Unit 55

Workshop on policy development for intangible cultural heritage safeguarding

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Facilitators’ narrative 3: Tatau (case study 38)

Actions for safeguarding *tatau* under the 2003 Convention (such as inventorying) would need to seek some common ground between diverse community interests including those of *tufuga*, all Samoans and the Samoan diaspora who identify with *tatau*, rather than simply focusing on the *tufuga* alone. This is a common problem in any safeguarding process.

Under the Convention, one of the important groups within the community concerned is the practitioners of tatau (*tufuga*). If inventorying or placing *tatau* on a database of TCEs becomes a way of proving ownership of traditional knowledge under the intellectual property laws, this could promote the interests of specific *tufuga* groups over other Samoans who identify with *tatau*. At a policy level this may be consistent with provisions in the Convention for traditional limitations on access to ICH elements, but it may nevertheless affect the balance of power in the negotiation between the interests of different *tatau* community groups.

The community concerned can be broadly defined under the Convention as all Samoans (including those in the diaspora) who identify with *tatau*. Safeguarding *tatau* under the 2003 Convention aims to ensure that community interests in *tatau* safeguarding (and community benefit therefrom) are prioritized vis a vis the interests of external actors (such as tourism agencies and researchers, or the State). This may not be consistent with tourism policy or cultural industries policy promoting *tatau* as a resource for the benefit of all Samoans.

In finding synergies between these different approaches, representing these different groups (*tufuga*, Samoans or the nation as a whole) as the community concerned it may be helpful to ask:

* how benefits could be allocated to all communities and groups;
* to what extent safeguarding *tatau* requires specific limitations on access and use; and
* who should control what aspects of the practice of *tatau* in order to facilitate practice and transmission.

Promoting *tatau* as an ‘open access’ resource for all Samoans may not be consistent with any form of restricted access. The question of who within the community (*tufuga* or all Samoans) owns data created during the inventorying process may be affected by open access policies in public agencies or conventional intellectual property regimes that confer rights on researchers. Inventorying *tatau* may therefore require specific steps to be taken to ensure community control over the data is protected. Who has control over this data will be affected by negotiations between different community groups.