

II. Institute Overview

Almost all the institutions included in the survey happen to be state agencies, whether, departments, boards, or public enterprises, since Sri Lanka's statecraft management is totally government owned. Institutions considered being in the private sector have not been chosen since ICH had not been attractive to the private sector despite the fact that it is found within and owned by the general public of the society.

This can be a result of two main reasons. First, the traditional society that had been in existence for 3000 years had responsibility to the people at large while the State merely encouraged and helped to foster this responsibility. However, this arrangement suffered enormously at the hands of the aliens who despised local heritage, and the wanton neglect drove fear into the people engaged in protecting and nursing them. Hence, by the time of the unwilling departure of the colonial rule in 1948, the people had become more or less devoid of any interest or skill in ICH, which had become a redundant entity in the society.

Secondly as a result of that situation the state was compelled, after independence, to take over the responsibility of resurrecting ICH for the wellbeing and pleasurable life of the people. Therefore, it continues to be more or less a monopolistic burden carried on by the state until a new generation of people who will feel proud of their precious heritage can take over the responsibility of caring and nourishing the ICH by themselves. The very nature and the basis of private-sector concerns do not encourage organisations to take over the burdens and risks of looking after issues that bring no material profits to them. Hence the state is compelled to carry the burdens by itself.

But it must be emphasised that, at the time the country gained political freedom, however incomplete it may have been, the world did not know about IPR issues in the same depth as it is now. There was never the need or the awareness to give weight to IPR issues in respect of various functions allocated to different ministries, departments, boards, and other institutions created to run the affairs of statecraft. Therefore, no institution, other than recently established ones, has by necessity provisions included for dealing with matters related to IPR issues. Owing to the fact that confidence on the indigenous things had been eroded from

the minds of the people, the reliance on the rules and regulations in respect of IPR issues seem to be more or less non-existent.

It has to be mentioned that certain provisions included then provide some strength to those institutions in achieving the aims of dealing with IPR issues as prescribed by international charters. But they are not sufficient and strong enough to find solutions to IPR issues that they are confronted with. Yet it must be said that all new legislation deals mostly with the present creations and hence IPR issues cropping up in relation to ICH have not been properly taken care of.

Taking into consideration the busy schedules of the officials who are preoccupied with urgent official commitments, prior arrangements had to be made to meet the relevant heads of the various public institutions. Despite the busy and tied schedules of the officials, many were duty conscious to grant an opportunity to meet them. But not all were able to spare time for the purpose. However, the few who were able to spare time were not very receptive to the long questionnaire and, therefore, reluctantly spared their time to provide whatever information was possible. Even the few who cared to return the questionnaires were not able to fill in them. This is not strange since as stated above these issues have no relevance to their day-to-day activities.

1. Department of National Archives of Sri Lanka (DNASL)

The Department of National Archives of Sri Lanka (DNASL), one of the oldest related institutions established by the colonial masters, has much to offer in respect of ICH. However, what is most striking is that Sri Lanka is believed to have known the concept of archives from about the fifth century when historical records were being handled by an officer in charge of the Royal (King's) archives. However, the modern sense of archives was introduced by the Dutch in 1640 while a separate Department of Government Archivist was established in 1947. Subsequently the National Archives Law No 48 of 1973 created the current Department of National Archives.

Among the DNASL's objectives and functions are the following.

- Ensure official custody and the physical safety for the archives of all public offices and to make them available for reference and study.
- Serve as the legal depository material of the island.
- Administration of Presidential archives and reference service
- Record surveys in Public Institutions
- Administer Printing Presses, Printers and Publishers and Newspaper

Ordinances.

At present this department has among its wide variety of collections the following audio-visual materials that form a genuine ICH collection.

- Colour slides of temple paintings
- Cassettes and tapes of folk music, some Sinhala music tapes
- Some videos containing speeches of Executive Presidents, Culture of Sri Lanka
- Microfilms of published newspapers in Sri Lanka.

