binding guidelines on how UK departments and agencies should conduct public consultation exercises, the UK Government emphasises the importance of selecting methods of engagement appropriate to the potential impacts of the proposal or decision being made and the stakeholder groups affected. The Principles advocate “achieving real engagement rather than merely following bureaucratic process” (HMG

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2013: 1) by commencing consultation in the early stages of policy development to enable the genuine input of stakeholders into decision-making, considering the timing and duration of consultation, being clear about benefits, costs, and scope of influence, ensuring that the consultation is accessible to target audiences, minimising the burden on participants, and giving feedback to participants (HMG, 2013). But how do these guidelines relate to actual practice of community consultations?

The Chagossian case is a complex one. The UK Government has a long and troubled history of entanglements with the Chagossian community. We argue that the UK Government and the consultants it commissioned failed to engage with this complex history, because, contrary to the Consultation Principles (HMG, 2013), they approached consultation as a standardised, depoliticised and dehistoricised fact-finding exercise. This led to particular challenges in establishing trust amongst community members and diminished the effectiveness of the consultation process. Using this case study we show that far from neutral, one-off fact finding endeavours which inform the development of policy, public consultations are politically loaded exercises that have lasting consequences for communities in terms of power, participation, and vulnerability. Our argument has both theoretical and policy implications. Firstly, in terms of the IAP2 Spectrum of Public Participation, the level of participation entailed in consultation is insufficient for the inclusion of chronically disadvantaged and marginalised communities in processes of decision-making that will affect their lives. Secondly, and consequently, those involved in commissioning or conducting participatory projects should pay careful attention to the historical, political, and socio-economic dynamics of communities in question with a view to determining instances in which more collaborative or empowering methods (than merely dissemination, consultation, or involvement) may be required to ensure an equitable – and effective – public participation process.¹

¹ In this article we focus on the consultation process rather than the substantive content.

The rise of participatory methods and community consultation

After the Second World War, Third World development was principally conceived as the top-down delivery of resources for infrastructure and industrialisation (Chambers, 1995: 30; Nelson & Wright, 1995: 2). However, top-down projects that did not incorporate local concerns were not ideally placed to address local development needs. From the failures of such projects came the insight that local participation in development projects could lead to empowerment and sustainability (Chambers, 1995: 30; Nelson & Wright, 1995: 3). Similarly, in the field of development-induced displacement and resettlement, there was increasing recognition that the loss of control over where and how one lives is particularly disempowering (Colson, 1989; de Wet, 2006), and that relocation is more likely to be successful if it is well planned in advance and involves affected people in decision-making processes (Cernea, 1996: 27-30). The systematic involvement of people affected by project implementation or outcomes has become the rule rather than the exception for demonstrating fair, responsible, and legitimate decision-making in development and resettlement alike, but top-down design, implementation, and resource delivery, and inadequate community engagement, remain widespread (Chambers, 1995: 32; de Wet, 2006: 185-186; Turton, 2003). Similarly, since the 1990s the form of participation known as public consultation has become a central component of governmental policy-making processes in the UK, and is conceptualised as a means by which participants can exercise their political rights and build social capital, thus enhancing democracy and active citizenship (Head, 2011; Barnes et al, 2004). State institutions rationalise the practice of consultation on various grounds: normative (because it is seen as a desirable and proper process to undertake in and of itself), substantive (to achieve better ends such as good quality decisions), and instrumental (as a means of achieving specific goals such as enhancing the legitimacy of decisions) (Fiorino, 1990; Petersen, 2007; Maciejewski Scheer & Höppner, 2010).

Meanwhile, however, social scientists have shown that participatory methods are beset with myriad methodological and ideological challenges. In development settings, agencies may have a financial

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rather than ideological motivation for participation because participation deploys local labour time, thus transferring the burden of project costs from the agency to the intended beneficiaries (Chambers, 1995: 30; Nelson & Wright, 1995: 15-16). Particularly under a project’s strict timeframes, hurried participation can reproduce and strengthen existing power structures, and homogenise the differences within putative categories such as young men, women, or poor people (Chambers, 1995: 39; Gardner & Lewis, 1996: 112-113; Nelson & Wright, 1995: 15; Schrijvers, 1995). With overly structured participatory discussion, ideas may be imported into a stakeholder community and then attributed to them (Gardner & Lewis, 1996: 111). Routinised participation can become a cosmetic label whereby governments or development agencies go through the motions without truly engaging with stakeholders (Chambers, 1995: 41; Gardner & Lewis, 1996: 111).

