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Borrowing or Appropriation: Indigenous West African Textile Fabrics Scopes

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Abstract:

This study interrogates issues of appropriation, cultural and indigenous ownership and their implication for the production and commercialisation of indigenous West African fabrics. It draws on the 'Maori Tattoo', 'Volkswagen-Tuareg SUV' and 'Northwest Coast Native American Potlatch' controversies and makes a case for a system that will allow the use of cultural works as a reference for textile designs without necessarily provoking protests and disapproval. Textile designs have been the most animated form of visual expression in West Africa and have inspired many of the philosophies that underpin prestige and status in the region. The fabrics represent one of the many creative manifestations of cultural identity that have shaped communities occupying its diverse landscape. Cultural, religious and ritual meanings are conveyed by colour preferences, materials, embellishments and design. These textile design traditions provide a rich source of ideas for contemporary designers due to their form, colour and appeal. Therefore, the temptation to reference them in design terms without the appropriate permissions and clearances is very great. This study advocates for a process modelled on the principles of the 'Creative Commons' that will allow for greater access to the knowledge and culture for informed access and acceptable usage of West African indigenous textile design references. It hypothesises that sharing that knowledge and creativity with the world will engender new design ideas and by extension provide mutual benefit for both 'cultural owners' and users. The case study research method is used because data comes largely from documentation, archival records, interviews, direct observations and physical artifacts.

Keywords: cultural, indigenous, appropriation, textile fabrics, West Africa

1. Introduction

Cultural and indigenous ownership and appropriation issues have such an amorphous face in the West African region. Of course, this is not isolated as there are benign matters of such nature in even developed countries such as Canada, Australia and USA. All too often, anytime aspect of the region's culture is used in designs or works of art that gives them prominence (both locally and internationally). Some individuals and identifiable groups from the area are quick to criticise and condemn the unauthorised and a disrespectful usage of such themes and heritage. Also despite initial hopes that principles of moral rights would provide a powerful leverage for indigenous societies with the spread of literacy and education, little has happened to this notion. Seemingly, the moral right dimension of appropriation, intellectual property and copyright is underdeveloped in West Africa, a situation that seems unlikely to change anytime soon. My studies have predisposed me to the fact that there has not been any landmark case of appropriation in the West African region beyond the verbal bashing and to some extent media outcries. I draw on the 'Maori (Moko) Tattoo', the 'Northwest Coast Native American Potlatch' and touched on the 'Volkswagen Tuareg SUV' controversies. This is because issues of cultural and indigenous ownership and appropriation has not been interrogated appreciably in West Africa. I will draw some parallels between the situations in textile fabric production in the region and that of the above controversies. These controversies may not be directly linked to textile production; however, their implication cast a shadow on certain patterns in West Africa. In any case, the Tuaregs are in West Africa except their case does not relate to textile designs but rather a vehicle brand.

The Moko tattoo is a sacred part of Maori tradition in New Zealand. It could only be given by certain men, who had considerable prestige and training and the act of giving the Moko to a person was surrounded by Tapu (a state similar to holiness or sacredness, and or the forbidden). There are many rules governing the act, including that the recipient could not talk to others who were not also receiving the Moko, and could not eat with his or her hands during the process. Tattooing the Moko was a long and painful process, particularly as the marks were not made with a needle, but with a chisel that left a groove in the skin. It was considered part of the ritual and a demonstration of the recipient's Mana (spiritual strength or

courage) that he or she not display any discomposure while their skin was being broken. The design of each Moko was unique and although much of the symbolism is lost now, it would usually display the tribe and status of the wearer. It might also tell from his battle wounds, or ancestors or in a woman's case, her right to marry, or her job, such as a midwife. It also told of the plain fact that the wearer had been given the right to wear Moko. Something that was not granted to everyone, and that the wearer had survived the giving of it, also far from a certainty. (Sawaya 2010)