All the deposits in the National Archives, other than those that had been deposited by individuals or institutions with specific restrictions, are in the public domain, and the public has the legal right to gain access to them. But in the case of individual and institutional deposits access is determined by the conditions laid out. Hence, instances leading to IPR issues are more or less non-existent.

Pains taken by the Director, Dr. Mrs. SarojaWetthasinghe, to extend the fullest support are gratefully acknowledged.

2. Department of National Museums (DNM)

This Department that came into being in 1942 had its origin from the National Museum of Colombo, which was opened on 1 January 1877. Besides the Colombo National Museum, which at present is the oldest and the largest museum in Sri Lanka, the country has eight more museums scattered in the interior towns. These museums serve as repositories for the tangible aspects of Sri Lankan ICH.

However, it must be emphasised that the concept of museums as a place for public displays of objects of sacred value, curiosity, and antiquarian significance and importance for imparting knowledge is not new to Sri Lanka. Mahawansa, the great chronicle, written some 2000 years ago, reveals how the main items of a ship from India to Sri Lanka included a sacred Bo sapling. The Great TheriSanghamitta brought the sapling and displayed it in buildings designed for the public's veneration. Thus, it would seem that Sri Lankans have the honour of building the world's first known museum.

Through its huge collection of tangible objects, the National Museum of Colombo displays the rich visual traditions and extraordinarily diverse cultures of Sri Lanka as a testimonial to the glory and the grandeur of the

ancient civilisation of the country. Through its collections, exhibitions, research, and public programs, the museum fosters an appreciation of Sri Lankan art traditions and cultural heritage.

The Folk Museum of Anuradhapura, maintained by this Department, is a classic example of the efforts taken to foster ICH through tangible items. The collection of the ivory carvings preserved in the Colombo National Museum is perhaps the best in any museum in the world. A large number of valuable paintings, representative of Sri Lankan traditional painting and belonging to the indigenous styles of Hindagala, Sigiriya, Polonnaruwa, and Kandy that prevailed from the pre-Buddhist era to the Kandyan period, are also on display.

A wonderful collection of folk arts and crafts on display depict the different aspects of the daily life of the Sri Lankans through the ages. Among the displays are the pottery, rattan work, reed work, and Kolam and masks connected with traditional dancing and rituals as well as a large number of musical instruments. The array of implements related to traditional agriculture displaying the many facets of its traditional wisdom is yet another area where Colombo National Museum is outstanding.

As a research institute, the museum is engaged in diverse tasks contributing to the explorations on subjects such as pre-history, anthropology, ethnology, culture, and ancient crafts. The library, which is part of the museum, has among its very old and valuable collections of publications an invaluable stock of Ola-leaf manuscripts that contain unexplored traditional knowledge waiting to be used for the common good of human beings and the animal world.

As far as the Department of National Museums is concerned, IPR issues do not arise since the artefacts and the ICH recordings are well covered by the laws of the land and by the rules and regulations under which they have been acquired as property of the state or the general public. There is no occasion to infringe on the rights of the creators or the bearers since permission has to be obtained to make any copies or creations out of them. However, it must be known that all the tangible objects on display are copies of those in common use among the people in the society.

3. The National Library and Documentation Services Board (NLDSB)

The Sri Lanka National Library Services Board (SLNLSB) was established in 1970 with the prime objective of setting up the National Library of Sri Lanka. The National Library of Sri Lanka was inaugurated in 1990. Under Act No 51 of 1998, the NLSB was renamed as the National Library and Documentation Services Board (NLDSB), and its responsibilities and role have been highlighted. The National Library and Documentation Centre (NLDC) or the National Library of Sri Lanka (as it is most commonly known) is functioning under the NLDSB.

According to the brochure the mission of the NLDSB is as follows.

- To plan and coordinate library services at national level.
- To develop a Sri Lankan Information Resource Excellence Centre at the National Library and coordinate and assist other major Sri Lankan collections in the country.
- To assist and encourage the establishment of Information Resource Excellence Centres in specific fields and link them through a national information network.
- To facilitate access to national and international databases.
- To provide learning opportunities to every Sri Lankan and thereby assist the advancement of Sri Lanka.
- To assist Sri Lanka to become a culturally enriched and intellectually advanced nation.

