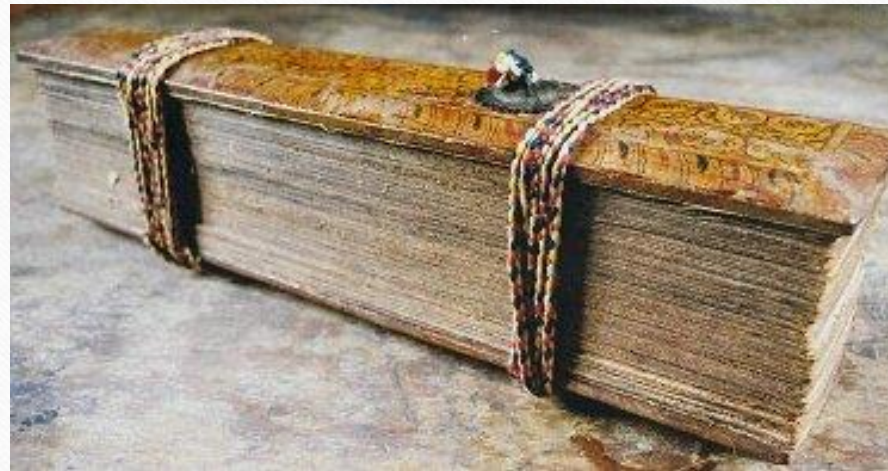


SRI LANKA'S EXPERIENCE IN IDENTIFYING PROTECTABLE TRADITIONAL KNOWLEDGE



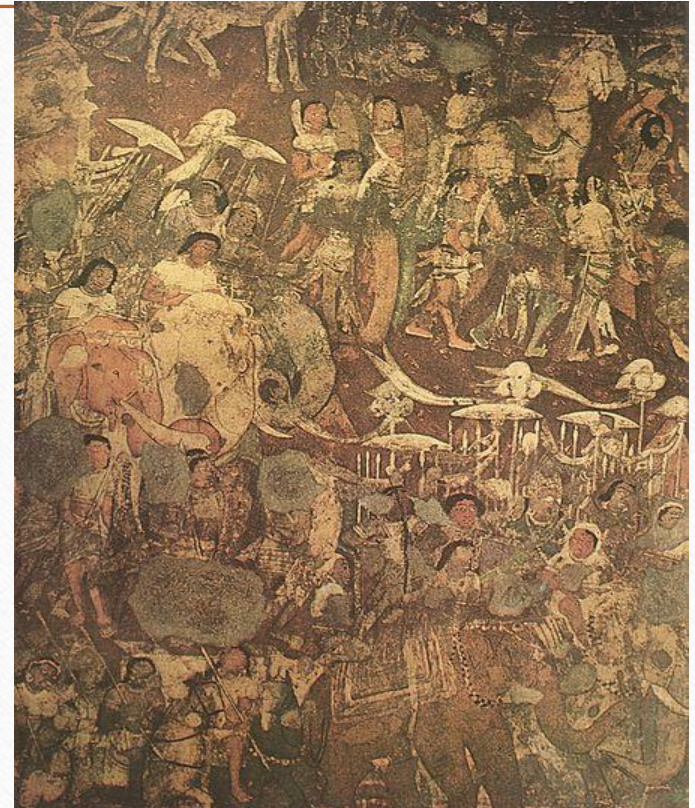
Dr. Avanti Perera

Senior State Counsel

Attorney General's Department, Sri Lanka

Historical Context

- Ancient history
 - Sophisticated civilisation
 - Diverse communities
 - Continuity of local traditions





Ancient History

- Pre-historic era

Oldest human remains found on the island date back to 34,000 years ago – the Balangoda Man

- Chronicled history

Begins with the arrival of the North Indian Prince Vijaya and his 700 followers on the island in 543 B.C. - indigenous tribes already inhabiting the island – the Yakka, Raksha, Naga and Deva

