

New approach to protect the underwater cultural heritage in Sri Lanka

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Abstract

In 2001 the Minister of Fisheries and Aquatic Resources Development passed a bill in the Parliament of Sri Lanka entitled the “Long–Term Management of Maritime Wrecks and Underwater Cultural Heritage of Sri Lanka”.. A committee, known as the Inter Ministerial Committee chaired by the Secretary of the Ministry of Fisheries, was formed to give effect to the bill. Four general meetings have been held and many important decisions have been taken, including stopping salvage and destroying wrecks. This is a very important step towards protecting of the UCH in Sri Lanka. Apart from this, the draft amendment for the Antiquity Ordinance no 9, 1940; brought into effect in 2012, provides that any vessels that had run aground more than one hundred years ago, or built more than one hundred years ago, shall be considered underwater cultural heritage. An amendment brought in 1998 for the same ordinance had extended the meaning by adding “found in the Sri Lankan waters”, bringing greater protection for UCH in Sri Lanka. The Sri Lankan Navy is assisting by giving coverage for protection as a whole and it was strengthened with the request of the Director General of Archaeology for stopping any attempt to destroy UCH in our waters. A newly formed department for protecting coastal zones is well educated for the prevention of any harmful activity on UCH. There are several other rules and regulations related to the protection of UCH in Sri Lanka, which will be covered in this paper.

Key words: Sri Lanka, Underwater Archaeology, Heritage, Management, Trincomalee, Mannai, Godawaya

Introduction

Sri Lanka, which has been known around the world as a beautiful island in the Indian Ocean, was also famous for its naval activities since the beginning of the 1st century AD and its recently discovered, 2,000 year old archaeological evidence. It is interesting to note here that carbon dating technique has confirmed that the sunken ship which was recovered from the Godawaya area is more than 2000 years old. The maritime archaeological heritage of Sri Lanka is enriched as the famous maritime silk route between Europe and Asia went past this island. As mentioned above there were several

important harbors along the coastal belt. Some of these well-known ports are Mannai (Mannar) Trincomalee, Galle and Godawaya. According to the established archeological evidence, the maritime activities of this island were intensified after the colonization of the country. Most shipwrecks that have been found along the coast belonged to the Dutch and English period. The maritime exploration of Sri Lanka was started by the well-known scientist and author, Sir Arthur C Clarke and some of his colleagues in the 1960s. As such, the No. 9 ordinance of the Maritime archaeology of 1940 did not mention maritime archaeology. Moreover, the extent of the maritime zone was also officially decided and declared in 1976 by the Maritime zone law No. 22 which was ratified by the State Council. Until then, there was not any decision taken of ownership of the maritime resources in this area (The Act No. 73 of the cultural property in 1988).

By taking all these things into consideration, the government introduced a new ordinance in 1976 called the Cultural Property Bill no. 73. It bans the exportation of any cultural property from Sri Lanka. Also it requires approval from the commission of archaeology for exporting any registered cultural property out of the country. Even today this law is valid and it functions under the Ministry of Cultural and Arts. So according to the law, any archaeological property situated on land as well as in the sea is regarded as a cultural property of Sri Lanka and so it is prohibited to export them. Also according to clause 2(1) in the first chapter of the Archaeological Ordinance of no. 9 in 1940, even where archaeological property is situated on private land, it nevertheless belongs to the State. If the person wants to keep it as his property he must prove ownership of that property. So, according to this clause it is a punishable crime to keep for oneself archaeological property which was from the territorial sea or removed from a ship.

As there were some shortcomings in the main ordinance, it was revised again in 1998 by introducing the revised bill of the 194 ordinance. Basically, the sub-clause of the second clause of the 194 ordinance was revised. In the main ordinance, the territorial sea had not been regarded as part of the territory of Sri Lanka. It only mentioned the word "vilaka" (in a lake). Now it has been revised by using the word "deshayesamurdayathula" (inside the territorial sea of the country). So according to the Maritime zone law of No. 22 in 1976, the "deshayesamurdhayathula" means the

territorial sea area belongs to Sri Lanka. As such, the archaeological ordinance provides the power and authority to protect and look after all the monuments and other archaeological artifacts in the country. Another revision was made to this bill. The phrase “the constructions made before 1850” was changed in order to cover constructions made more than one hundred years ago. So the relevant Minister could declare those constructions as the monuments from a Gazette notification, with the recommendation of the Director of Archaeology. According to the clause of this Act, a shipwreck in the sea could be declared a monument, including ships which were sunk, or built, more than one hundred years ago, and are regarded as archaeological monuments because a shipwreck is an immovable object. When a ship is sunk it is regarded as stuck at that place forever and can therefore be regarded as a monument. The artifacts found from the sea, however could be moved to another place. Also it doesn't do any harm to its content by doing so. So, if we could make sure the relevant artifact is made before 1815 AD, it surely could be regarded as an artifact under the define terms. In 1998, the AIA law (Archaeological Impact Assessment) was introduced. According to this law, the relevant authorities who are going to start a new project should get an archaeological impact assessment done with the help of the Department of Archaeology before starting any project. The expenses for this assessment should be paid by the project itself, allocating about 1% from the total cost of the project. The Department would give its approval to carry on the project after assessing the result of it. They could apply conditions also if necessary.