It is very important to note that under the aims and objectives of the NLDSB, one major concern is “To preserve the national and cultural heritage of Sri Lanka”. Therefore, it would be seen that this public institution by necessity is bound to do everything possible to achieve this objective. The great services rendered in getting this survey implemented by this institution can be considered an instance of their commitment towards achieving the mandated objectives.

Among the many collections the NLDSB has so far accumulated, special mention must be made to the Martin Wickramasinghe Collection, Peter Wijesinghe Folklore Collection, and Ola Leaf Collection. The first two are major collections from well-known folklorists and writers of great reputation. The collections are considered major achievements in the great efforts taken to save and conserve ICH internationally. Same thing can be said of the Ola Leaf Collection since it is in these manuscripts that one can find still-unexplored knowledge and wisdom of the traditional Sri Lankans.

The NLDSB has taken the initiative towards the end of 2011 to establish a separate collection on ICH, possibly the first of its kind. This clearly proves their commitment towards achieving their aims and objectives. It is also necessary to mention the electronic collection, where “audio-video cassettes, CDs, DVDs, and gramophone discs of Sri Lankan songs, documentaries, plays and tele-dramas” form the bulk of what is on offer to the public. It is undoubtedly another significant service to ICH.

The NLDSB, by its very nature, is a repository of the country’s cultural heritage, where people have access to benefit from the source materials within it. Hence the opportunity for people to benefit in whatever manner possible cannot be controlled and neither has it the mandate to do so. However, common law of the country is applicable to them as well, and precautions are being taken to ensure that what is deposited is legally admissible.

The keen interest shown by the NLDSB in respect of ICH-related activities fully justifies the choice of the NLDSB as the focal point of the Sri Lanka National Committee on ICH.

4. Folk Arts and Crafts Centre (FACC)

Established in 1988 with the aim of protecting the Sri Lankan traditional arts and crafts within a healthy environment to be handed over to the future generation, the FACC’s main objectives are given as follows.

- With the aim of providing the people with a wider knowledge about the arts and crafts, to make the younger generation more knowledgeable and appreciative of arts
- Provide assistance to reach better living standards by introducing traditional arts and crafts.
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Its main function at present is to conduct training classes for the younger generation in the fields of dance (Kandyan, Low-Country and Sabaragamuwa traditions), music, painting, and sculpture, in addition to many other vocational training courses for various traditional crafts. Therefore, this Folk Arts and Craft Centre is solely engaged in disseminating knowledge and providing the vocational training required to promote the survival of traditional crafts, which undoubtedly form a major segment of Sri Lankan ICH.

The very nature of the institution opens doors for apprentices to engage in new creations, and it often happens that the new creations are all based on old

and existing ones. However, since the old and existing creations have no individual owners, they are commonly owned by society, so anyone has the right to create anything and name it as a new creation. Since this institution is mandated for the development of local arts and crafts, new creations can be expected in large numbers. But as the number of new creations in the field increases, so too does the chance for IPR issues arising increases. In such situations, issues will be determined according to the laws of the land.

5. Sri Lanka Broadcasting Corporation (SLBC)

The official state radio broadcasting station in the country originated in 1925 under British colonial rule, and since then it has developed into the leading broadcasting institution on the island. As an institution primarily depending on the audio broadcasting of songs and music, it has direct relevance to ICH. SLBC claims to have taken all the necessary precautions to avoid situations that can lead to IPR issues. As long as it remained the only broadcasting station in the island, it was considered a training ground for budding artists and the watchdog of the nation's culture.