Some critics argue that there is little evidence that participation has brought about sustained empowerment or a material improvement in the conditions of the most vulnerable (Woost, 1997: 230; Cleaver, 1999: 598; Cooke & Kothari, 2001; Kumar, 2002; Hickey & Mohan, 2004: 3). They see the depoliticisation of participation, its conceptualisation as a purely technical approach, as a major obstacle to challenging the causes of inequality and achieving political transformation. Similarly, critics of public consultation processes in the UK have pointed to their failure to reach marginalised groups or to achieve empowerment beyond the narrow scope of a specific policy decision or service provision (Percy-Smith, 2010). Nevertheless, even critics share a reluctance to do away with participation altogether, on the grounds that sensitive participation can enable vulnerable people to help determine the form and outcome of development initiatives, resettlement programmes, or government policies. Such critics argue instead for methodological reflection and improvement (Cook, 2002; Hickey & Mohan, 2004: 12; Eversole, 2012) and greater attention to issues of power, motivation, and legitimacy (Eversole, 2003).

Trust and mistrust in community consultation

According to the IAP2 Spectrum of Public Participation (2007), participants in collaboration and empowerment are expected to exercise considerable control over decision-making processes and thereby to influence outcomes. By contrast, processes of consultation and involvement require people to provide information that may be used in or against their interests, thus necessitating trust. As Gambetta (1988: 217-218) points out, questions of trust arise in conditions of uncertainty, particularly concerning the actions of others; we must trust because we can never have full knowledge of others, their motives and responses. Trust is necessary when other people have the ability to act freely and to disappoint our expectations. For Gambetta, trust is a subjective assessment that another person will act in one's interests (or at least not against one's interests) such that one would consider some form of cooperation with that person (Gambetta, 1988: 217). Trust may be a kind of confidence that interactional partners will not take advantage of one another's vulnerability (Misztal, 2011: 362); this latter definition is perhaps more encompassing as it captures the fact that parties may be engaged in interaction or even cooperation without actually trusting one another (such as under conditions of limited autonomy).

But how might people come to trust others? Colson (2003: 5-6) points out that good intentions alone do not earn trust, and cooperation in the present does not mean that trust cannot be broken in the future. The development of trust requires continuing links in the form of reciprocal relationships and expectations of a common future (Colson, 2003: 5). Displaced people in particular are often subject to increased control by outsiders (such as host governments assessing their claims and humanitarian agencies running refugee camps) whose exercise of authority is often maintained and legitimised by mutual mistrust (Voutira & Harrell-Bond, 1995: 209). Some have tended to see mistrust as pathological, impractical, and an impediment to the achievement of goals (Aguilar, 1984; Misztal, 2011), but there may be conditions under which the development of trust in others is neither desirable nor possible, with consequences for participation. In situations of uncertainty, it

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may be that ‘withdrawal is a safer strategy than exposure and silence a better language of control’ (Knudsen, 1995: 26); non-participation may be a rational strategy or preferred course of action (Cleaver, 1999: 603-4).

The development literature shows that both consultants’ actions and the culture of consultancy can be impediments to the development of trust. Eversole (2003: 788) and Mosse (2005: 78) have shown how mistrust can arise from opaqueness surrounding the consultants’ intentions in contexts of histories of unwelcome impositions by outsiders in Aboriginal Australia and Adivasi India respectively. Eversole (2003: 787) highlights the problem of ‘fly-in-fly-out consultants’ who are unfamiliar with community dynamics and therefore unable to identify the most appropriate people to engage. Stirrat’s (2000) auto-ethnography presents development/aid consultancy as a Western aesthetic performance. He suggests that the vast majority of consultants are employed on temporary contracts and come together (usually never more than once in the same configuration) to work for a set period of time (usually a matter of months), at a specific stage of the project cycle (rarely multiple stages), within a standardised structure (to a Terms of Reference document), culminating in the production of a specific output (the report). Usually, the impact of consultants’ work is not measured, and they are not held accountable for the results of their advice. Returning to Colson’s (2003) point about trust being founded upon reciprocity and a shared future, we apprehend that consultation exercises involving routinised performances by external, temporary parties may not provide conditions under which trust can flourish. In this article, we bring together critiques of participatory methods with social science work on trust in order to show how a failure by consultants to engage with histories of marginalisation, misrecognition, and mistrust can lead to selective participation and barriers to genuine participation within disadvantaged and marginalised communities.

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The Chagos Archipelago, the Chagos islanders, and the UK Government

The Chagos Archipelago was administered as a dependency of colonial Mauritius. French and British colonists populated the islands, first with enslaved labourers and later with contract workers. The population of Chagos rose steadily throughout the nineteenth century and hovered around a thousand over the first half of the twentieth century (Gifford & Dunne, 2014: 39-20). The UK Government has a long history of failing (adequately) to involve the Chagossian community in decision-making about the future of the Chagos Archipelago.

In 1965, the UK Government excised Chagos from Mauritius to form part of the new British Indian Ocean Territory (BIOT) in order to make the Chagos Archipelago available for US defence purposes. Since 1971, the largest island, Diego Garcia, has been the site of a major US overseas military base.² Following the establishment of BIOT in 1965, and particularly from 1967 onwards, the UK Government depopulated the Chagos Archipelago without consulting with the Chagos islanders. The UK authorities first prevented the return of islanders who had gone on trips to Mauritius and Seychelles, then restricted supplies and wound down work on the coconut plantations, and finally coerced the remaining islanders onto crowded ships, which removed them from the islands. By 1973, between 1,328 and 1,522 Chagos islanders had been relocated to Mauritius, and 232 to Seychelles (Gifford & Dunne, 2014: 46). No support was offered to facilitate settlement, and many Chagossian families have contended with chronic impoverishment and marginalisation in Mauritius and Seychelles.

