

# Cultural Heritage Governance as a Legal Pathway toward Sustainable Development: The Sigiriya World Heritage Site in Sri Lanka

de Alwis M.<sup>1</sup>

<sup>1</sup>University of Kelaniya, Sri Lanka.

\*Corresponding author: medhadealwis@gmail.com

## Abstract

This paper examines the role of cultural heritage governance as a legal pathway toward sustainable development, with special reference to the Sigiriya World Heritage Site in Sri Lanka. Drawing from doctrinal legal analysis and interpretive evaluation of both national and international heritage instruments, the study explores how the country's heritage legislation, principally the Antiquities Ordinance of 1940 and related regulatory frameworks-interfaces with the obligations of the 1972 UNESCO World Heritage Convention. Sigiriya, a site of exceptional archaeological and symbolic value, presents a critical test case for balancing conservation imperatives with social inclusion, community benefit, and sustainable use. Through a close reading of statutory provisions, institutional mandates, and policy mechanisms, the paper identifies gaps between legal protection and practical management, particularly in the integration of cultural heritage within broader sustainable development agendas. The analysis underscores the need for a holistic governance model in which heritage law serves not only as a tool of preservation but also as an enabler of social harmony, economic resilience, and peacebuilding. By situating tangible heritage within the discourse of sustainability, the paper argues for reimagining heritage governance as a dynamic and participatory framework-one that sustains both cultural memory and the living communities connected to it. Sigiriya thus emerges as a site through which the intersections of law, heritage, and sustainability can be meaningfully understood and advanced.

**Keywords:** Cultural heritage governance, Sustainable development, Heritage law, Sigiriya World Heritage Site, Peacebuilding

## Introduction

Sri Lanka's tangible cultural heritage represents a living continuum of identity, history, and creativity that spans more than two millennia. The island's archaeological landscape encompasses ancient capitals, monastic complexes, irrigation systems, and fortified citadels that reflect sophisticated urban planning, hydraulic engineering, and artistic achievement. Among its many significant heritage landscapes, Sigiriya stands out as a world-renowned site that embodies the intersection of art, architecture, and governance. Rising nearly two hundred meters above the surrounding plains, this fifth-century rock fortress represents not merely an architectural marvel but a complex statement of political power, religious patronage, and aesthetic vision.

As a World Heritage Site recognized by UNESCO in 1982, Sigiriya reflects both the enduring value of ancient urban planning and the evolving legal frameworks that govern its preservation and sustainable management. The site encompasses not only the central rock fortress but also an extensive urban complex with water gardens, boulder gardens, and terraced gardens that demonstrate advanced hydraulic technology and sophisticated landscape design. The famous frescoes, the mirror wall with ancient graffiti, and the lion gateway remain as testament to the artistic achievements of the Anuradhapura period.

This paper builds upon legal analysis developed through doctoral research on Sri Lanka's tangible cultural heritage law, examining how the governance of Sigiriya can inform broader dis-



cussions on sustainable development, social cohesion, and peacebuilding. The research addresses a fundamental question: how can heritage law transcend its traditional preservationist function to become an instrument of sustainable development that serves both conservation objectives and contemporary societal needs? In addressing this question, the paper situates Sigiriya within the broader context of Sri Lanka's constitutional framework, statutory heritage protection mechanisms, and international obligations under the World Heritage Convention.

The significance of this inquiry extends beyond technical legal analysis. Sri Lanka's post-conflict context demands that cultural heritage governance contribute meaningfully to national reconciliation, social inclusion, and economic opportunity. Heritage sites such as Sigiriya attract substantial tourism revenue, employ local communities, and serve as sources of national pride that transcend ethnic and religious divisions. Understanding how legal frameworks can optimize these benefits while ensuring authentic conservation remains a critical policy challenge.

The paper proceeds through several analytical stages. Following this introduction, it examines the legal and scholarly literature that informs heritage governance in Sri Lanka and internationally. It then analyzes the specific governance structure at Sigiriya, identifying the institutional actors, statutory mandates, and management mechanisms currently in place. The subsequent sections explore the relationship between cultural heritage law and sustainable development objectives, identify critical gaps in the current legal framework, and propose policy reforms that could strengthen heritage governance as a pathway toward sustainable development.

## Methodology

This research employs doctrinal legal analysis as its primary methodological approach, examining statutory provisions, regulatory instruments, and institutional frameworks that govern cultural heritage in Sri Lanka. The doctrinal method involves systematic analysis of legal texts, including primary legislation such as the Antiquities Ordinance No. 9 of 1940, the Central Cultural Fund Act No. 57 of 1980, and the Sigiriya Heritage

Foundation Act No. 62 of 1998. The analysis extends to constitutional provisions relevant to heritage protection, particularly those addressing fundamental rights, directive principles of state policy, and the distribution of powers between central and provincial authorities as established by the Constitution of 1978.