This beautiful tattoo or artwork has enjoyed a renaissance in recent years, with both Maori and non-Maori receiving it on their skin. They are also being used as inspiration in other artistic ventures. Some non-traditional uses of the Moko have led to misunderstandings, debate and hostility in the recent years. It has become apparent; that traditional methods and purposes are often lost or ignored in these modern interpretations, leading to misapplication and inappropriate usage. The real debate began with the introduction of European methods of tattooing. Needles, in particular, became more famous and eventually overtook the traditional chisel. The Moko made with needles could be of a finer design, as well as healing faster and cleaner. King (1992), explains that some families, as late as the 1970's, did not consider needle tattooing the 'real thing'. Several celebrities have had Maori designs tattooed on themselves recently, notably Robbie Williams and Ben Harper. In the case of Williams, although his tattoo was made by a Maori artist, it was not meant to be meaningful in the traditional sense. Pita Sharples, a Maori cultural authority, objected to the design, claiming that it was the intellectual property of his tribe. Maori tattoo inspired designs have also been demonstrated on the catwalk, with several cases in the last ten years. A typical example was Jean Paul Gaultier's¹ collections in 2007.

The argument of appropriation here is very vague; in one vain advocate are pressing for the use of the chisel rather than the utilisation of a needle for the tattoo. In another breath, they are also saying nobody should wear the tattoo unless the person is deemed fit by Maori tribal leaders and the tattoo must be done by 'spiritual people' who are sacred. In another regard, the tribal leaders are calling for a stop in using the Moko tattoo design ideas in other art forms such as T-shirt, fabrics and other surface designs. Some praise this sort of international attention as a means of showcasing Maori art to the world. Others condemn it for devaluing the sacred nature of Moko. Ironically, there were cases of Moko being forced on some early Europeans who visited the New Zealand region. John Rutherford, for example, was a sailor who was captured by a tribe and forcibly tattooed (Sawaya 2010). The controversy today lies not in the idea of non-Maori being tattooed, but with non-Maori appropriating the traditional designs without understanding them, or giving them proper respect.

In 2003, Volkswagen launched its first ever SUV, the Touareg. "Touareg" means "free folk" and is the name of a nomadic tribe of the Sahara. They are sometimes referred to as "the people of the veil" or "the blue people of the Sahara" in reference to the indigo turbans worn by men, which stain their skin. Volkswagen wrote in a press release, explaining their decision to use the name of the nomadic North African ethnic group. "A proud people of the desert, the Touareg embody the ideal of man's ability to triumph over the obstacles of a harsh land. To this day, they have maintained their high character and self-reliance." An official from Volkswagen is on record for saying that, the name comes from their view that people living in the desert are "peaceful" and "the vehicle would be an excellent desert vehicle." The SUV is also typified for strength similar to the firm character of the Touareg.

The Touaregs, who once controlled the caravan trade routes across the Sahara, are a semi-nomadic, pastoralist people of North African Berber origin. They are nominally Muslim and presently number approximately 1 to 1.5 million. They are grouped into independent federations and live in southern Algeria, south-western Libya, Mali and Niger and fewer numbers in Burkina Faso and Nigeria. Touareg society is stratified and includes a noble class, tributary groups and marginal classes made up of religious leaders and artist/smiths called Inadan. Their economy is based on breeding livestock, agriculture and trade. They speak Tamasheq a language related to other North African nomadic peoples, as well as French and they read and write using a script called Tifinar, which is linked to that of ancient Libya.

It is an undeniable fact that the Touaregs are not known around the world if you compare them to other African tribes such as the Asantes of Ghana, the Masais of Kenya or the Zulus of South Africa. So then, one could infer that it should come as a welcoming surprise that the first SUV of Volkswagen is named after their tribe. Moreover, that it is based on their resilience and adaptability prowess. What is more praiseworthy than such honour to the Touareg tribe so to say? One could have thought that they will be pleased with that. However, there is some element who are pressing for the payment of royalties to the tribe or conversely Volkswagen must stop using the name. Before I say anything further about the ambiguity of such claims, let consider another cultural ownership controversy elsewhere in the USA.