In 1972, the UK Government awarded the Mauritian Government £650,000 with which to compensate the displaced Chagos islanders, and this money was eventually distributed in 1978.³

Chagos islanders demonstrated in the Mauritian capital Port Louis in 1980 and 1981 to demand their

² Successive Mauritian governments have claimed sovereignty of the Chagos Archipelago since 1980. The UK's response is that Chagos will be returned to Mauritius only when it is no longer required for defence purposes.

³ Chagos islanders in Seychelles have never yet received any compensation.

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right of return to Chagos, immediate compensation, decent housing, and jobs. In 1982 the UK Government provided £4 million in compensation and the Mauritian Government contributed land valued at £1 million. The final instalments of cash were released in 1983 only on condition that the recipients would sign or thumbprint English-language ‘full and final’ renunciation forms to indemnify the UK Government (Madeley, 1985: 10). The fact that the forms were not adequately translated (into Kreol) or explained indicates that they were extracted without appropriate informed consent. Consequently, Chagossians became wary of putting their thumbprint or signature on untranslated written documents which they could not trust.

In 1997, a series of hitherto secret notes between UK officials (made available under the 30 year rule in the Public Records Act) revealed that the UK Government knew at the time of the displacement that the islanders were a settled population – rather than transient contract workers as they had been portrayed at the time – and that uprooting them was contrary to international law (Marimootoo, 1997). The revelations laid the foundations of a case against the UK Government in the name of Olivier Bancoult, leader of the Chagos Refugees Group in Mauritius. In 2000, the London High Court ruled against the UK Government, which immediately implemented a new BIOT Immigration Ordinance, which theoretically entitled Chagossians to return to the Chagos Archipelago (except to Diego Garcia, which was excluded due to the military base there), although the UK Government provided no financial or logistical means to do so.

The FCO had commissioned a feasibility study for the resettlement of Chagos. The consultants were not tasked or permitted to consult Chagos islanders, but did conduct a fieldtrip to two formerly settled Chagos atolls identified as potential resettlement sites (Posford Haskoning, 2002: 2-3). They concluded that the islands could support a small population on a subsistence basis with some commercial opportunity from fisheries and mariculture, but also noted that Chagos was vulnerable to existing natural and further climate change-induced flooding, and that accordingly the costs of

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maintaining a long-term settlement would be prohibitive (Posford Haskoning, 2002: 24). A decade later, one of the consultants confirmed that FCO officials had pressurised the consultants to tone down their initial conclusion that resettlement was feasible, and the critical sections of the study have now been shown to be flawed (Gifford & Dunne, 2012).

In 2004, the UK Government enacted a new BIOT Immigration Order-in-Council preventing non-authorised persons (including Chagos islanders) from entering the entire territory. The Chagossians’ legal team won an application for judicial review in the Divisional Court in 2006 and the Court of Appeal in 2007, but lost in the House of Lords in 2008; their claim at the European Court of Human Rights was turned down in 2014. In June 2015, the Supreme Court heard an application to appeal the House of Lords decision. Meanwhile, Chagos islanders and most of their second-generation children became eligible for full UK citizenship under the British Overseas Territories Act 2002. Since 2002, over two thousand members of the extended Chagossian community – i.e. Chagos islanders plus their partners, children, and subsequent generations – have emigrated from Mauritius and Seychelles to the UK, where they live in greatest concentrations in and around Crawley (West Sussex), Manchester, and London.

In 2009, in response to a powerful campaign led by a coalition of conservation groups, the FCO launched a public consultation on whether to establish a Marine Protected Area (MPA) around Chagos (see Foreign and Commonwealth Office, 2009; Jeffery, 2013). The FCO’s consultation facilitator held ‘oral discussions’ that she reported had ‘reached’ 100-150 Chagossians in the form of face-to-face meetings in the UK and Seychelles and a videoconference with the elected representatives of the largest Chagossian group in Mauritius (Stevenson, 2010: 9). The majority of the several hundred Chagossians who responded to the consultation – mostly in Mauritius and Seychelles – opposed a no-take MPA around Chagos (Stevenson, 2010: 15). A significant minority of Chagossian respondents – primarily those in the UK – said they would only support a no-take MPA if