The interpretive evaluation draws upon international legal instruments, principally the 1972 UNESCO World Heritage Convention and its Operational Guidelines as updated in 2019. The research examines how international norms have been incorporated into domestic law and policy, identifying areas of alignment and divergence. The methodology also incorporates critical analysis of scholarly commentary from international heritage law experts including Blake, Francioni, Lenzerini, and Pickard, as well as Sri Lankan legal scholars such as Amarasinghe and Weerasekera. The case study approach focuses on Sigiriya as a representative example of the challenges and opportunities inherent in heritage governance. The selection of Sigiriya reflects its status as Sri Lanka's most visited heritage site, its designation as a World Heritage property, and the complex institutional arrangements governing its management. The case study methodology allows for detailed examination of how abstract legal principles translate into practical management decisions and outcomes.

## Literature Review and Legal Framework

### Evolution of Heritage Protection in Sri Lanka

The legal protection of Sri Lanka's cultural heritage has evolved through multiple phases, reflecting changing conceptions of heritage value, ownership, and responsibility. The foundational statute remains the Antiquities Ordinance No. 9 of 1940, enacted during the colonial period to address the extraction and export of archaeological materials. The Ordinance established the legal category of "antiquities," defined mechanisms for declaring sites and objects as protected and created institutional structures for archaeological management under the Commissioner of Archaeology.

As Amarasinghe observes in his comprehensive analysis of Sri Lanka's legal heritage, the 1940 Ordinance reflected colonial administrative priorities that emphasized classification, registration, and state control over archaeological resources. The Ordinance has been amended subsequently, most notably by Act No. 24 of 1998 and Act No. 12 of 2005, to address emerging challenges including illegal excavation, trafficking in cultural objects, and the need for more stringent enforcement mechanisms. However, the basic conceptual framework established in 1940 remains largely intact, raising questions about its adequacy for addressing contemporary heritage governance challenges.

The Central Cultural Fund Act No. 57 of 1980 marked a significant evolution in Sri Lanka's heritage governance model. The Act established the Central Cultural Fund as a statutory body with authority to manage cultural heritage sites, collect revenue from tourism, and invest in conservation and development activities. The CCF model represented recognition that heritage sites required dedicated institutional capacity and financial resources beyond what the Department of Archaeology could provide through general government budgets. The establishment of the CCF reflected the best international practices in heritage management, which increasingly emphasized site-based institutions with operational autonomy and sustainable funding mechanisms.

The Sigiriya Heritage Foundation Act No. 62 of 1998 created a site-specific institutional framework for Sigiriya, recognizing its unique significance and management requirements. This Act established a foundation structure with representation from multiple stakeholders, including government agencies, academic institutions, and cultural organizations. The legislative approach reflected growing understanding that major heritage sites benefit from dedicated governance structures that can coordinate multiple interests and balance competing demands.

Additional statutes relevant to heritage governance include the Cultural Property Act No. 73 of 1988, which addresses the export of cultural objects and implements Sri Lanka's obligations under international conventions regarding illicit trafficking. The National Environmental Act No. 47 of 1980 provides frameworks for environmental impact assessment and natural resource pro-

tection that intersect with heritage conservation, though the integration between environmental and cultural heritage protection remains incomplete. The Urban Development Authority Act No. 41 of 1978 establishes planning controls that affect heritage zones in urban contexts, occasionally creating jurisdictional tensions with heritage-specific legislation.

## International Legal Framework

The 1972 UNESCO Convention concerning the protection of the world cultural and natural heritage provides the primary international legal framework for heritage protection. The Convention establishes the concept of "outstanding universal value" as the threshold for World Heritage designation, requiring that sites possess exceptional characteristics that transcend national boundaries and hold significance for humanity as a whole. Sri Lanka ratified the Convention and has successfully inscribed eight properties on the World Heritage List, including Sigiriya in 1982.

The Convention creates both rights and obligations for states parties. Countries gain international recognition for their heritage sites, access to technical assistance and limited financial support through the World Heritage Fund, and benefits from the prestige associated with World Heritage status. In return, states parties assume obligations to identify, protect, conserve, and transmit heritage to future generations. The Convention requires states to integrate heritage protection into comprehensive planning programs, establish appropriate legal and administrative frameworks, and report periodically on the state of conservation of their World Heritage properties.

The Operational Guidelines for the Implementation of the World Heritage Convention provide detailed procedural and substantive standards for heritage protection. The 2019 version of the Guidelines, which represents the culmination of decades of refinement, emphasizes several principles particularly relevant to this analysis. These include the importance of authenticity and integrity as conditions for outstanding universal value, the requirement for adequate legal protection and management systems, and the growing emphasis on community participation and sustainable development. The Guidelines

increasingly recognize that heritage conservation cannot be divorced from broader development objectives and must contribute to social and economic wellbeing.