The Northwest Coast Native Americans comprise seven distinct indigenous language and cultural groups that have lived in Skagway, Alaska and Seattle, Washington (Carr, 1966). Potlatching, although it probably increased in intensity during the nineteenth century, was almost certainly part of their culture. The potlatch was held on varying occasions, such as the succession of a chief, an important life-cycle event, or to save or regain face. All potlatches included feasting, socialising, speeches, songs, displays of wealth (such as hammered pieces of copper, pelts, robes and dentalium shell), crests and dances. The original purpose of the institution may have been to exchange goods for food during lean times. Although most of these ceremonies and traditions are of little or no relevance now, the potlatch tradition has become a rich source of design ideas for many areas in the USA and beyond. The images are very colourful and tempting, so several modern-day designers have found them ideal to incorporate into their designs. However, representatives of the tribes have waged a legal battle with people who develop design ideas from them. They have been relatively successful because America has a vibrant and a well define legal regime.

Apart from the three cases considered above, there have been some actions in response to the seeming issue of appropriation or unlawful usage of items that are indigenous to the respective people across the world. Brown F. Michael recorded a few in his book 'Who Owns Native Culture'.

In Australia, Aboriginal militants removed the coat of arms from the Old Parliament House in Canberra, declaring that images of the kangaroo and the emu on this national symbol were the culture property of Aboriginal people. "We have now reclaimed our sacred emu kangaroo from the Coat of Arms of the coloniser," the group announced. In a related incident, an Aboriginal activist demanded that the national airline Qantas should no longer be allowed to use the kangaroo as its logo because this animal is the intellectual property of Aboriginal Australians.

*In Peru, a group of Andean farmers publicly denounced two US patents issued to an American firm that processes and markets extracts of a traditional Andean crop plant, maca (*Lepidium meyenii*, a member of the mustard family). The company's preparation based on maca, a species that has been in the Andes for centuries to increase the fertility of livestock, is being sold as a natural product that enhances human sexual performance.*

In India, the government inaugurated an electronic database that provides comprehensive inventories of traditional Indian healing methods and plant medicines. An example of "defensive publishing," the database is intended to make it more difficult for researchers in the developed world to register patent claims that exploit traditional Indian medical knowledge.

In the online world, fans of the "Bionicle" line of toys sold by the Danish firm Lego found their website repeatedly disrupted by a hacker claiming to be a Maori. In a message posted before the disruptions, the hacker denounced the use of Maori words to name individual figures in the Bionicle line.

In New York, the Rockefeller Foundation announced a funding initiative to promote greater concern for the intellectual property interest of "marginal constituencies," including indigenous peoples. As part of the new program, the Foundation invited a score of indigenous experts to its conference centre in Bellagio, Italy, to refine strategies for defending the intellectual property rights of native communities around the world.

Evidently, most of these actions are superficial and divisive. The intent of those who initiate such actions is not very apparent to a greater extent. Any discontented group or members of respective societies take hasty action that does not inure to the benefit of the larger society but their individual interest. I believe the issue of perceived cultural appropriation must be addressed holistically and the ultimate outcome must be in the common interest of the larger society. This study is premised on the assumption that, when rules, restrictions and issues of copyright are attached to cultural pieces, innovation in that area seizes. Moreover, that there should be an open window that will allow for people to use cultural pieces in collaboration with the owners and hence in a respectable way. This will engender creativity and perpetuate that aspect of culture.

2. Methodology

This paper emerged from a greater research project that is investigating the contemporary commercial application of indigenous West African fabrics. Case study that is a derivative of qualitative research was employed. Qualitative research approach often has the aim of description and the researchers may follow-up with examinations of why the observations exist and what the implications of the findings are. Leedy (2005) asserts that qualitative research often has the aim of description, interpretation, verification and evaluation of situations, settings, processes, relationships, systems, or people. These characteristics make qualitative research approach suitable for this study that decodes and deconstruct the hidden meaning of some common symbols and motifs used in fabric decoration in West Africa. There are multiple definitions and understandings of the case study. According to Bromley (1990), it is a "systematic inquiry into an event or a set of related activities that aims to describe and explain the phenomenon of interest". The unit of analysis varies from fabric design tradition to another. While there is utility in applying this method retrospectively, it is used prospectively. Data come primarily from documentation, archival records, interviews, direct observations, participant observation and physical artefacts (Yin, 1994).

