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SRI LANKAN MARITIME LAW GOES BACK TO THE SECOND CENTURY BC

Faiz MMT MARIKAR*

ABSTRACT

Maritime law, or admiralty law, has a long and rich history dating back to ancient civilizations. Early maritime law emerged as seafaring communities established rules and customs to regulate the conduct of ships and their crews, ensure the safety of trade, and resolve disputes over maritime matters. Here's a look at the development of maritime law in several ancient civilizations. No review articles were discussed about Sri Lankan Maritime law which goes back to the second century. This paper explains the inscription located in Nagadvipa (Nainativu) that prevailed during the Second Century CE and unearthed an inscription Godavaya Viharaya in Ambalanthota which could be assigned to the second century CE. Those two records explain the importance of Maritime law to the world was opened in this small unknown Sri Lankan country before others thought about it.

Keywords: Maritime law, ancient civilizations, Inscription, Nagadvipa (Nainativu), Godavaya Viharaya.

Introduction

History of world Maritime law

Maritime law, also known as admiralty law, is a specialized body of law governing nautical issues and private maritime disputes. Its origins date back to ancient civilizations, where early seafaring communities developed rules and customs to regulate the conduct of ships, sailors, and merchants, ensuring the safety of trade and navigation across seas and rivers (Melnik and Onyshchenko, 2021). The earliest records of maritime law can be found in the codes of the ancient Mesopotamians, Greeks, and Romans, such as the Rhodian Sea Law and the Lex Rhodia de Jactu, which established principles for dealing with jettisoned cargo and shared losses (Ignjatovic and Djordjevic, 2020). Throughout history, these laws evolved, influenced by the practices of medieval maritime powers like the Hanseatic League, and later by modern nations that expanded upon these foundations to create the comprehensive framework of international maritime law we know today. Modern maritime law encompasses a wide range of issues, from shipping contracts and cargo disputes to environmental regulations and piracy, reflecting the vital role of oceans and waterways in global commerce and international relations.

Mesopotamia and the Code of Hammurabi (circa 1750 BCE); The Code of Hammurabi, one of the earliest known sets of laws, included provisions that dealt with maritime matters. These provisions outlined rules for the chartering of ships, payment of sailors, and liability for lost or damaged cargo (Adamo and Al-Ansari, 2020). They addressed issues such as the responsibilities

* General Sir John Kotelawala Defense University, Ratmalana, Sri Lanka; e-mail: faiz@kdu.ac.lk.

of shipowners and merchants, and the penalties for negligence or theft. Ancient Egypt (1500 - 2300 BCE); While there are no specific recorded codes of maritime law from Ancient Egypt, the Egyptians were active traders along the Nile and in the Mediterranean Sea (Khalil, 2023). They developed customs related to the ownership, operation, and leasing of boats. The transportation of goods along the Nile was crucial for commerce, and there were likely local practices and agreements governing these activities.

Phoenicians (circa 1200-800 BCE). The Phoenicians, known as expert seafarers and traders, established some of the earliest known rules of navigation and trade (Trad, 2021). While no formal code of maritime law from the Phoenicians survives, their trading practices influenced other cultures. They established maritime routes and trading networks throughout the Mediterranean, and their customs contributed to the development of later maritime laws. Ancient Greece (circa 900-146 BCE) Greek city-states, such as Athens, developed laws related to maritime trade and shipping. The Rhodian Sea Law, attributed to the island of Rhodes around 800 BCE, was one of the earliest and most significant compilations of maritime laws (Filho, 2020). It addressed issues like jettison (the act of throwing cargo overboard to lighten a ship in distress), salvage rights, and the division of losses between shipowners and cargo owners. The Rhodian laws were highly respected and influential in the Mediterranean region, and parts of them were later incorporated into Roman law.

Roman Empire (27 BCE - 476 CE). The Romans developed a comprehensive set of maritime laws that were built on Greek, particularly Rhodian, precedents. Roman law, particularly the “Lex Rhodia de Jactu” (Rhodian Law of Jettison), governed maritime activities and established legal principles that are still recognized today, such as the division of losses and salvage rights (Leidwanger, 2020). Roman law also addressed issues like piracy, contracts for maritime loans, and the liability of shipowners and masters. The Romans established courts specifically to handle maritime disputes, and their laws heavily influenced the development of medieval European maritime law.

Byzantine Empire (330-1453 CE), the Byzantine Empire continued the Roman tradition of maritime law (Haldon, 2020). The “Basilika”, a legal code compiled in the 9th century, included provisions related to maritime law, much of which was based on earlier Roman and Rhodian principles. The Byzantines also developed the “Nomos Rhodion Nautikos” (Rhodian Maritime Code), which provided detailed regulations on shipping, including rules for hiring sailors, handling cargo, and dealing with accidents or piracy.