International charters and guidelines, though not legally binding treaties, provide influential normative frameworks. The Venice Charter of 1964, produced by the International Congress of Architects and Technicians of Historic Monuments, established principles for conservation and restoration that emphasize respect for original fabric, minimal intervention, and reversibility of conservation treatments. These principles have profoundly influenced conservation practice globally and inform the interpretation of legal obligations under national heritage laws.

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, while primarily focused on wartime protection, establishes principles regarding state responsibility for cultural heritage that extend beyond conflict situations. The Convention recognizes that damage to cultural heritage constitutes harm to humanity's common patrimony, a principle that underpins contemporary international heritage law.

### **Scholarly Perspectives on Heritage Law and Governance**

Blake's comprehensive treatise on international cultural heritage law provides essential theoretical foundations for understanding heritage as a legal category. Blake argues that heritage law functions simultaneously as public law, establishing state obligations and regulatory frameworks, and as a form of human rights law, recognizing cultural rights and community interests in heritage. This dual character creates inherent tensions between top-down regulatory approaches and bottom-up participatory models. Blake emphasizes that effective heritage governance requires reconciling these tensions through legal frameworks that establish clear protection standards while creating meaningful opportunities for community involvement.

Francioni and Lenzerini, in their authoritative commentary on the World Heritage Convention, analyze how the Convention's implementation has evolved from a monuments-focused approach toward more integrated heritage management that considers social, economic, and envi-

ronmental dimensions. They argue that the concept of outstanding universal value must be interpreted dynamically, recognizing that heritage significance encompasses not only aesthetic and historical values but also social meanings and functions. Their analysis highlights the importance of management systems that maintain heritage integrity while allowing for adaptive uses that serve contemporary needs.

Pickard's edited volume on policy and law in heritage conservation examines the relationship between legal frameworks and conservation practice across multiple jurisdictions. A central theme is that heritage law must extend beyond prohibitions and restrictions to create enabling frameworks that incentivize conservation, facilitate public-private partnerships, and integrate heritage considerations into broader policy domains including urban planning, economic development, and environmental protection. Pickard emphasizes that effective heritage governance requires coordination across multiple legal and administrative systems that typically operate independently.

Cookson's work on archaeological heritage law explores the specific challenges of protecting archaeological sites and materials. Cookson emphasizes that archaeological heritage faces distinctive threats including unauthorized excavation, site destruction through development, and trafficking in archaeological objects. Legal protection must address not only intentional harm but also unintentional damage resulting from agricultural activities, construction, and natural processes. Cookson argues for legal frameworks that combine regulatory controls with positive incentives, including compensation mechanisms for landowners and communities that bear costs associated with heritage protection.

Feilden and Jokilehto's management guidelines for world cultural heritage sites provide technical and philosophical foundations for site management planning. They emphasize that conservation must be understood as a process rather than a state, requiring ongoing intervention, monitoring, and adaptation. Their framework integrates technical conservation considerations with institutional, financial, and social factors, recognizing that successful heritage management depends on adequate resources, skilled personnel, and community support. Particularly relevant to this anal-

ysis is their emphasis on authenticity as a dynamic concept that encompasses both material fabric and intangible associations, meanings, and uses.

### **Sri Lankan Scholarship on Heritage Law**

Amarasinghe's foundational works on Sri Lankan legal heritage and cultural property protection provide essential context for understanding the development of heritage law within Sri Lanka's distinctive legal system. Amarasinghe traces how Sri Lanka's legal framework evolved from pre-colonial customary laws through colonial statutory frameworks to post-independence national legislation. His analysis emphasizes that effective heritage protection requires legal frameworks that reflect local values and circumstances while meeting international standards. Amarasinghe identifies several persistent challenges in Sri Lankan heritage law, including inadequate coordination between national and provincial authorities, limited community participation in heritage management, and insufficient integration between cultural heritage protection and related policy domains such as environmental protection and urban planning.

Amarasinghe's later work on archaeological heritage management provides detailed analysis of institutional structures and management practices. He identifies critical gaps in implementation, noting that statutory frameworks often remain inadequately enforced due to resource limitations, institutional fragmentation, and competing development pressures. His research emphasizes the need for updated legal frameworks that address contemporary challenges including climate change impacts on heritage sites, tourism management, and digital documentation technologies.

