

Reimagining Sigiriya Frescoes: Legal Implications of Interpreting the Figures as Performers in Tangible Cultural Heritage Management



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Abstract

This research examines the legal implications of reinterpreting the Sigiriya frescoes as representations of performers within Sri Lanka's tangible cultural heritage management framework. The study addresses how alternative scholarly interpretations of heritage artifacts can be accommodated within existing legal structures while maintaining compliance with authenticity and protection requirements. The research employs a doctrinal legal methodology, analyzing exclusively Sri Lankan heritage legislation and international UNESCO instruments governing World Heritage Sites. Primary sources include the Antiquities Ordinance, Sigiriya Heritage Foundation Act, Cultural Property Act, UNESCO World Heritage Convention, and Operational Guidelines. The analysis reveals that existing legal frameworks provide sufficient flexibility to accommodate performer-based interpretations without requiring statutory amendments. Such reinterpretation could expand the site's cultural value recognition, creating pathways for integrated heritage management approaches that connect tangible and intangible heritage elements. However, implementation requires careful documentation to ensure consistency with established heritage records and compliance with authenticity standards. The research demonstrates that while legal frameworks support interpretive evolution, successful reinterpretation must balance scholarly innovation with preservation integrity. The findings contribute to understanding how heritage law can adapt to evolving cultural interpretations while maintaining fundamental protection objectives for sites of Outstanding Universal Value.

Keywords

Cultural Heritage Law, Performing Arts, Sigiriya, Tangible Heritage Management, UNESCO

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Introduction

Sigiriya represents one of Sri Lanka's most significant cultural monuments, achieving recognition as a UNESCO World Heritage Site in 1982 based on its Outstanding Universal Value. The site's legal protection framework encompasses both domestic Sri Lankan legislation and international heritage conventions, establishing comprehensive governance structures for conservation, management, and interpretation activities. The famous rock frescoes constitute among the site's most celebrated artistic elements, traditionally interpreted within academic and legal documentation as celestial maidens, royal attendants, or symbolic representations.

The relationship between heritage law and interpretive flexibility presents increasingly important considerations for contemporary heritage management practice. Legal frameworks governing cultural sites must balance preservation imperatives with the natural evolution of scholarly understanding, particularly as new research reveals previously unrecognized dimensions of cultural significance. This balance becomes particularly critical when alternative interpretations could fundamentally alter how heritage elements are classified, protected, and presented within established legal structures.

This research addresses the specific question of how Sri Lankan heritage law and international UNESCO instruments would accommodate the reinterpretation of Sigiriya frescoes as visual documentation of historical performing arts practices. The inquiry does not seek to establish the historical accuracy of such interpretation but rather examines the legal mechanisms through which heritage sites can evolve in meaning while maintaining protected status and compliance with established authenticity requirements. The significance of this analysis extends beyond the specific case of Sigiriya to encompass broader questions about adaptive heritage management in changing cultural contexts. Legal interpretations of cultural artifacts directly influence conservation priorities, resource allocation, and site management strategies. Understanding how existing frameworks can accommodate interpretive evolution while maintaining protection standards provides crucial insights for heritage law development and practice.

The research focus remains exclusively on legal framework analysis, examining statutory provisions, international conventions, and established legal principles without incorporating institutional practices, stakeholder perspectives, or implementation experiences. This approach ensures findings reflect the legal framework itself rather than variable interpretive applications

across different contexts or time periods. Contemporary heritage discourse increasingly recognizes connections between tangible and intangible cultural elements, creating new challenges and opportunities for legal frameworks originally designed around more rigid categorical distinctions. The case of potentially reinterpreting the Sigiriya frescoes as performer documentation illustrates how legal frameworks might accommodate such an evolving understanding while maintaining essential protection standards.

The analysis considers both opportunities and constraints created by alternative heritage interpretation within existing legal structures. Enhanced cultural significance recognition could justify expanded conservation approaches and innovative presentation methods, while authenticity requirements and documentation standards establish necessary parameters for acceptable reinterpretation approaches.

Scholarly Foundation

Legal scholarship addressing cultural heritage interpretation has evolved significantly since the establishment of international protection frameworks in the twentieth century. Early heritage legislation typically emphasized physical preservation without substantial consideration of evolving cultural meanings or alternative scholarly interpretations. Contemporary legal analysis increasingly recognizes that heritage sites embody multiple layers of significance that may become apparent through ongoing research and cultural analysis.