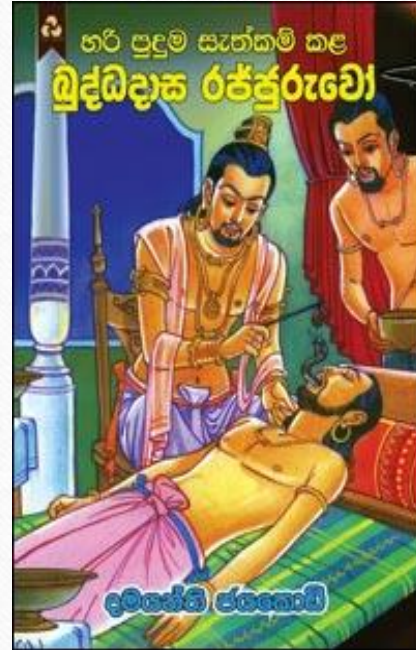
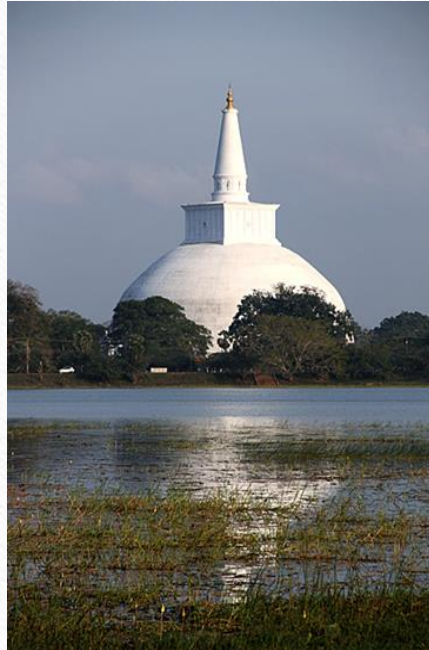




Sophisticated Civilisation



- Architecture
- Agriculture
- Irrigation works
- Medicine
- Dispute settlement

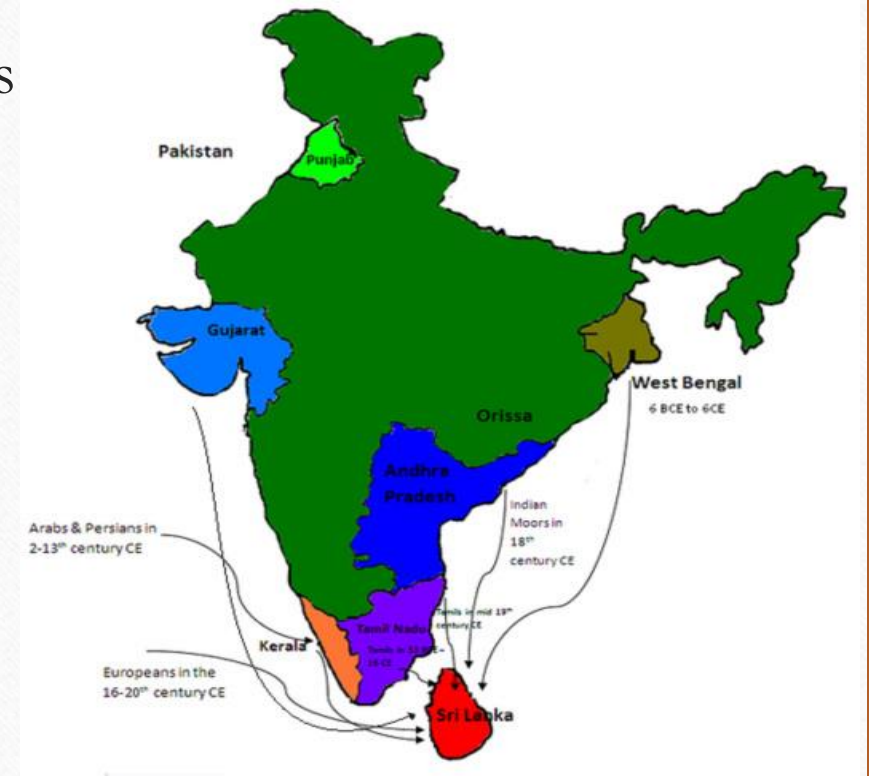


Diverse Communities

- Indigenous tribes before arrival of Indian settlers
- Indo-Aryan settlers
- South Indian and other immigrants
- Western colonization – Portugese

Dutch

British





Continuity of Local Traditions

King Voharika Tissa (214-236 AD) “reigned twenty two years with a knowledge of law and tradition.”

Kandyan Convention of 1815 “resumes very briefly the outlines of a constitution carefully adapted to the desires of the chiefs and of the people...the first point was the protection of the religion of Boodhoo, the other...was the recognition and maintenance of their local institutions...they have plenty of customs, and also a well-established gradation of authority...and even their own forms of justice.”

Proclamation of 1799 and Adoption of Roman Dutch Law Ordinance of 1835 – administration of justice to be “according to the Laws and Institutions that subsisted under the ancient Government of the United Provinces,” subject to such deviations and alterations published thereafter.

Paddy Land Irrigation Ordinance of 1856 enacted to “facilitate the renewal and enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands.” Irrigation Ordinance of 1946 provided for proprietors of lands within an area capable of being irrigated had power to make rules for the enforcement of established customs affecting cultivation and that such rules may include rules making provision for the form of cultivation known as *betma* cultivation.

To date, customary laws of various communities co-exist with general laws.