Weerasekera's recent analysis of legal protection for tangible and intangible cultural heritage examines how Sri Lankan law addresses both physical heritage and living cultural practices. Weerasekera argues that Sri Lanka's legal framework remains heavily weighted toward tangible heritage, with inadequate attention to intangible cultural heritage despite international recognition of its importance. This imbalance affects management approaches at sites like Sigiriya, where intangible associations and cultural practices con-

nected to the site receive less legal protection than physical structures. Weerasekera advocates for integrated legal frameworks that recognize the interconnection between tangible and intangible heritage and that create participatory mechanisms for communities to contribute to heritage management decisions

## **Heritage Governance at Sigiriya: Institutional and Legal Analysis**

### **The Sigiriya World Heritage Site: Significance and Composition**

Sigiriya represents one of the most remarkable examples of ancient urban planning and landscape architecture in South Asia. Constructed during the reign of King Kasyapa in the fifth century CE, the site encompasses a fortified palace complex atop a massive rock outcrop, surrounded by an elaborately planned urban area with sophisticated water management systems. The rock fortress itself features architectural elements including the famous lion gateway, from which the site derives its name, and galleries decorated with exceptional frescoes depicting female figures in a distinctive artistic style. The mirror wall, originally polished to a reflective finish, bears hundreds of ancient inscriptions representing early Sinhala poetry and providing valuable linguistic and historical evidence.

The broader Sigiriya complex extends well beyond the central rock, incorporating water gardens with hydraulic features that demonstrate advanced engineering capabilities. These gardens include symmetrical ponds, fountains, and water channels that functioned both aesthetically and practically in managing water resources. The boulder gardens feature massive stone formations integrated into the landscape design, while terraced gardens on the western slopes demonstrate sophisticated grading and drainage techniques. Archaeological evidence indicates that the urban complex supported a substantial population and represented a complete planned city rather than merely a royal retreat.

The site's significance extends beyond its architectural and technological achievements to encompass cultural, religious, and artistic dimensions. The frescoes represent a unique artistic

tradition that bridges earlier Buddhist painting styles with innovations in composition and technique. The site's Buddhist associations, predating and postdating the palace period, connect it to broader patterns of religious patronage and monastic development across Sri Lanka. As documented in the ICOMOS evaluation, Sigiriya's outstanding universal value derives from this combination of exceptional architectural achievement, technological innovation, artistic merit, and historical significance as a representation of fifth-century Sinhalese civilization.

### **Statutory Framework and Institutional Arrangements**

The governance of Sigiriya operates through a complex institutional architecture involving multiple statutory bodies with overlapping and sometimes competing mandates. The Department of Archaeology, established under the Antiquities Ordinance, retains ultimate authority over archaeological matters at the site, including excavation, conservation of structures, and regulation of activities that might affect archaeological remains. The Commissioner of Archaeology holds statutory powers to declare sites as protected monuments, regulate access, and enforce prohibitions against damaging or altering protected structures.

The Central Cultural Fund, established by the Act of 1980, manages the site's day-to-day operations, including visitor services, revenue collection, maintenance activities, and public programming. The CCF model provides operational autonomy and allows retention of revenues generated from admission fees, creating a sustainable funding mechanism for conservation and management. The CCF's mandate includes not only site management but also investment in conservation activities across multiple heritage sites, creating a system where revenue from high-visitation sites like Sigiriya supports conservation at less-visited locations.

The Sigiriya Heritage Foundation Act of 1998 created an additional institutional layer intended to provide strategic oversight and coordination. The Foundation brings together representatives from government agencies, academic institutions, and cultural organizations to advise on policy matters, review conservation priorities, and facil-

itate research activities. The Foundation model reflects recognition that major heritage sites benefit from multi-stakeholder governance structures that can balance diverse interests and perspectives.

This multi-layered institutional structure reflects both strengths and weaknesses. The arrangement provides specialized expertise through different institutions focusing on archaeological, operational, and strategic dimensions. It creates mechanisms for stakeholder input through the Foundation's representative structure. However, the multiplicity of institutions also creates potential for jurisdictional confusion, coordination challenges, and inefficiencies. Feilden and Jokilehto emphasize that effective heritage management requires clear delineation of responsibilities, efficient decision-making processes, and mechanisms for resolving inter-institutional disputes. The Sigiriya governance structure would benefit from more explicit statutory provisions clarifying the respective roles and authorities of the Department of Archaeology, the CCF, and the Foundation.

### **Management Planning and Conservation Practice**

The management of Sigiriya operates through both formal management plans and ongoing conservation activities. UNESCO's Operational Guidelines require World Heritage sites to have comprehensive management plans that address conservation, visitor management, risk preparedness, and community engagement. Management planning at Sigiriya has evolved over decades, informed by periodic ICOMOS evaluations and technical assistance from international conservation organizations including ICCROM.