Interviews were conducted with Producers, Curators of West African Textiles, Dealers of West African Textiles and Cross section of society. Interview was chosen as a significant research tool in this study to get immediate responses from the respondents and also to collect data from market women with no or little education and for that matter cannot respond to written questionnaire. Adgedu et al. (1999) explain that interview is a face to face meeting between a questioner and a respondent. It is an oral questionnaire that is often used in collecting data for descriptive studies and action research. Interview according to this source is superior to other data collecting devices in the sense that response rate is high and issues can be clarified. Moreover, immediate responses can be obtained because respondents are usually willing to talk than to write.

The researcher employs the participant observation to collect data from the various activities of the selected textile production centres. Observation is regarded as the most direct means of studying people when one is interested in the overt behaviour. Data collected through observation may often be more real and true than data obtained by any other method. Actual characteristics of subjects observed give true and accurate answers to questions that may be asked. As a scientific tool, it may range from the most casual and uncontrolled to the most scientific and precise, involving modern mechanical and electronic means. (Sidhu, 1984). A selected checklist was used during the observation for the study.

3. Checklist for Observation

- Visual effect
- Composition
- Visual meanings
- Areas of application or uses
- How they are made
 - Genre
 - Site of production
 - Who, when, who for, why?
 - Site or location of production
- Technological modalities
- Compositional modalities
- Social modalities
- Transmission/circulation/display
 - How they are interpreted

4. Discussion

Cultures develop around foreign commodities and seep so deeply into the social fabric such that their origins are forgotten. One-way designers could convey a deeper appreciation for 'indigenous people' is by offering adequate historical or cultural context of their designs when they reference aspects of the respective culture. To some extent, there is a difference between using a design that is 'ethnic' or 'indigenous' and able to be used by anyone in the society as opposed to a design that has been developed by an individual and the rights to that design are passed down through the family. The Maori controversy had to do with a traditional design that was supposedly used disrespectfully because the people appropriating it are not culturally sensitive. The same can be said of the several indigenous pieces that have been used as inspiration for designs across the world. It is becoming partly apparent that the crux of this problem does not lie in irreconcilable views of ownership, even where these exist; it is instead a fundamental matter of dignity. Reframed as a question, we should be asking not "who owns or have control over these cultural pieces", but "how can we promote respectful treatment of native cultures and indigenous forms of self-expression within modern mass societies?" The quest for dignity in the expressive life of indigenous communities will best be advanced through approaches that affirm the inherently relational nature of the problem.

Through observations, interviews and visual analysis carried during this study, it has been gathered that indigenous West African cultural pieces that serve as inspiration for textile designs come in several forms and shapes. They cannot be classified or coded because they vary in outlook and disposition. However, for this study and clarity, I will put them in three classes. First, there are designs that are traditional and could be used by everybody. Examples are Adinkra symbols Ghana and Adire symbols – Nigeria. Second, there are designs that are traditional and sacred and could not be copied, reproduced or used in any commercial design endeavour. An example is the Royal Asante Golden Stool that is believed to embody the souls of every Ashanti. Moreover, thirdly, there are some designs that must be utilised in the right context and with permission. Examples are the Fon insignia of the people of Benin.