However, with the opening the broadcasting industry to private individuals and institutions, the number of broadcasting stations have multiplied, and occasions for IPR issues have also equally multiplied, but the SLBC claims that it stands above all those hazardous situations. At one time, it had a separate Folk Music Research Unit, which successfully conducted field research to collect folk songs and adaptations made out of them. Therefore, SLBC can be called a leading institution as far as ICH is concerned. It has also taken maximum precautions to avoid controversies over the rights of the creations, and since it plays all musical works available in the open market, there are no threats of litigation on infringement charges. Measures have been taken to compensate the artists whose creations are being broadcasted. This is one of the demands made and won by the artists under IPR issues.

6. University of Performing and Visual Arts (UPVA)

Sri Lanka has a great tradition of arts and crafts coming down from antiquity that few other nations can match. Performing and visual arts form a major part of ICH in any country, and in Sri Lanka it is no different. After the nation gained political independence, ICH started to receive more attention, and its popularity increased the state-sponsored, village-level training centres that were established to supplement the numerous family centres maintained by the leading families famous for the various arts. Subsequently, ICH had the fortune of entering into the school curriculum as well.

The popularity thus gained by the performing and visual arts necessitated higher level educational centres, a necessity that was met with the establishment of the Institute of Aesthetic Studies, which replaced the School of Fine Arts that was established in 1893 under the Ceylon Technical College. Finally, elevating it to the university level was fulfilled in 2005 when the UPVA was established as an independent and fully pledged higher education institute to cater to the increasing demand for higher education in these ICH fields. Since it is an education centre where dissemination of knowledge is the mandated function, the entirety of IPR issues too has been a part of the curriculum. But the chances of IPR issues emerging within the institution in the course of its activities are remote. Since commercialisation is not an intended activity when using the creations of others. Usage is for educational purpose and value only.

7. Central Cultural Fund (CCF)

Established in 1980 under the UNESCO-Sri Lanka Cultural Programme, the CCF is primarily entrusted with the responsibility of conservation and development of the ancient heritage of Sri Lanka within the triangle of Anuradhapura, Polonnaruwa, and Kandy and subsequently extended to cover several other areas as well. In the process of the CCF fulfilling its functions, the traditional knowledge and heritage of ancient Sri Lanka is brought to light, and knowledge dissemination becomes a necessary requirement.

Therefore, the CCF for this survey served as an example of an institution disseminating ICH knowledge and hence has no IPR-related issues or other any other issues that are likely to crop up in the course of conservation and maintenance of ancient heritage.

8. Department of Cultural Affairs (DCA)

Department of Cultural Affairs has historical significance. It is a symbolic memorial for the people's upsurge that took place in 1956. It was a peaceful revolt waged with the ballot in lieu of the bullet to dethrone the western allies and to enthrone the people's government. The people's clamour was to bring about the revival of native culture and the social system to rid the country of colonial vestiges. The most important and symbolic creation by that government to answer the demands of the people and to bring the country and the proud cultural heritage of the nation back to the ancient glory was the DCA.

It has been growing in strength over the last fifty-six years, rendering a yeoman service towards conserving and developing the cultural heritage of the country. It had been responsible for guaranteeing IPR of artists and literary men. Since the establishment of the National Intellectual Property Authority, the DCA has been working in close collaboration to achieve the objectives of ensuring the implementation of IPR. This department, coming under the supervision of the Ministry of Culture and Arts, has numerous annual and regular programmes intended at developing and popularising arts and culture of the country. Providing support for village-level centres of arts to transmit knowledge and skills to the younger generations can be considered the most important contribution made by the department towards ICH promotion.

9. National Intellectual Property Rights Authority of Sri Lanka (NIPRA)

National Intellectual Property Office of Sri Lanka, established under the Intellectual Property Act No.36 of 2003, as the successor to the institution first established on 1 January 1982 with the same mandate under the provision of Code of Intellectual Property No 52 of 1989. is mandated with administrating intellectual property rights programmes in Sri Lanka.

Its mission is to actively contribute to the development of the country by ensuring that the IP system fosters an environment conducive to innovative and creative activity, investment, and entrepreneurship.

Its vision is to become a leading development-oriented government agency offering quality based services with enhanced productivity. The office is under the leadership of the Director-General.