The 1994 ICOMOS mission to evaluate Anuradhapura, Sigiriya, and Polonnaruwa identified several conservation challenges requiring urgent attention. These included deterioration of the frescoes due to environmental exposure and visitor impact, structural concerns regarding the stability of certain architectural elements, vegetation management on the rock face, and the need for improved visitor circulation to reduce pressure on vulnerable areas. The mission's recommendations informed subsequent conservation interventions and management adjustments.

Conservation practice at Sigiriya reflects tension between preservation imperatives and accessibility objectives. The site's status as a major tourist destination creates substantial revenue but also generates conservation pressures. High visitation levels contribute to wear on pathways and structures, create microclimatic changes in enclosed spaces, and increase risk of accidental damage. Management responses have included visitor number controls during peak periods, routing adjustments to distribute visitor pressure more evenly, and investment in infrastructure improvements that allow access while protecting vulnerable features.

The integration of traditional conservation knowledge with contemporary scientific techniques represents another dimension of practice at Sigiriya. Traditional lime-based mortars and locally sourced materials feature prominently in conservation treatments, reflecting both cultural authenticity concerns and practical considerations of compatibility and long-term performance. However, modern analytical techniques, including materials analysis, structural monitoring, and digital documentation, increasingly inform conservation decision-making. This integration of traditional and modern approaches aligns with international best practices as articulated by Feilden and Jokilehto.

## **Cultural Heritage Law and Sustainable Development: Conceptual Linkages**

### **Heritage and the Sustainable Development Framework**

The linkage between cultural heritage and sustainable development has gained increasing recognition in both global and national policy contexts. The 2030 Agenda for Sustainable Development, while not explicitly addressing cultural heritage as a standalone goal, implicitly integrates heritage concerns under multiple Sustainable Development Goals. Goal 11, focused on sustainable cities and communities, specifically includes targets related to safeguarding cultural and natural heritage. Goal 16, addressing peace, justice, and strong institutions, connects to heritage's role in building social cohesion and inclu-

sive societies. Additionally, heritage contributes to goals addressing poverty reduction, education, economic growth, and climate action.

This integration reflects evolving understanding that heritage conservation cannot be divorced from broader development objectives. Heritage sites function simultaneously as conservation priorities, economic assets, educational resources, and social spaces that contribute to community identity and cohesion. Effective heritage governance must therefore address multiple dimensions including physical preservation, economic sustainability, social equity, and environmental responsibility.

Within Sri Lanka, heritage legislation such as the Antiquities Ordinance and the Central Cultural Fund Act have traditionally emphasized protection and preservation, reflecting an earlier paradigm that viewed conservation primarily as preventing damage and maintaining physical fabric. Recent policy discourse increasingly recognizes the social and economic dimensions of heritage, acknowledging that conservation serves contemporary needs alongside historical preservation objectives. This shift reflects both international trends in heritage theory and practice and domestic recognition that heritage can contribute to post-conflict reconciliation and sustainable development.

### **Economic Dimensions of Heritage Governance**

Heritage tourism represents a substantial economic sector in Sri Lanka, generating revenue, employment, and foreign exchange. Sigiriya exemplifies heritage's economic potential, attracting hundreds of thousands of visitors annually and serving as a cornerstone of the country's tourism industry. Admission fees and related expenditures generate revenue that supports site operations and conservation activities. Local communities benefit through employment in hospitality, transportation, guiding, and craft production. The multiplier effects of heritage tourism extend well beyond immediate site revenues to encompass regional economic development.

However, realizing heritage's economic potential while maintaining conservation integrity requires sophisticated governance frameworks. Cookson emphasizes that heritage management must bal-

ance revenue generation with preservation responsibilities, ensuring that economic uses do not compromise authenticity or threaten physical fabric. This balance requires careful visitor management, appropriate infrastructure development, and reinvestment of revenues into conservation and community benefit.

The Central Cultural Fund model represents one approach to sustainable heritage financing. By allowing sites to retain revenues and invest in conservation and development, the CCF creates incentives for effective management and reduces dependence on unpredictable government appropriations. However, this model also creates potential inequities, as high-visitation sites like Sigiriya generate substantial revenues while less-visited sites struggle to fund basic maintenance. Heritage governance frameworks must address these disparities through revenue-sharing mechanisms and cross-subsidization systems.

### **Social Dimensions: Community Participation and Cultural Rights**

Sustainable heritage governance requires meaningful community participation in management decisions. Blake argues that heritage law must recognize communities as rights-holders rather than merely stakeholders, acknowledging that heritage embodies cultural identities and that communities possess legitimate interests in how heritage is managed. This perspective challenges traditional top-down governance models that vest authority exclusively in state institutions.

Sri Lankan heritage law provides limited mechanisms for community participation in heritage management. The Antiquities Ordinance grants extensive powers to the Commissioner of Archaeology but creates no formal roles for community input. The Central Cultural Fund's structure similarly emphasizes institutional management over community engagement. The Sigiriya Heritage Foundation Act includes provisions for stakeholder representation, but implementation has focused primarily on governmental and academic stakeholders rather than local communities directly affected by heritage management decisions.