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it incorporated exceptions for pelagic tuna and artisanal fishing by Chagos islanders (Stevenson, 2010: 16). Numerically, however, the Chagossian response was insignificant in comparison to support for a no-take MPA from a quarter of a million signatories of on-line petitions organized by Avaaz, Care2, Greenpeace, and the Chagos Environment Network (CEN), a coalition of conservation organizations led by the Chagos Conservation Trust (CCT), which had launched the MPA campaign (Stevenson, 2010: 9-10). In 2010, the BIOT Commissioner declared what was then the world’s largest no-take (i.e. no fishing) MPA around the Chagos Archipelago. Thus in theory there was a community consultation, but the Chagossian contribution was marginalised and Chagossians felt that their perspectives were ignored in the final policy decision. Subsequently, the Mauritian Government contested the MPA under the UN Convention on the Law of the Sea (UNCLOS) on the grounds that the United Kingdom did not have the jurisdiction to declare an MPA in this disputed territory. In its ruling in March 2015, the UN Permanent Court of Arbitration unanimously found that the declaration of the MPA was not compatible with the UK government’s obligations under UNCLOS with respect to Mauritian fishing rights, the eventual return of the territory to Mauritian sovereignty, and the rights of Mauritius to benefit from oil or mineral extraction activities in the region. Meanwhile, Olivier Bancoult, leader of the Chagos Refugees Group (CRG) in Mauritius, applied for judicial review of the MPA on the grounds inter alia that it was established with the ‘improper motive’ of preventing the islanders from returning to Chagos, as suggested by a diplomatic cable released by WikiLeaks (see Jeffery, 2014).

In 2013, the UK Government launched a review of its policy on resettlement. The rest of this article is based on ethnographic fieldwork we conducted in Mauritius and the UK throughout the policy review process, as part of a larger anthropological research project on debates about the future of the Chagos Archipelago. In June and July 2013 we attended and recorded meetings between FCO

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officials and Chagossian groups in Mauritius,⁴ Manchester, and Crawley; the FCO also met Chagossians in London and held a video conference with the Chagossian group in Seychelles. Shortly afterwards, the UK Government announced its intention to commission a new feasibility study into resettlement that would be ‘as fair, transparent and inclusive as possible’, guaranteeing that the full report would be published ‘without revision’ (unlike the previous feasibility study, which had been the subject of an extensive secret internal review, see Gifford & Dunne, 2012).⁵ The FCO circulated a summary of its consultations and its draft Terms of Reference (ToR)⁶ in November 2013, solicited feedback by December 2013, circulated its final ToR in January 2014, tendered in February 2014, and announced its selection of KPMG (one of the world’s largest consultancy firms) in March 2014.

KPMG Feasibility Study for the Resettlement of the British Indian Ocean Territory

The scope of the feasibility study was set out in KPMG’s inception report: a multi-disciplinary team would prepare an analysis of different options for resettlement, considering the likely cost to the UK government over 5, 10 and 20 years; whether and how resettlement could be economically self-sustaining; and the risks and costs of mitigation (KPMG, 2014a: 1). At the outset, the study team included two KPMG employees with project management and support roles, and four contracted experts in international resettlement, environmental science, economics, and infrastructure respectively (KPMG, 2014a: 9-10). The study team would adopt ‘a “neutral” approach, starting afresh when analysing the expected costs and benefits of each resettlement option without being steered by the conclusions of others’, and conduct open consultation involving ‘structured consultation events’ in the UK, Mauritius, and Seychelles, and the elicitation of views by email throughout the process (KPMG, 2014a: 2). Structured consultation events would be carried out in June and October 2014: the first focused on gathering information, the second on cross-checking

⁴ The Mauritian Government declined to enter into discussions on the topic of resettlement because of the unresolved sovereignty dispute and its legal case against the MPA.

⁵ <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130708/wmstext/130708m0001.htm>

⁶ <https://www.gov.uk/government/publications/british-indian-ocean-territory-feasibility-study-draft-terms-of-reference>

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and verifying initial results, and gaining feedback on the provisional findings (KPMG, 2014a: 2). These activities were intended to establish how many people wished to return, and under what circumstances; the age and economic profile of potential returnees; and their lifestyle expectations, based on current living standards in their respective locations (KPMG, 2014a: 4). The team would also undertake desk-based research and visit the Chagos islands to ascertain their carrying capacity and resources (KPMG, 2014a: 4). The study spanned ten months, commencing in April 2014 with final reporting at the end of January 2015 (KPMG, 2014a: 1).

Between us we attended almost all of KPMG’s consultation events with the Chagossian community in the UK.⁷ At the so-called ‘pre-consultation’ stage in July 2014, this included a large community meeting and a series of face-to-face meetings in Crawley, and a small community meeting in London. A participant sent us a written report of the community meeting in Manchester. We monitored KPMG’s outgoing reports and correspondence to stakeholders. We kept in regular contact with Chagossian community members and one of us joined a working group of Chagossian leaders, community members, and supporters, which met regularly to discuss the consultation process and plan the community’s response. Thus our position was not impartial: we openly and actively supported Chagossians’ efforts to clarify their situation and to pursue their self-identified goals. This positionality lent us an appreciation of two factors which, though not central in the material we present, are nevertheless important. Firstly, many Chagossians opted for non-participation for various reasons, including a lack of faith in the process and fatigue with the sense of history repeating itself. Secondly, Chagossians held diverse opinions about the content of the study (such as the level of living standards returnees should expect), which we do not detail here since our focus is on the consultation process. Following the publication of KPMG’s Draft Report in November 2014, we submitted a written response to KPMG (independent of and not representative of Chagossian

⁷ We did not attend corresponding events in Mauritius and Seychelles.