The subject of appropriation and cultural/traditional ownership has what I describe has amorphous facets and in several contexts has not been given any massive intellectual dimension by way of dispassionate discussion leading to any meaningful streamlining and deductions in West Africa. There have been two studies by Tunde M. Akinwumi and Boatema Boateng on authenticity and appropriation of indigenous textiles against copyright and intellectual property laws in West Africa. In "The Copyright Thing Does not Work Here," Boatema interrogates the applicability of intellectual property law for protecting and regulating cultural works, designated as "folklore" and "indigenous" or "traditional" knowledge, that have been subject to increasing appropriation as a result of industrialised technologies and contemporary processes of commercialisation. Boateng (2009) focused on the proliferation of mass-produced imitations of two Ghanaian textiles, hand-stamped adinkra and hand-woven kente. The post-colonial and neo-colonial power relations facilitating industrialised appropriations of local handicraft technologies were examined. She also argues for the value of grounding such analyses within localized histories and cultural contexts with the potential for challenging perceptions of "unrelieved victimhood." The creation and circulation of Ghanaian adinkra and kente, Boateng (2009) observes, are also influenced by the exercise and negotiation of localized power relations involving traditional authority, ethnicity, lineage, gender and national authority and citizenship. Comparing textiles to the more secure copyright protection that Ghanaian musicians enjoy under Ghanaian copyright law, she demonstrates that different forms of social, cultural, and legal capital are treated differently under intellectual property law.

Boateng then moves beyond Africa, expanding her analysis to the influence of cultural nationalism among the diaspora, particularly in the United States, on the appropriation of Ghanaian and other African cultures for global markets. Boateng's rich ethnography brings to the surface difficult challenges to the international regulation of both contemporary and traditional concepts of intellectual property and questions whether it can even be done. She proposed an alternative model to intellectual property law more compatible with artisanal cultural production. The concept of "the commons" as developed in

environmental activist scholarship and activism. This is being applied to other spheres of cultural production, such as the networked creativity of this digital age.

Akinwumi (2008) argued that even though wax prints are not originally African creation, its current state, disposition and popularity has been massively enhanced by the good people of West Africa. He stated that the marketing of African prints had been greatly reinforced by the retail traders who were the producers' collaborators; they developed provocative indigenous names for each design in their respective communities. There has been widespread use of nature-based design motifs that were styled from non-African traditions right from the inception of Africa prints in Africa. He continues to state that individual agencies must be sought for assistance to effect and promote a new design format derived from the best of indigenous textile traditions of Africa.

While a cross-section of the West African elite is trying frantically to make wax prints a pure African brand, Vlisco of Holland and ABC of Manchester UK are claiming ownerships of wax prints in various capacities. However, the question is, who can claim copyright to a design that is itself the product of so much cultural appropriation and re-appropriation? Not only were the original industrially produced Dutch wax prints copies of Indonesian designs, but they also were influenced by Indian-inspired British designs. Over a century ago they started exporting to West Africa and the local population assimilated the Dutch Wax Prints into their culture, social system and it became a way of expressing status. A logical continuation of fabric being used as a monetary substance instead of the existence of 'modern coinage'. Godfred Donkor² refers to this phenomenon as "The Currency of Ntoma" *Ntoma* meaning fabric. This is what gave the fabric its meaning, and how Vlisco Real Dutch Wax and later Superwax, as an expensive product, became status symbols within African culture. West African traditional motifs were also incorporated along the line. We are talking about an assemblage of global design themes, technologies and a very distinctive and beautiful interaction with a phenomenal West African culture. It is Africans who interpret the fabrics and patterns and give them their meanings. This is a truly symbiotic relationship that made the prints respected and cherished by many to this day. So back to my earlier question, who claim ownership for such a global heritage?

It is the assumption that, people associate wax prints to Africa rather than Europe or Asia and by implication do not bother to seek the necessary clearance when they use them in their designs. This could be due to the seeming lack of clearly defined copyright regime in the region. For example, when Japanese designer Junya Watanabe printed silk garments for his 2009 runway show with Vlisco designs, the Dutch company quietly ordered him to stop, and they ended up settling with the designer out of court. The company even swanks about the Watanabe collaboration in press releases. Watanabe, when asked for comment, did not confirm or deny, but said: "all was settled amicably." Helbach as cited by Felsenthal (2012). As to whether, Watanabe used wax prints without the necessary clearance or permission because he thought things from Africa do not have the needed copyright protection, will be a debate for the future. However, could Vlisco and other printers of wax print, claim ownership of it? They can claim some ownership, maybe, for printing but as to the design content of wax prints, it is quite arguable.