International best practices increasingly emphasize participatory governance models that create formal mechanisms for community involve-

ment in management planning, decision-making, and benefit-sharing. These models recognize that local communities possess valuable traditional knowledge about heritage sites, bear direct impacts from conservation restrictions and tourism activities, and have legitimate interests in sharing heritage benefits. Effective community participation requires not only consultation mechanisms but also capacity building, equitable benefit distribution, and recognition of cultural rights.

### **Heritage and Peacebuilding**

In post-conflict societies, cultural heritage assumes particular significance as a potential contributor to reconciliation and social cohesion. Sri Lanka's protracted ethnic conflict and ongoing reconciliation challenges create special imperatives for heritage governance that contributes to peace rather than reinforcing divisions. Heritage sites that transcend ethnic and religious identities, like Sigiriya, offer opportunities for building shared narratives and fostering inclusive national identity.

However, heritage can also become contested terrain that reinforces divisions when governance structures exclude communities or when interpretation emphasizes exclusive ownership rather than shared significance. Effective heritage governance in divided societies requires careful attention to inclusive representation, equitable access, and interpretive approaches that acknowledge complexity and multiple perspectives.

The connection between heritage governance and peacebuilding extends beyond symbolic dimensions to encompass practical contributions including economic opportunity, education, and institution-building. Heritage sites that generate employment and economic benefits create common interests that transcend divisions. Educational programming that brings diverse communities together around shared cultural heritage contributes to mutual understanding. Heritage institutions that model inclusive, transparent, and participatory governance demonstrate possibilities for broader social transformation.

## Challenges and Legal Gaps in Current Heritage Governance

### Institutional Coordination and Jurisdictional Clarity

Despite a comprehensive statutory framework, several gaps persist in the practical implementation of Sri Lanka's heritage law. A primary challenge involves overlapping institutional mandates that create coordination difficulties and occasional jurisdictional conflicts. The distribution of authority among the Department of Archaeology, the Central Cultural Fund, provincial councils under the constitutional devolution framework, and local government entities create complexity that sometimes impedes efficient decision-making and coherent policy implementation.

The relationship between the Antiquities Ordinance and other statutory frameworks presents particular challenges. The National Environmental Act No. 47 of 1980, while providing a basis for environmental protection through environmental impact assessment and pollution control, does not explicitly address the relationship between natural and cultural heritage. Projects that affect heritage sites must navigate separate approval processes under heritage and environmental legislation, creating potential for inconsistent decisions and regulatory gaps. Enhanced coordination mechanisms and clearer statutory provisions regarding the integration of cultural heritage and environmental considerations would strengthen protection for heritage sites affected by development pressures.

Similarly, the Urban Development Authority Act No. 41 of 1978 has occasionally created tensions in heritage zones where urban planning objectives intersect with archaeological protection. The UDA's authority over land use planning can conflict with heritage preservation priorities when development pressures affect areas surrounding heritage sites. Weerasekera notes that these jurisdictional ambiguities undermine effective heritage protection and create uncertainty for communities, developers, and heritage managers. Legal reform should clarify hierarchies of authority and establish mechanisms for coordinated planning in heritage-sensitive areas.

### Community Participation and Benefit Sharing

The limited mechanisms for community participation in heritage governance represent a significant gap between current practice and international best practices. The Antiquities Ordinance's colonial-era framework vests authority in centralized institutions without creating formal roles for local communities. While heritage institutions may engage communities through informal consultation, the absence of statutory requirements for participation means that community engagement remains discretionary and inconsistent.

This gap affects both the quality of heritage management and its contribution to sustainable development. Local communities possess valuable traditional knowledge about heritage sites, including historical associations, customary practices, and environmental conditions. Excluding this knowledge from management decisions reduces effectiveness and authenticity. Moreover, communities that bear costs from heritage protection, including restrictions on land use and economic activities, should participate in decision-making and share equitably in heritage benefits. Without formal participation mechanisms, heritage governance risks imposing top-down solutions that lack local legitimacy and support.

Benefit-sharing arrangements at major heritage sites like Sigiriya require more systematic attention. While the sites generate substantial revenue, mechanisms for ensuring that surrounding communities receive equitable benefits remain underdeveloped. Employment opportunities for local residents, investment in community infrastructure and services, and support for local enterprises should feature prominently in heritage management planning. Legal frameworks should establish requirements for community benefit-sharing as a component of sustainable heritage governance.