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groups), and assisted in the preparation of the Chagossian working group’s response. KPMG held further consultation meetings with the community in Mauritius, Seychelles, and the UK in January 2015. One of us attended and recorded the meeting in Crawley, and we received an audio recording of the meeting in Manchester. Through these activities we gained an exceptional overview of the public-facing aspects of the resettlement review process.

The KPMG consultants took a generic, standardised approach to consultation, as emphasised by the resettlement specialist who repeatedly assured participants that she would use the ‘standard resettlement procedures’ drawn from a series of ‘international principles’ shared by most resettlement projects (cf. Stirrat, 2000). Such an approach is clearly valued also by the UK government, as reflected in its Consultation Principles (HMG, 2013). In the following sections, we consider some of the consequences of this approach, in light of the historical legacy of inadequate consultation of the Chagossian community.

Obstacles to establishing trust in the consultants

Given the long history of the UK Government failing (adequately) to consult the Chagossian community regarding political decisions directly affecting them, it was clear to observers that consultants employed by the UK Government would find it difficult to establish trust with community members. Prior to its inception, we asked several Chagossians what they thought of the FCO’s plan to conduct a feasibility study. Their responses were replete with mistrust and doubts about the genuineness of the exercise. As one Chagossian woman said of the FCO,

I don’t trust them anymore because they always say the same thing. They lie. Every time they promise something then lie. I don’t trust anything they say. Only when they’ve actually done something will I be able to say it’s done (...) They have already made the decision. After all the things that have happened, I don’t believe in anything.

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Several people felt that the study gave the impression of doing something to resolve the situation of the Chagossians, but carried no guarantees of any change; in the words of another Chagossian woman, ‘The FCO are not serious about that (...) It’s a joke. It’s only a feasibility study’.

In the first pre-consultation meeting in Crawley, Chagossian audience members foregrounded the issue of trust. The KPMG project manager told the audience that he understood that they were ‘suspicious’ but nevertheless hoped that they could see the consultation as ‘a fresh start’. The audience responded with scornful laughter, and one woman exclaimed that it was as if ‘we’ve got a wound and they stick, they keep digging knives into it, that’s all they’re doing... Year after year the same story... They keep taking us for fools’. Eventually, a Chagossian man summarised:

We would like to let you finish and then we will ask you questions, but these ladies are expressing themselves because we no longer have faith and trust in anyone, including the government, but we’d like you to finish anyway.

Later, another Chagossian man suggested:

We can start with confidence between us ... we would like to know what are your strengths – not you personally, but you as KPMG ... in this project – what are your strengths and your weaknesses, and that way we can build up trust with you.

The KPMG project manager responded by describing his four colleagues in terms of their professional qualifications, and concluded: ‘So I can reassure you that it is a very, very capable and very experienced team for what is we understand an unusual assignment’.

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Insufficient dissociation from the UK Government

Participants in the UK expressed cynicism at the timing of the consultation, which was scheduled to conclude three months before the 2015 General Election. They feared that the exercise was a political tactic to win votes, but that no action would be taken until after the election, and every delay meant that there would be fewer native Chagos islanders able to return. Throughout the consultation process there was a lack of clarity about the relationships between the KPMG consultants and the UK Government. The consultants appeared to believe that certain signage – references to their expertise or position, and other verbal and non-verbal cues – would be sufficient to establish trust with the community. However, their signage was not always clear or recognisable to Chagossian participants. For example, the resettlement specialist assumed that her Canadian accent would signal that she did not belong to the British Establishment, but in fact many of the Kreol-speaking Chagossians listened to her presentation through a translator, and were unaware that she was not British. Not recognising the distinction between the FCO and KPMG, Chagossian audience members repeatedly posed questions about matters pertinent to the community – compensation, pensions, and immigration/citizenship rules – which were outside the study’s Terms of Reference. The consultants responded by asserting their inability to answer such questions and their distance from the government, with statements such as ‘we can make no promises, we can’t speak for the Foreign Office’. Audience members reacted to such evasion by demanding a different kind of personnel: one woman in Crawley said ‘we need people who can give us the answers’, while a man in Manchester requested that the consultants ‘ask the government to send one representative at least to clarify all them questions that you can’t answer’.