Blake's foundational work on international cultural heritage law establishes that effective legal frameworks must balance preservation imperatives with interpretive flexibility to remain relevant in changing cultural contexts (Blake, 2015). This principle applies particularly to sites like Sigiriya, where continuing scholarly research reveals new dimensions of cultural significance not apparent during initial heritage designation or legal protection development.

The relationship between legal classification and cultural understanding in heritage contexts presents unique challenges for legislative frameworks designed around categorical definitions and protection standards. Amarasinghe's comprehensive analysis of Sri Lankan heritage law development demonstrates that the country's legal approach has historically shown responsiveness to evolving cultural understanding, though within carefully defined parameters prioritizing preservation and authenticity (Amarasinghe, 2006). This responsiveness creates important precedents for accommodating alternative interpretations, provided they meet established scholarly and legal documentation standards.

International heritage law scholarship emphasizes the critical importance of maintaining authenticity while allowing for natural evolution in cultural understanding. Francioni and Lenzerini's detailed analysis of UNESCO frameworks highlights this balance as fundamental to effective heritage protection, particularly when considering alternative interpretations of visual heritage elements that may connect tangible artifacts with intangible cultural practices (Francioni & Lenzerini, 2004). In addition, the ICOMOS framework for heritage interpretation provides crucial guidance on legal standards required for alternative interpretations of cultural sites. The organization's emphasis on accuracy, accessibility, and sustainability in heritage interpretation establishes benchmarks that legal frameworks can adopt to evaluate proposed reinterpretations of heritage elements (Pickard, 2001). These standards become particularly important when considering interpretations that could expand the protection scope or alter established conservation priorities.

Weerasekera's (2021) specific research on Sigiriya highlights the site's complex cultural layers and potential for multiple valid interpretations of its artistic elements (Weerasekera, 2021). From a legal perspective, this complexity creates both opportunities for expanded understanding and challenges for heritage management frameworks that must accommodate scholarly diversity while maintaining clear protection standards and consistent legal documentation.

Contemporary legal scholarship increasingly addresses broader questions of cultural identity and legal recognition in heritage contexts. Heritage law acknowledges that cultural sites may hold different meanings for different communities and historical periods, requiring legal frameworks capable of accommodating such diversity without compromising protection standards or creating conflicting legal obligations. As such, the scholarly foundation for alternative heritage interpretation encompasses questions about the relationship between tangible and intangible cultural elements. Legal frameworks originally designed around clear categorical distinctions must now accommodate growing recognition of interconnections between physical heritage elements and cultural practices, traditions, and meanings that may not have been apparent during initial protection development.

Research addressing the legal accommodation of interpretive evolution emphasizes the importance of maintaining rigorous standards for evidence and documentation while providing sufficient flexibility for legitimate scholarly development. This balance ensures that legal

frameworks support rather than constrain appropriate scholarly inquiry while maintaining essential protection objectives that justify the existence of heritage legislation.

Methodology

This research adopts a doctrinal legal methodology focused exclusively on statutory analysis and legal framework examination. The approach aligns with the study's specific focus on legal provisions rather than their implementation, interpretation by various actors, or practical application experiences. This methodological choice ensures that the findings remain grounded in verifiable legal sources rather than variable interpretive materials or institutional practices.

Primary legal sources constitute the foundation for analysis, encompassing Sri Lankan heritage legislation, including the Antiquities Ordinance No. 9 of 1940 as amended by Act No. 24 of 1998 and Act No. 12 of 2005, the Sigiriya Heritage Foundation Act No. 62 of 1998, the Cultural Property Act No. 73 of 1988, and the Urban Development Authority Act No. 41 of 1978. These domestic instruments establish the statutory framework governing heritage protection, site management, and the accommodation of evolving interpretations within Sri Lankan legal structures. Moreover, international legal instruments provide the second major category of primary sources, including the UNESCO World Heritage Convention of 1972, the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention as updated in 2019, and relevant ICOMOS charters addressing heritage interpretation and presentation standards. These international frameworks establish binding obligations and guidance principles that domestic heritage legislation must accommodate for World Heritage Sites.

The research explicitly excludes institutional reports, parliamentary debates, judicial decisions, and stakeholder consultations to maintain focus on the statutory framework rather than its interpretation or implementation by various actors. This limitation ensures that the findings reflect legal provisions themselves rather than potentially variable applications across different institutional contexts or time periods.

Academic legal commentary provides secondary analytical sources, limited to scholarship directly addressing legal framework questions rather than broader heritage studies or cultural interpretation materials falling outside the specific legal focus. Sources include established legal scholars whose work directly addresses heritage law principles and their application to interpretation questions.