### Integration with Broader Policy Frameworks

The relative isolation of heritage law from broader policy domains limits heritage's contribution to sustainable development. Heritage considerations should inform policies and decisions

across multiple sectors including tourism development, urban and regional planning, education, economic development, and environmental management. However, current legal frameworks treat heritage primarily as a specialized regulatory domain rather than as a cross-cutting concern requiring integrated policy approaches.

Tourism policy provides a clear example. While heritage sites attract the majority of Sri Lanka's cultural tourists, tourism development policies have not systematically integrated heritage conservation principles. Tourism infrastructure development, promotion strategies, and service standards should align with heritage conservation objectives, ensuring that tourism contributes rather than undermines heritage integrity. Legal frameworks should establish requirements for heritage impact assessment in tourism development decisions and create mechanisms for coordinating tourism and heritage policies.

Educational policy presents another domain requiring better integration. Heritage sites offer invaluable educational resources that can enhance teaching across multiple subjects including history, art, science, and citizenship. However, educational programming at heritage sites remains limited, and school curricula make insufficient use of heritage resources. Legal frameworks could strengthen heritage's educational role by establishing mandates for heritage education, supporting teacher training, and facilitating school access to heritage sites.

### **Adaptation to Contemporary Challenges**

Sri Lanka's heritage legislation, rooted in frameworks established decades ago, requires updating to address contemporary challenges including climate change, digital technologies, and evolving international standards. Climate change poses increasing risks to heritage sites through extreme weather events, changing rainfall patterns, sea-level rise, and temperature increases that affect material stability and vegetation patterns. Heritage legislation should explicitly address climate adaptation, requiring management plans to assess climate risks and develop response strategies. Digital technologies offer opportunities for documentation, public engagement, and research that existing legal frameworks do not adequately address. Digital recording techniques allow precise

documentation of architectural features and condition states, supporting conservation planning and creating records for posterity. Virtual access technologies can reduce visitor pressure on fragile sites while enhancing public engagement. However, digital heritage also raises new questions regarding intellectual property, data management, and authentication. Updated legal frameworks should establish protocols for digital heritage documentation and appropriate uses of digital technologies in heritage management.

The evolution of international heritage standards, reflected in updated versions of UNESCO's Operational Guidelines and emerging international practice, requires corresponding updates to domestic legislation. Recent international developments emphasize climate resilience, community participation, human rights integration, and heritage's contribution to sustainable development. Amarasinghe's research emphasizes that Sri Lankan heritage law must evolve to remain aligned with international standards while respecting local contexts and priorities.

## **Policy Reflections and Recommendations**

### **Legislative Reform Priorities**

To strengthen heritage governance for a sustainable future, Sri Lanka should undertake comprehensive legislative reform that modernizes the Antiquities Ordinance while preserving its foundational strengths. Reform priorities should include explicit recognition of cultural rights, formal mechanisms for community participation, integration of environmental sustainability principles, and coordination mechanisms that link heritage protection with related policy domains.

The incorporation of UNESCO's 2019 Operational Guidelines should guide national policy reforms, aligning domestic law with international standards regarding community participation, sustainable development integration, and climate adaptation. Legislative reform should establish clear requirements for management planning that addresses conservation, visitor management, risk preparedness, community benefit, and sustainable resource use. Management plans should undergo periodic review and update, en-

sure that heritage management remains adaptive and responsive to changing conditions. Legal frameworks should explicitly address the relationship between tangible and intangible cultural heritage, recognizing that sites embody not only physical fabric but also meanings, associations, and practices. This recognition requires management approaches that protect both material authenticity and cultural continuity, engaging communities in preserving and transmitting heritage knowledge and traditions.

### **Institutional Capacity and Coordination**

Enhanced institutional capacity represents a fundamental requirement for effective heritage governance. Heritage institutions require adequate financial resources, trained personnel with appropriate technical expertise, and operational systems that support efficient management. The Central Cultural Fund model demonstrates the value of sustainable financing mechanisms, but broader application of this approach requires careful attention to equity concerns and revenue-sharing arrangements.

Coordination mechanisms should link heritage institutions with agencies responsible for related functions including environmental protection, urban planning, tourism development, and education. Formal coordination frameworks, including inter-agency committees and joint planning processes, can reduce jurisdictional conflicts and ensure coherent policy approaches. Legislative provisions should establish requirements for consultation and coordination when decisions in one policy domain affect heritage interests.

Provincial and local governments should play enhanced roles in heritage governance, reflecting the constitutional framework's devolution principles while maintaining necessary national oversight of internationally significant heritage. Clarifying the respective roles of national, provincial, and local authorities, with appropriate capacity building at all levels, can strengthen heritage governance while ensuring consistent standards.