Although the FCO and KPMG stressed that the feasibility study was to be conducted in an impartial manner by an independent party, there was a lack of distinction between the FCO and KPMG. The venues for the pre-consultation events were booked under ‘FCO/BIOT’, and sometimes had signs reading ‘FCO/BIOT’, indicating that the government, rather than external consultants, were the

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hosts. Initially a civil servant from the BIOT administration distributed the KPMG monthly reports to stakeholders; it was not until halfway through the 10-month project that KPMG began to email reports to stakeholders directly. This opaqueness in the role and affiliation of the consultants contributed to concerns that they were not, in fact, impartial or trustworthy. It continued into the reporting phase, with KPMG using language in specific sections of its Draft Report – such as referring to the Chagossians as ‘former workers’ (KPMG, 2014b: Section 1.1.2) – consistent with the UK government’s position rather than that of independent consultants. Moreover, in the Draft Report KPMG (apparently unintentionally) identified as the UK Government by reprinting (but without quotation marks) a statement presumably from the UK Government, which read:

The UK government has expressed its regret about the compulsory evacuation of Chagossians from BIOT in the late 1960s and early 1970s. We [sic] do not seek to justify those actions or excuse the conduct of an earlier generation (KPMG, 2014b: Section 1.1.2).

Lack of continuity of personnel

Another barrier to the establishment of trust was the consultants’ unfamiliarity with the Chagossian case. On the whole, the consultants possessed little a priori knowledge of the circumstances and history of the Chagossian community, and all but one were completely unknown to Chagossians.⁸ As the study progressed, consultants neglected opportunities to develop continuing relationships with the community: most of the consultation events were facilitated by two or three team members, but the same individuals rarely returned to conduct follow-up events. Indeed, the project assistant was the only individual who attended community events at both pre-consultation and reporting stages, so from the audience’s perspective there was almost no continuity of visible personnel. After the

⁸ The exception to this rule was the environmental specialist, whom Chagossian leaders identified as a problematic candidate at the study’s inception because of his connection with the Chagos Conservation Trust, an organisation perceived to be ‘anti-resettlement’, and because his work on Chagos was at the time limited (see <http://www.chagossupport.org.uk/background/news-archive/march-2014-update>).

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submission of the Draft Report, the project manager left KPMG and was replaced by another KPMG consultant, but KPMG only communicated this to stakeholders several months after the fact (via a delayed monthly report). In other words, consultants were both ‘dropping in’ and ‘dropping out’ of the feasibility study. There was little sense of their credentials or identities, making it difficult to establish a relationship of trust with community members.

Lack of transparency

At the start of the ‘pre-consultation’ meeting in Crawley, one of the consultants handed out an attendance sheet without explaining its purpose. Most attendees passed it on to the next person without signing it, which surprised the KPMG team, although it should be understood in the context of concerns about signing forms in the absence of full information about their purpose, as outlined above. In any event, after discussing this with us, KPMG did not distribute an attendance sheet at the subsequent ‘pre-consultation’ meetings. Partway through the ‘pre-consultation’ meeting in Crawley (and earlier, in Mauritius), the consultants attempted to gather socio-economic information via a questionnaire without clearly explaining what information was being sought and how it would be used. Some community members reacted with concern. In Crawley, one man asked the consultants whether they had already started to complete the socio-economic questionnaire, without informing participants, during the consultation event: ‘have we started to ask these questions and complete this questionnaire? How can you complete the form with only 5% or so of the community here present?’ The resettlement specialist appeared somewhat affronted, and tried to reassure the audience that ‘this is pre-consultation, this is very standard and normal, we have plans to consult with other members of the community’. Consequently, there was a minor exodus of audience members who felt that the consultants were being opaque about their methods. Similarly, several Chagossian groups objected to the consultants’ plan to conduct exclusively women’s focus groups because they were concerned that this was another method for ‘divide and rule’. In the face of reluctance to participate, the consultants abandoned the socio-economic questionnaire and

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women’s focus groups altogether rather than taking the more transparent approach of seeking to justify their rationales and, if necessary, adapting the generic templates to make them more appropriate to the specific context.

Practical obstacles to participation

Expanding and contracting timescales

The UK Government Consultation Principles state that if a consultation exercise is to take place over all or part of a holiday period (e.g. summer or Christmas), policy-makers should consider what impact there may be and take mitigating action, and take into consideration the capacity of consultees to respond (HMG, 2013: 2). They also highlight the importance of taking steps to engage effectively with hard to reach or vulnerable groups and ensuring that information is disseminated in a way that is likely to be useful and accessible to interested parties (HMG, 2013: 2). As noted above, the KPMG consultants agreed to work to a strict deadline, carrying out key activities at particular stages. In practice, timescales both expanded and contracted: there were severe delays in some activities, and others were sprung on intended participants at very short notice. As Griffiths (2014) has observed for other vulnerable migrant groups, having to constantly negotiate conflicting temporalities – including waiting, stagnation, rushing, and unexpected events – produces instability and powerlessness.

On the one hand, KPMG’s ‘monthly reports’ were consistently 2-3 months late, which gave the impression of a lack of organisation and produced difficulties for stakeholders in planning for consultation events. On the other hand, KPMG confirmed the dates, times, and locations of consultation events with a few days’ notice. For example, when KPMG announced in December that the study team would meet with the community on 5 January, Chagossian leaders responded that this date would not be suitable, as many families travel to Mauritius or Seychelles to celebrate New Year with their extended families. Initially KPMG refused to change the date, but eventually

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postponed by one week. Five days before the event, the project assistant emailed the leader of the main Chagossian group in the UK to inform her of the details of the meeting, but he did not notify any other leaders, community members, or supporters. While the consultants inevitably faced difficulties in planning precise dates and times in advance, such obstacles were also confronted by community members, who had to rearrange schedules at the last minute in order to participate in the consultation events. The consequence of lack of communication was apparent at the final meeting in January 2015: approximately 60 Chagossians attended, half the number present at the first (‘pre-consultation’) event in Crawley.