The analytical approach examines how existing legal provisions would accommodate alternative interpretations of heritage elements, identifying both enabling mechanisms and constraining factors within current frameworks. Analysis considers the interaction between domestic and international legal requirements, examining how interpretive changes at the site level must comply with both Sri Lankan legislation and UNESCO obligations.

Data collection focuses on textual analysis of legal provisions, examining definitional language, procedural requirements, and standards established for heritage protection and interpretation. The analysis identifies gaps, ambiguities, and areas of flexibility within existing frameworks that could accommodate alternative interpretations while maintaining compliance with established protection standards.

The methodology's intentionally narrow scope ensures findings contribute specifically to legal scholarship on heritage interpretation rather than broader debates about art history, cultural significance, or site management practices falling outside the defined research parameters. This focus enables precise analysis of legal mechanisms and requirements relevant to interpretive evolution within heritage protection frameworks.

Results and Discussion

Domestic Legal Framework Analysis

Examination of Sri Lankan heritage legislation reveals a framework providing considerable flexibility for accommodating alternative interpretations of cultural artifacts while maintaining strict protection standards. The Antiquities Ordinance serves as the foundational heritage protection statute, defining antiquities broadly to include works of art possessing historical, archaeological, or artistic value without restricting the interpretive approaches through which such value may be assessed or understood.

This definitional breadth creates substantial legal space for alternative interpretations of heritage elements, provided they demonstrate established standards of historical or artistic significance. Should the Sigiriya frescoes receive interpretation as documentation of performing arts practices, such understanding would operate comfortably within the Ordinance's existing definitional framework without requiring statutory amendment or special legal accommodation mechanisms.

The Cultural Property Act offers additional relevant provisions regarding documentation and presentation of cultural heritage elements. The Act's emphasis on accurate representation and scholarly standards establishes criteria that alternative interpretations must satisfy to gain legal recognition within the heritage management framework. These requirements ensure that reinterpretation contributes meaningfully to cultural understanding rather than creating confusion or conflicting obligations.

Analysis of the Sigiriya Heritage Foundation Act reveals more specific provisions relevant to interpretive questions, empowering the Foundation to promote and develop the cultural value of the Sigiriya Heritage Site. The Act's language regarding cultural promotion suggests clear legislative intent to accommodate evolving understandings of the site's significance, provided such understandings contribute to rather than detract from its recognized cultural value.

The legal framework analysis demonstrates that reinterpreting the frescoes as performing arts documentation would not necessitate changes to existing statutory language but would require careful documentation, ensuring consistency with established legal records. Such documentation must demonstrate scholarly rigor and alignment with existing protection objectives while expanding rather than contradicting the site's recognized cultural significance.

The Urban Development Authority Act provides relevant considerations regarding site development and presentation activities that could be influenced by alternative interpretations. The Act's provisions regarding cultural site development suggest mechanisms through which performer-based interpretations could influence site presentation and educational activities while maintaining compliance with established development standards.

Domestic legal analysis reveals that the framework's flexibility derives primarily from broad definitional language rather than specific provisions addressing interpretive evolution. This approach provides adaptability while maintaining clear protection standards, though successful implementation requires careful attention to documentation and consistency requirements across multiple legal instruments.

International Legal Framework Obligations

UNESCO's legal framework for World Heritage Sites provides specific guidance regarding how alternative interpretations can be accommodated within existing protection structures. The World Heritage Convention's emphasis on Outstanding Universal Value allows for expanded

interpretation provided such expansion enhances rather than diminishes the site's recognized significance and contributes to global understanding of cultural heritage.

The UNESCO Operational Guidelines establish authenticity and integrity as fundamental requirements for any changes in heritage site interpretation or management approaches. These guidelines indicate that alternative interpretations must receive support through credible evidence and scholarly analysis while ensuring they do not compromise the site's essential characteristics or established historical accuracy.

Reinterpretation of the frescoes as performing arts documentation would need to demonstrate that such understanding enhances comprehension of the site's cultural significance without contradicting established historical evidence or archaeological findings. The international guidelines provide sufficient flexibility for such reinterpretation, provided it meets rigorous scholarly standards and contributes meaningfully to rather than detracts from the site's Outstanding Universal Value.

The international legal framework actively encourages connections between tangible and intangible heritage elements where such connections can receive substantiation through credible research and scholarly analysis. This approach suggests that interpreting the frescoes as documentation of performing arts practices could potentially strengthen the site's legal standing by demonstrating additional dimensions of cultural significance previously unrecognized.