Traditional Knowledge in Sri Lanka



- **Indigenous Medicine** : Mixture of the formalized systems of Ayurveda, Siddha, Unani and the non-formalized system of Deshiya Chikitsa, used for bone-mending, snakebite, eye-disease treatment, etc.
- **Ethnoveterinary practices** : A combination of spiritual powers, cosmic powers and physical resources
- **Architecture** : Buddhist architecture (cave temples, stupas, *vatadages*, meditation houses, vaulted roof shrines)/storied buildings/palaces with ponds, including the Sigiriya rock fortress





Traditional Knowledge in Sri Lanka



- **Agriculture** : Chena, paddy and home garden cultivation/plant protection and land preparation based on spiritual powers, cosmic powers and physical resources/land use practices, including shared ownership during water scarcity or to avoid fragmentation (*bethma/thattumaru*)/local weather forecasting knowledge/land tenure system/various cropping patterns and well-distributed cropping calendars/storage systems/harvesting time and duration in paddy cultivation/production via collective helping system of *aththama* (exchange the labour for different activities by village community members)/eco-friendly pest control
- **Hydraulic (water supply) system** : Sustainable water-soil-flora-fauna-human ecosystem based on inter-related reservoirs, channels, *vetiyas*, diversion anicuts, including the tank cascade systems
- **Environment management** : Inland fishery resources management during dry season/ agricultural practices and hydraulic systems to deal with natural resource limitations





Traditional Knowledge in Sri Lanka



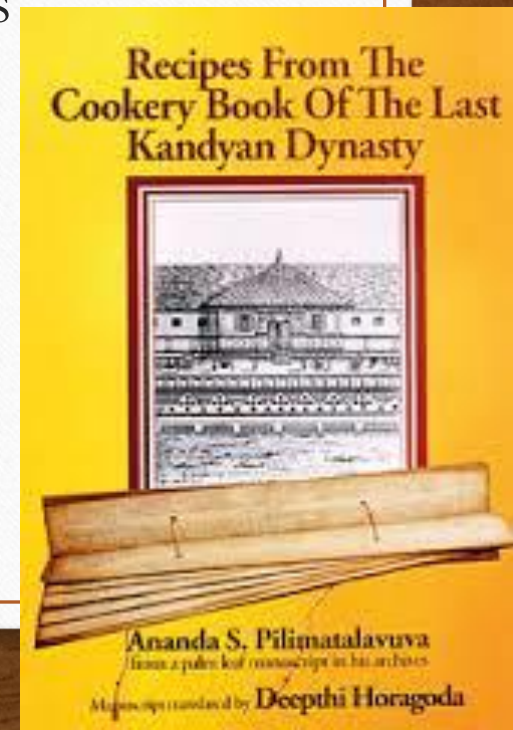
- **Food security / Subsistence system** : Self-sufficiency from home gardens, kitchen gardens, Kandyan Forest Gardens which had backyard livestock
- **Food preparation, preservation and habits** : Traditional recipes based on nutrition/medicinal preparations/food consumption was based on the type of person (child, adult, old), physiology (sick, pregnant, nursing), degree of activity (less active, energetic), and the type of meal (breakfast, lunch, dinner)/certain foods not consumed together/methods of food preservation (sun dried, smoke dried, buried in dry sand, salted, pickled, fermented immersed in honey, game meat preserved with their fat (*kurukkal*), use of contraptions to preserve food (*atuwa*, *doom messa*, *bissa*)
- **Martial art** : *Angampora* (combination of combat techniques, self-defence, sport, exercise and meditation)





General Features of Traditional Knowledge in Sri Lanka

- Inter-generational
- Oral transmission and some documented in palm and ola leaf scripts
- Closely held by the communities
- Narrowly/widely held within the communities
- Fast-disappearing in most fields
- No legal protection





Existing Legal Framework

- Constitution of 1978
- Intellectual Property Act, No.36 of 2003
- Customary laws – Kandyan Law, Thesawalamai, Muslim Law
- Other laws – eg. Antiquities Ordinance, National Archives Law, Ayurveda Act





Work in Progress

- 2009 draft Legal Framework for the Protection of Traditional Knowledge in Sri Lanka
- National Experts Committee on Traditional Knowledge
- Draft National Policy and Strategies on Traditional Knowledge and Practices
- GOSL-WIPO 10 Point Action Plan
- Ongoing identification and documentation of TK by various sectors
- Specific progress in the area of Traditional Medical Knowledge - efforts to collect information on Traditional Medical Practitioners, setting up of an audio-visual unit for documenting and recognizing TMPs and evaluating what TMK can be publicized, working toward *in situ* conservation of TMK held by TMPs, proposed International Conference on Indigenous Systems of Medicine



Thank You