Now you see it, now you don’t

A second obstacle to participation was an actual lack of opportunity to participate. In its May report, KPMG stated that consultation would include: a series of community meetings, gender focus groups, key stakeholder meetings and one-on-one interviews, a socio-economic questionnaire, and the elicitation of written submissions and emails. The June monthly report stated that further consultation work was expected to take place from June–September, including focus groups and discussions with community leaders to explore how to continue the consultation process. From the beginning, the community was primed for an extended period of consultation involving numerous structured methods.

The first meetings with the community in July were described by the consultants as ‘pre-consultation meetings’ and ‘the first round’ of consultations. The project manager explained that they were an opportunity for him to introduce the study team and the work being undertaken, for the resettlement specialist to lead a discussion around the kinds of concerns and issues likely to be involved in the resettlement process, and for community members to ask questions and to raise issues or concerns about KPMG’s work and the resettlement process. As the project manager stated in Crawley, ‘today, for us, this is pre-consultation – this is our first opportunity to meet with you –

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and there will be a lot more follow-up work to take place in the coming weeks’; ‘We are happy to
come down and spend as much time in Crawley as is necessary in the coming weeks’. At the
conclusion of the London ‘pre-consultation’ event, one Chagossian man emphasised that there
needed to be ‘more discussion’ with the Chagossian community. The project manager handed out
his business cards and welcomed further communication. Also in London, the resettlement specialist
explained that ‘these consultations, informal and formal, will proceed, some of them with smaller
working groups that we’re going to meet up until the end of November’. Thus the consultants made
commitments to move beyond the so-called ‘pre-consultation’ phase and provide the community
with more opportunities to share their views.

However, the consultants did not in fact return to conduct follow-up consultations prior to the
production of the Draft Report. From mid-July until December communication with the community
was sporadic. At multiple working group meetings Chagossian leaders reported that KPMG had not
responded to emails (including the invitation to tailor the socio-economic questionnaire to make it
more appropriate to the community). KPMG did not inform the community that the further
consultations previously promised for autumn 2014 would not take place. As a result, people who
had been unable to attend the ‘pre-consultation events’ or had not been granted face-to-face
appointments were suddenly and inexplicably deprived of their chance to participate in the process.⁹
The abandonment of promised consultation and absence of communication to this effect together
demonstrate unreliability, lack of transparency, and limited understanding about obstacles to
participation.

⁹ Email submissions were possible in principle, but this method was not suitable for everyone, particularly those without access to the internet or with limited (English, Kreol or computer) literacy.

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Keeping up appearances: first misrepresentation and then omission

KPMG’s reporting of the consultation process was met with surprise by those who had observed it. Meetings with the community that KPMG had previously described as ‘pre-consultation meetings’ were suddenly described in the Draft Report as ‘structured consultation events’ (KPMG, 2014b: Section 2.1.2), with no justification for the change in terminology. The Draft Report also stated that fieldwork entailed ‘face-to-face consultation events and the use of structured questionnaires to survey the Chagossians resident in the UK, Seychelles and Mauritius’ (KPMG, 2014b: Section 3.2). It continued:

Socio-economic questionnaire: the questionnaire was designed to capture information about the Chagossian community on employment, views on education, health and the environment, and expectations about what resettlement might look like. This information obtained would enable the study team to better understand the Chagossian community and their expectations regarding resettlement (KPMG, 2014b: 3.2.1)

While strictly correct in specifying the intended use of the questionnaire, the statement is misleading in omitting the fact that the questionnaire was abandoned in practice. Similarly, the Draft Report stated:

Gender focus group guide: recognising the diverse needs and experiences of women and trying to establish an environment in which women are as comfortable to be as open as possible, a gender focus group guide was developed. Due to the communities’ [sic] belief that men and women shouldn’t be interviewed separately, the offer of the gender focus group meeting was declined (KPMG, 2014b: Section 3.2.1).

Again, this does not accurately reflect the community’s resistance, as discussed above.

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KPMG invited responses to the Draft Report, and our response, which summarised a number of the issues covered above, seems to have been taken on board. The Final Report was updated and the misleading sections amended, with one exception: a sentence which reads ‘we undertook (...) fieldwork which involved consultation events and the use of structured questionnaires to survey the Chagossians resident in the UK, Seychelles and Mauritius’ (KPMG, 2015: Section 2.2). Rather than substituting the previous detailed, inaccurate descriptions of the methodology used with equally detailed but accurate descriptions of what transpired, the consultants simply replaced them with more general, unspecific summaries. The account of the process presented in the Final Report is therefore neither fuller nor more transparent than that presented in the Draft Report.