UNESCO's approach to heritage interpretation emphasizes the importance of maintaining scientific accuracy while allowing for evolving understanding based on legitimate scholarly research. This balance creates opportunities for sites like Sigiriya to expand their recognized cultural significance through well-documented alternative interpretations that contribute to global heritage understanding. The international framework also addresses questions of consistency in heritage documentation and presentation. Alternative interpretations must integrate coherently with existing site documentation and management plans, ensuring that expanded understanding contributes to rather than conflicts with established protection and presentation approaches.

Analysis of international obligations reveals that successful reinterpretation requires coordination between scholarly research, legal documentation, and management

implementation to ensure compliance with both authenticity requirements and consistency standards established through UNESCO frameworks.

Legal Implications of Interpretive Reclassification

The legal implications of reinterpreting the Sigiriya frescoes extend beyond simple categorization to encompass broader questions of heritage management obligations, resource allocation, and protection priorities. Should the frescoes receive legal recognition as performing arts documentation, this could create additional obligations for their preservation and presentation, reflecting their expanded cultural significance. Such recognition could generate opportunities for integrated conservation approaches, considering both visual and performative aspects of the cultural heritage being preserved. Legal frameworks encouraging such integration represent an evolution in heritage law reflecting contemporary understanding of cultural complexity and interconnection between different forms of cultural expression.

The analysis reveals that existing legal frameworks provide adequate flexibility for interpretive reclassification while maintaining necessary protection standards. However, successful implementation would require careful coordination between domestic and international legal obligations to ensure consistent and compliant heritage management practices across all relevant jurisdictions. Reinterpretation could influence legal obligations regarding site presentation and educational activities. If the frescoes were recognized as performing arts documentation, this might create legal justification for innovative presentation approaches incorporating performance elements while maintaining compliance with authenticity and conservation requirements.

The legal implications analysis identifies potential impacts on funding and resource allocation mechanisms. Alternative interpretations that expand recognized cultural significance could justify increased resource allocation for conservation, research, and presentation activities, though such expansion must remain consistent with established legal priorities and obligations. Legal reclassification could also affect collaborative obligations with cultural institutions and educational organizations. Recognition of performing arts connections could create legal frameworks for partnerships with performing arts institutions while ensuring such collaborations contribute to rather than compromise heritage protection objectives.

Opportunities and Risk Assessment

The legal analysis identifies several significant opportunities created by alternative interpretations within existing heritage frameworks. Enhanced cultural significance recognition could justify increased resource allocation for conservation and research activities while creating legal pathways for innovative heritage education and presentation approaches reflecting the site's multifaceted cultural significance. Expanded interpretation could facilitate legal frameworks for collaborative approaches connecting tangible heritage preservation with intangible cultural practice documentation and preservation. Such integration aligns with contemporary heritage management trends while providing legal mechanisms for comprehensive cultural protection approaches.

The performers' interpretation could create opportunities for tourism development and cultural education programming that maintains compliance with heritage protection requirements while expanding public engagement and cultural understanding. Legal frameworks supporting such development could contribute to both heritage preservation and cultural education objectives.

Legal constraints primarily relate to documentation and consistency requirements rather than fundamental barriers to reinterpretation. Requirements for scholarly rigor and evidence-based interpretation ensure that alternative understandings contribute meaningfully to heritage protection rather than creating confusion or conflicting legal obligations. Moreover, authenticity requirements establish necessary parameters for acceptable reinterpretation approaches, ensuring that alternative understandings enhance rather than compromise historical accuracy and cultural integrity. These constraints provide essential safeguards while allowing legitimate scholarly development and interpretive evolution.

The risk assessment reveals that potential challenges relate primarily to implementation coordination rather than legal prohibition. Successful reinterpretation requires careful attention to documentation standards, consistency requirements, and coordination between multiple legal frameworks rather than fundamental legal obstacles to alternative interpretation. The study demonstrates that legal frameworks provide mechanisms for managing identified risks through established procedures for scholarly review, documentation standards, and consistency requirements. These mechanisms ensure that alternative interpretations contribute positively to heritage protection while maintaining necessary legal safeguards.

Conclusion

This research demonstrates that existing legal frameworks governing the Sigiriya World Heritage Site possess adequate flexibility to accommodate alternative interpretations of the frescoes as documentation of historical performing arts practices. Both Sri Lankan domestic legislation and international UNESCO instruments provide clear mechanisms for incorporating expanded cultural understanding within established protection structures, provided such interpretations satisfy requirements for scholarly rigor and historical accuracy.

