

VI. Observations

Culturally, Sri Lankans have been moulded to work for the good of the whole rather than be selfish and self-centred. Hence, everything done and accomplished had been intended for common use. They had been offered for the common benefit, and no one cared to lay claims for the honour of creating them. Therefore, ICH in traditional society has no identified author or an owner, implying that the entire society is the real owner of all of them. In other words, the concept of private ownership is alien to Sri Lankans.

Considering the local cultural context, it has to be emphasised that no institution in the heavy array of institutions created to conduct the affairs of the state has been vested with any role in regard to IPR. The need has not arisen since the concept had been alien to them and rights associated with were more or less unknown. It is with the establishment of the IPRA in 1983 as a result of being a signatory to the Charter on the subject that Sri Lanka started to give a wide range of functions towards safeguarding IPR. However with the wider awareness created since the establishment of the IPRA most people having their interest at stake have displayed much interest in the mechanisms to safeguard their interests. This has prompted most respondents to canvass for some strong legal system and a powerful authority to regulate these affairs.

It is also important that most of the respondents show a preference for a single powerful authority rather than scattering powers and functions among many institutions, which they fear would lead to a situation where each would try to pass on responsibility to others and end up with nothing achieved. This one powerful authority many prefer it to be established as a powerful task force directly under the purview of the president since the president appears to be the only single state craftsman, however much unhealthy it may be, who has the full confidence of the people who matter here.

Most importantly all are agreed that this powerful authority must be manned by representatives from each field of ICH and traditional knowledge with no consideration to political or other affiliations. Not only must the authority be able to administer good governance but it also must be empowered to take any suitable action towards safeguarding cultural heritage.

1. Recommendations

Taking into consideration the different opinions expressed by the artists and scholars it is certain that all of them are anxious to see some meaningful actions taken to safeguard the great cultural heritage of the people. The coverage should not be limited to cultural and mundane things only. It has to be expanded to include other areas like religion as well since instances of encroaching on the religious arena and breaching levels of attacks or criticisms are ever increasing and becoming rampant. The target always happens to be the religion of the people—namely Buddhism—that the world is greedily looking for in their search for peace and calm. Therefore any mechanism introduced to regulate in the field of culture must necessarily include the religion as well. A third aspect that is in urgent need of protection is the IK that Sri Lanka is very famous for. The knowledge, which can be made great use of in the field of agriculture, indigenous medicine, irrigation, forestry and wildlife, health, and above all education, deserves to receive better and closer attention and protection.

Hence the authority to be vested with the powers and functions of regulating in the field has to be manned by the most suitable men with no other affiliations and in the role of the selection criteria. It has to be a fully pledged and all powerful body answerable only to the president of the country. It has to be a high-powered institution. It has to cover all the different areas that provide nourishment to the various aspects of Sri Lankan culture.

It must also be equipped with facilities and the financial strength to maintain a library of films, DVDs, videos, and cassettes and areas for interested students, scholars, and artists to watch, listen, and learn about culture. This is in addition to a library of publications for the benefit of research. A centralised authority with fully pledged facilities in a single place will fare better and with more results than having the functions scattered among several institutions. Authority must be administered by a powerful head who is knowledgeable and full of enthusiasm and dedication to see the revival of the cultural heritage of the country.

Also it is recommended that the authority should immediately embark on a mission to redefine the IPR issues and look for an alternative IPR charter that provides value and substance to the cultural heritage that we are blessed with for over more than 3000 years.

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