### **Community Engagement and Participatory Governance**

Developing robust mechanisms for community participation requires both institutional changes

and cultural shifts in how heritage institutions approach their mandates. Formal structures should create meaningful opportunities for community input in management planning, decision-making, and benefit distribution. These structures should extend beyond consultation to include genuine partnership arrangements that recognize communities as co-managers of heritage rather than merely affected parties.

Capacity building represents a critical component of participatory governance. Communities require access to information, training in heritage management concepts and techniques, and support for developing organizational capacity. Heritage institutions should invest in community education and training programs that enable meaningful participation.

Benefit-sharing mechanisms should ensure that communities derive tangible advantages from heritage conservation and management. These benefits may include employment opportunities, support for local enterprises, infrastructure improvements, educational programs, and direct financial transfers. Legal frameworks should establish principles for equitable benefit-sharing and create accountability mechanisms ensuring that commitments are honored.

### **Knowledge Production and Digital Innovation**

Heritage institutions like the Central Cultural Fund should play leading roles in fostering partnerships among local communities, academic institutions, and policymakers to advance heritage knowledge. Research programs should address both conservation science questions and social science dimensions including community relationships with heritage, economic impacts, and governance effectiveness. Digital documentation initiatives should systematically record heritage sites, creating comprehensive archives that support conservation planning, research, and public engagement.

Promoting transparency through accessible information systems enhances accountability and public engagement. Heritage institutions should make management plans, conservation reports, research findings, and financial information readily available to communities, researchers, and the general public. Digital platforms can facilitate in-

formation sharing and enable broader participation in heritage discourse.

Heritage education programs should target diverse audiences including school children, local communities, tourism professionals, and policy-makers. Effective education programs build appreciation for heritage significance, understanding of conservation principles, and recognition of heritage's contribution to sustainable development. Educational initiatives should utilize multiple approaches including site interpretation, formal curricula, public programming, and digital resources.

## Conclusion

Sigiriya stands not only as a monumental testament to Sri Lanka's ancient civilization but also as a symbol of the country's evolving heritage governance. By examining its legal and institutional frameworks through the lens of sustainability, this analysis demonstrates that heritage law can act as a bridge between preservation and progress. The site's governance structure, while reflecting important strengths including institutional capacity and sustainable financing mechanisms, also reveals gaps that limit heritage's contribution to broader sustainable development objectives.

The analysis underscores several critical insights. First, effective heritage governance requires legal frameworks that transcend traditional preservation mandates to embrace social, economic, and environmental dimensions of sustainability. Heritage law must recognize cultural rights, create meaningful opportunities for community participation, and establish mechanisms that link heritage protection with broader development policies. Second, institutional arrangements must balance specialized technical expertise with coordination across sectors and levels of government. The complexity of heritage governance demands clear delineation of responsibilities, efficient decision-making processes, and mechanisms for resolving jurisdictional disputes. Third, heritage's contribution to sustainable development depends on equitable benefit-sharing arrangements that ensure communities realize tangible advantages from conservation and management. Strengthening cultural heritage governance

within sustainable development agendas will not only safeguard the material past but also nurture peace, resilience, and collective identity for future generations. Sigiriya exemplifies both the possibilities and the challenges inherent in this endeavor. As one of Sri Lanka's most significant cultural assets and most visited heritage destinations, it demonstrates heritage's potential to generate revenue, create employment, and serve as a source of national pride that transcends divisions. Yet realizing this potential fully requires legal and institutional reforms that address the gaps identified in this analysis.

The path forward requires commitment from multiple stakeholders. Government authorities must prioritize legislative reform and invest in institutional capacity. Heritage professionals must embrace participatory governance approaches and recognize communities as partners rather than subjects. Academic institutions must contribute research that informs evidence-based policy. Civil society organizations must advocate for transparency and accountability. Most importantly, communities connected to heritage sites must claim their roles as co-custodians and ensure that heritage governance serves their interests alongside conservation objectives.

In Sri Lanka's post-conflict context, heritage governance assumes particular significance as a potential contributor to reconciliation and social cohesion. Sites like Sigiriya, which represent shared cultural achievement transcending ethnic and religious divisions, offer opportunities for building inclusive national narratives. Legal and institutional frameworks that promote participation, equity, and transparency can demonstrate possibilities for broader social transformation. Heritage governance, properly conceived and implemented, can thus serve not only conservation objectives but also the fundamental goal of building a more just, peaceful, and sustainable society.

The challenges facing heritage governance at Sigiriya and throughout Sri Lanka are substantial but not insurmountable. International experience demonstrates that heritage can contribute meaningfully to sustainable development when legal frameworks create enabling conditions, institutions possess adequate capacity, and governance approaches embrace participation and equity. Sri Lanka's rich heritage, combined with its legal traditions and institutional foundations, provides a

strong basis for developing world-class heritage governance. Realizing this potential requires sustained commitment to reform, innovation, and partnership across all sectors of society.

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