These misadventures in consultation presented the Chagossian community with a dilemma in the reporting phase: whether to highlight the problematic aspects of the consultation process and risk the de-legitimation of a report whose finding was that there are no fundamental obstacles to resettlement; or to accept that while imperfect, the consultation process was sufficient for the consultants to reach informed, valid conclusions in their report. Many agreed that time was of the essence: with the population of native Chagos islanders in rapid decline, people ought to focus on the outcome – to fight for the government to act on the report’s findings and facilitate resettlement – rather than dwell on the process.

After consultation ... further consultation

The feasibility study, published in January 2015, provided cost estimates for three different types of resettlement, and concluded broadly that there are no insurmountable legal or environmental barriers to resettlement (KPMG, 2015). In March 2015, a month before the General Election, the FCO announced that ‘the study found there was not a clear indication of likely demand for resettlement’, that ‘costs and liabilities to the UK taxpayer were uncertain’ and that ‘further work

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should proceed to address these fundamental uncertainties’ to facilitate decision-making.¹⁰ Rather than conceding that KPMG had fallen short of meeting the agreed Terms of Reference and were thus responsible for any uncertainties in the study’s findings, the statement implied that the findings were a reliable and objective account of uncertainties ‘out there’ (presumably residing with the Chagossian community). The validity of the consultation process was maintained and a justification made for yet further investigative work, which rationalised the UK Government’s decision not to conclude the policy review before the General Election, after which the Chagossians fell off the political agenda (again). In August 2015, the nature of this further investigative work became clearer, when the FCO’s anonymous ‘BIOT Policy Review Team’ circulated a Policy Review Document and a questionnaire to stakeholders.¹¹ The Document explained that the UK Government was now seeking views on: how many Chagossians wish to resettle Chagos, the UK Government’s assessment of the likely costs and liabilities to the UK taxpayer, and alternatives to resettlement. Respondents were given 12 weeks to return completed questionnaires, and the opportunity to attend community and one-to-one meetings with BIOT officials. One of the UK Government’s own principles for consultation exercises emphasise the importance of ‘increasing the level of transparency’, and ‘bringing to bear expertise and alternative perspectives’ in order to identify ‘unintended effects and practical problems’ (HMG 2013: 1). Had the previous consultation exercise(s) been conducted in accordance with such principles, and not, as we have seen, characterised by opacity and even misrepresentation and misreporting, these additional consultation exercises and the associated costs to both the Chagossian community in particular and the taxpayer in general may have been avoided. Our hope is that our own monitoring of the process has both demonstrated the importance of this principle, and contributed analytical and practical insights into the community consultation process to inform future governmental decision-making.

¹⁰ <https://www.gov.uk/government/speeches/progress-in-reviewing-policy-on-resettlement-of-the-british-indian-ocean-territory>

¹¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450997/BIOT_Policy_Review_of_Resettlement_Consultation_Document_Final.pdf

Conclusion: lack of confidence in consultation

In this article, we have brought together critiques of participatory methods with social science work on trust to show how a failure by consultants to engage with histories of marginalisation, misrecognition, and mistrust can lead to selective participation and barriers to genuine participation within disadvantaged and marginalised communities. In our case study, the Chagossian community was being asked to trust FCO officials and KPMG consultants by providing them with information whose uses they could not control. Yet trust in others requires reciprocity, a shared future, the possibility of sanctions when expectations are not fulfilled, and a confidence that others will not exploit one’s vulnerability. In applying standardised principles and practices which were assumed to map onto the specific stakeholder group, the consultants failed to recognise the historical legacy of non-consultation, and appeared to assume that Chagossians would be grateful for the opportunity to be consulted and ready to ‘start afresh’. They assumed that their signage concerning their (independent) position and intentions would be sufficient to establish trust with the community, but the signs were often indecipherable. The unpredictability of communications and consultation events, and the lack of appropriate opportunities to participate, presented further obstacles to participation.

From the time of its inception, there was much speculation within the Chagossian community, and between community members and their supporters, about the motivations behind the feasibility study and whether it could lead to any positive change for the community. Some individuals withdrew from the process, some engaged in selective participation, and others took up every available opportunity to participate, but for everyone we spoke to the decision of whether and how to participate required careful consideration. There is little ethnographic evidence that in the course of the process trust was established between Chagossians and the consultants. It is clear, however, that Chagossians were constrained in their critique of the process; some felt that public disapproval would run the risk of further delays which would hamper resettlement. Contrary to the assumptions

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of policy-makers and some scholars, consultation was not universally empowering for community members but rather highlighted power differentials between the FCO/KPMG and the community, and the latter’s vulnerability. This case suggests that consultation is neither merely a means to an end nor a discrete event, but becomes incorporated into the life, dynamics, and history of a community. As this paper has shown, in contexts where consultation may not be an apposite, fair or effective method to use, as the stakeholders constitute a chronically disadvantaged and marginalised group, collaboration and empowerment may be more appropriate methods.

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