The analysis reveals that legal accommodation of alternative heritage interpretations represents a crucial dimension of contemporary heritage law that successfully balances preservation imperatives with cultural understanding evolution. The specific case of potentially reinterpreting the Sigiriya frescoes illustrates how legal frameworks can support rather than constrain legitimate scholarly inquiry while maintaining essential protection standards for sites of Outstanding Universal Value.

The findings indicate that heritage law development should continue emphasizing interpretive flexibility within clearly defined parameters, prioritizing authenticity and integrity. This approach ensures that legal frameworks remain responsive to evolving cultural understanding while maintaining fundamental protection objectives that justify the existence of heritage legislation and continued international recognition.

The research contributes to legal scholarship by demonstrating how specific heritage sites can serve as case studies for broader questions regarding the relationship between legal frameworks and cultural interpretation. The principles identified through analysis of the Sigiriya case possess potential application to other heritage sites facing similar questions about alternative interpretation accommodation within existing legal structures.

Future heritage law development should consider how legal frameworks can better support integration of tangible and intangible heritage elements where such integration enhances rather than compromises heritage protection objectives. The legal mechanisms identified through this research provide foundations for such development while ensuring continued compliance with established international heritage protection standards.

The research emphasizes that successful heritage law must balance stability with adaptability, providing clear protection standards while remaining responsive to legitimate scholarly inquiry and cultural understanding evolution. The Sigiriya case demonstrates that such a balance

remains achievable within existing legal frameworks through careful application of established legal principles and rigorous documentation requirements.

The conclusion underscores the importance of maintaining scholarly standards and evidence-based approaches in heritage interpretation while providing legal mechanisms for accommodating legitimate interpretive evolution. This balance ensures that heritage law continues serving its fundamental protection purposes while supporting the natural development of cultural understanding through ongoing research and scholarship. The findings suggest that legal frameworks should actively encourage rather than merely tolerate interpretive development that contributes meaningfully to cultural understanding, provided such development maintains compliance with established authenticity and integrity standards essential for heritage protection effectiveness.

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References

Primary Legal Instruments

Antiquities Ordinance No. 9 of 1940 (as amended by Act No. 24 of 1998 and Act No. 12 of 2005).

Central Cultural Fund Act No. 57 of 1980.

Constitution of the Democratic Socialist Republic of Sri Lanka (1978).

Cultural Property Act No. 73 of 1988.

National Environmental Act No. 47 of 1980.

Sigiriya Heritage Foundation Act No. 62 of 1998.

Urban Development Authority Act No. 41 of 1978.

International Legal Instruments

International Congress of Architects and Technicians of Historic Monuments (1964).

International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter).

UNESCO (1954). *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*.

UNESCO (1972). *Convention concerning the protection of the world cultural and natural heritage*. UNESCO.

UNESCO (2019). *Operational Guidelines for the Implementation of the World Heritage Convention*.

Legal Commentary and Analysis

Amarasinghe, A.R.B. (2006). *The Protection of Culture Cultural Heritage, and Cultural Property*. Ratmalana: Sarvodaya Vishva Leka Publishers.

Blake, J. (2015). *International cultural heritage law*. Oxford University Press.

Cookson, N. (2000). *Archaeological heritage law*. Chichester.

Francioni, F. and Lenzerini, F. (eds.) (2004). *The 1972 World Heritage Convention: A commentary*. Oxford University Press.

Pickard, R. (ed.) (2001). *Policy and law in heritage conservation*. London: Spon Press.

Weerasekera, S.C. (2021). 'Legal protection of tangible and intangible cultural heritage in Sri Lanka', *Law & Society Trust Review*.

Site-Specific and Conservation Framework References

Amarasinghe, R.M. (2015). 'Management of the archaeological heritage of Sri Lanka: A critical review', *Journal of the Department of Archaeology (Sri Lanka)*.

Feilden, B.M. and Jokilehto, J. (1993). *Management guidelines for world cultural heritage sites*. Rome: ICCROM.

ICOMOS (1994). *Report of the ICOMOS mission to evaluate the state of conservation of Anuradhapura, Sigiriya and Polonnaruwa World Heritage in Sri Lanka*. Colombo: Government of Sri Lanka.

Historical and Constitutional Context

Amarasinghe, A.R.B. (1999). *The Legal Heritage of Sri Lanka*. Ratmalana: Sarvodaya Vishva Leka Publishers.

de Silva, K.M. (ed.) (1997). *Sri Lanka—Part II, Towards independence, 1945-1948*. London: British Documents on End of Empire Series.

de Silva, K.M. (2005). *A History of Sri Lanka*. Colombo: Vijitha Yapa.