Conversely, the issues that justify why people or group of persons will rise against individuals or organisations for using some aspect of their culture in their business lacks depths. I say this because what underpins these cultural pieces are not spelt out clearly. Cultural ownership, Indigenous ownership and cultural property are not the same things, hence to deal decisively with the matters arising; we have to break them down and see what the real issues are. We cannot overlook the importance and the critical role of these indigenous textile production traditions in forming the history, religion and economy of West Africa. However, I believe innovation ceases when there are rules and protection of these cultural or ethnic pieces. That does not go to say that sensitive cultural pieces should be allowed to be appropriated for the benefit of some creative individuals, investors or commercial entities. Culture is changing and, therefore, there must be a collective effort to increase culture and make it valuable. I will argue that we must keep culture changing and still valuable. In as much as we do new things in new ways, we must also quest to do old things in newer and better ways.

5. Conclusion

Having admitted these facts, I will go on to posit the following superficial actions that can be taken in different parts of the West African region. From my study, it has emerged that, indigenous design sources can be grouped into three. First, there are 'design sources' that are traditional and could be used by everybody. Second, there are 'design sources' that are traditional and sacred and could not be copied, reproduced or used in any commercial design endeavour. Moreover, thirdly, there are some 'design sources' that must be utilised in the right context and with permission. These are critical singularities that could be interrogated further for the benefit of all. Because excessive source tribe retention could rather flame inappropriate use of these indigenous sources of design ideas. I think indigenous textiles production in West Africa should be seen as an industry rather than the wanton mystification that has lost its significance in the modern day.

¹ Jean Paul Gaultier's is a French Haute Couture and Pret-a-Porter fashion designer. He uses unconventional models for his exhibitions, like older men and full-figured women, pierced and heavily tattooed models, and by playing with traditional gender roles in the shows

² Godfried Donkor (2012) 'The Currency of Ntoma' Film Screening on Wax Prints at Cultural Thread Symposium, Central Saint Martins, University of the Arts – London.

³ Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools. <http://creativecommons.org/>

Off cause, this should be done with judicious modification of intellectual property law, development of workable policies for the protection of cultural privacy and greater reliance on the moral resources of civil society. All of us (native and non-native alike) have a stake in the decisions about the control of culture, for those decisions will determine the future health of the seemingly imperilled intellectual and artistic heritage.

Boateng (2009) makes a compelling argument regarding the unsuitability of intellectual property law, based on principles of individual authorship, for regulating "traditional" artistic practices that combine collective and individual authorship. The alternative model she proposes "the Commons" is an intriguing proposition. An area for future research would be strategies for implementing and enforcing this new approach to the protection and regulation of cultural productions. I will expand on Boateng's argument by recommending that, a model similar to that of the Creative Commons³ could be used to make available West African cultural pieces that could be used to advance culture. The pieces could be placed under one of the following areas: Attribution, Share Alike, Non-Commercial and No Derivative Works. 'Attribution' is an instant where people are allowed to copy, distribute, display and or perform indigenous works and derivative works based upon them but respectfully and they give credit to the owners. 'Share Alike' is where others are allowed to distribute derivative works only under a license identical to the license that governs your work. 'Non-Commercial' by implication is that others can be allowed to copy, distribute, display, and perform cultural works and derivative works based upon it but for non-commercial purposes only. 'No Derivative Works' will allow others to copy, distribute, display and perform only verbatim copies of your work, not derivative works based upon it. In all the above instances, where any of the pieces are used for commercial gains, appropriate royalties must be paid and this must be agreed upon before commencement of the project in question. All these could be achieved through a development of support systems that will steward legal and technical infrastructure that maximise the litigations of appropriation and foster sharing, creativity and innovation.

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