The revision of clauses of 43A and 43B has greatly helped to protect the cultural heritage on the land and at sea. For instance, many archaeological assessments have been done in the recent years, before starting several big projects such as the harbor airports and highways.

In 2012, measures were taken to revise the Archaeological Ordinance again. The necessary drafts has been done and presented to the parliament for its approval. Because of this revision, the authority which was vested on the Minister to declare a construction as a monument which was built more than one hundred years ago has been removed and included that authority into the ordinance directly. It would help further to protect the artifacts in the land and also in the sea. Moreover, another very

important rule has been introduced. The fine that could be charged for an offence relating to destroying the artifacts have been increased from 50,000 to one million rupees and a two year prison sentence has been made mandatory.

So, it must be emphasized and reiterated here that the Sri Lankan government is very serious about protecting the archaeological heritage and has already taken very important and strict measures to affect this policy. On top of all these ordinances and laws, a new law has been introduced by the president and cabinet in 2011. According to this new law, it is prohibited to disassemble the parts of a shipwreck. The Minister of Fisheries and the Aquatic Resources presented a cabinet paper called, "Long term management of maritime works and underwater cultural heritage of Sri Lanka". According to its directions, a new committee, called the inter-ministerial committee, was established. Approval must be sought from this committee if anyone wants to remove any sunken ship. Whilst the authority may give directions, it has to be done with the consent and recommendation of the archeological department, navy, ministry of fisheries and NARA (National Aquatic Resources Research & Development Agency)

The following institutions are represented on the committee:

1. Ministry of defense
2. Ministry of National heritage
3. Ministry of cultural and arts
4. Ministry of fisheries
5. Ministry of Ports and highways
6. Ministry of economic development
7. Ministry of environment
8. Ministry of social services
9. National Aquatic Resources Agency
10. Sri Lanka Navy
11. Department of Coastal Guard
12. Sri Lanka Police

If anyone wants to remove a shipwreck they must make a written request to the committee. Committee decisions are final and absolute. Only one of these organizations has to object to a proposal to remove a shipwreck, for that proposal to be denied. So, it

is clear the decision would be taken by deeply considering national interest. Sri Lanka has clearly understood the importance of working collectively to protect the underwater cultural heritage. Also, all the governmental institutions have the authority to control the removal of the relevant ship wrecks which is under their field of activity. Even according to the rules of the Navy, the Ministry of Fisheries, and the Coast Guard, it is illegal and prohibited to remove anything from the seabed and bring them to the shore without their permission. When we consider of all these measures it is very clear that Sri Lanka has already taken strict measures and implemented tough laws to protect the UCH. The relevant ordinance and acts have been revised several times whenever it is necessary and the penalties for the offenders also have been increased. It is important to note here that all the governmental institutions which are relevant to this field have come together to work as a group to achieve common goals. Because these laws and committees have placed such a high standard on our maritime culture, maritime technology is taught as a prominent subject in most universities in Sri Lanka. It will help to broaden the knowledge, understanding and the attitude of the younger generation about this field. Several high level official discussions also have been done to ratify the UNESCO convention. All these things related to this subject are coordinated by the division of the underwater archaeology of the Department of Archaeology, Ministry of National Heritage and the Maritime Archaeology Unit of the central cultural fund which is under the authority of the Ministry of Cultural and Arts. They are all doing a wonderful job to share the knowledge and their practical know how with academics.

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Biography

Sanath Karunarathna is a Maritime Archaeologist in Sri Lanka, working as a Regional Exploration Officer in the Department of Archaeology of Sri Lanka. He is a visiting lecturer at the University of Ruhuna. He began Maritime Archaeological work in 2004 with the Avondster Project. Sanath participated in the UNESCO Maritime Archaeology field Schools held in 2006 and 2007. He is currently based in Galle working with the Archaeological Diving team of the Maritime Archaeology Unit. He has done NAS Part 1 and participated in the first foundation course in Thailand 2011.