India and the Laws of Manu (circa 200 BCE - 200 CE). In ancient India, the “Manusmriti” or “Laws of Manu”, one of the earliest legal texts, included references to maritime activities, such as the duties of shipowners and sailors, as well as penalties for negligence or damage to cargo (Muller and Buhler, 2022). Indian ports like Lothal in the Indus Valley Civilization were important centers of trade, suggesting that maritime customs and rules were crucial to economic activities. China (Han Dynasty, 206 BCE - 220 CE) in ancient China, maritime trade flourished along rivers and coastal areas (So, 2020). The Chinese had regulations regarding shipbuilding, navigation, and trade, especially during the Han Dynasty when the Silk Road extended to maritime routes. The government regulated the conduct of merchants, the construction and use of ships, and imposed taxes and duties on maritime trade. Islamic Caliphates (7th - 13th Century) Islamic law, or Sharia, included provisions related to maritime commerce, which were influenced by pre-existing laws from conquered regions and local customs (Ahmad and Zulkiffle, 2023). Islamic jurists and scholars compiled these rules into treatises, addressing issues such as trade

agreements, piracy, and the conduct of sailors. The development of maritime law during the Islamic Golden Age was significant in the Indian Ocean and the Mediterranean, facilitating trade between Europe, Africa, and Asia.

Thus, the history of maritime law in Sri Lanka not only contributes to our understanding of local governance and trade in antiquity but also illustrates how ancient practices have continued to influence and shape international maritime law over millennia, creating a continuous thread from the past to the present. There are no records about the Sri Lankan perspective and this paper highlights the importance of Sri Lankan Maritime law was introduced before the world talks about it.

Methodology

The study of inscriptions from the Galle Maritime Museum, Sri Lanka, involves a comprehensive methodology to analyze their historical, linguistic, and cultural significance. The methodology is structured to ensure the accurate interpretation of the inscriptions while preserving the integrity of the original materials. The following steps outline the research approach:

Collection and Documentation

Identification of Inscriptions: Begin by identifying the inscriptions housed in the Galle Maritime Museum. Catalog the inscriptions by their location, size, material (stone, metal, pottery, etc.), script, and any visible iconography or decoration. Photographic documentation is used as high-resolution photography to capture images of each inscription from multiple angles, ensuring clear visibility of the text and any associated symbols. Infrared or ultraviolet imaging may be used to enhance the readability of faded or worn inscriptions. Digital scanning employed 3D laser scanning or digital imaging techniques to create detailed digital replicas of the inscriptions. This ensures preservation and allows for more detailed analysis.

Transcription and Translation

Paleographic analysis, in this study the script style and letterforms to determine the inscription's date and origin. Compare with known examples of scripts from different periods in Sri Lankan history (e.g., Brahmi, Sinhala, Tamil scripts). Transcription was accurately transcribing the text of each inscription using standardized notation. Where characters are missing or unclear, note ambiguities and alternative readings. Translate the transcribed text into a contemporary language (e.g., English or Sinhala) while preserving the original meaning and context. Consult with experts in ancient languages, including epigraphists and historians, to ensure the accuracy of translations.

Contextual Analysis

Historical context, situate each inscription within its historical and cultural context by cross-referencing with historical records, archaeological findings, and other inscriptions from the same period. Consider the political, social, and economic circumstances during which the inscriptions were created.

Preservation and Publication

Conservation efforts mean working closely with museum conservators to ensure that all inscriptions are properly preserved and protected from environmental damage, such as humidity, light exposure, and handling.

This methodology ensures a rigorous, interdisciplinary approach to studying the inscriptions from the Galle Maritime Museum, providing a deeper understanding of their

historical significance, the cultural context of maritime law, and the role of Galle as a crucial node in ancient maritime trade networks.

Results

The Nagadvipa inscription

The oldest found inscription. One of the major indicators that established commercial sovereignty of ancient Sri Lankan trade in the Indian Ocean is the maritime law that was in operation during the historic period (Figure 1). It had been drafted to strengthen the economy of the country. One of the descriptive records that show the nature of maritime law in ancient Sri Lanka is the inscription located in Nagadvipa (Nainativu) of the Jaffna Peninsula. It describes the provisions of the maritime law of the country that prevailed during the second century CE. This inscription was commissioned by King Parakramabahu 1 (1153-1186 AD). This inscription announces the legal levies that should be imposed in the case of damaged foreign ships within the limits of the Sri Lankan seaboard. It commands that all foreign ships arriving in Sri Lanka be allowed to anchor at her ports but in the case of a damaged ship that carried Horses and Elephants within the limits of the seaboard of the country, a quarter of the total number of horses and elephants should be sent to the government treasury as a fine. In the case of foreign ships that carried other goods, the fine would have been half of the total goods carried. Nagadvipa inscription was set up at the ancient port in Uratota (Kytes).

Nagadvipa inscription location. The Nagadvipa (Nainativu) inscription was found on the island of Nagadvipa, which was historically known as a significant religious and commercial center in northern Sri Lanka. The island was strategically located along ancient maritime trade routes connecting South Asia with Southeast Asia, the Middle East, and the Mediterranean. The inscription is believed to date back to the early centuries of the Common Era, possibly around the 2nd to 4th century CE, based on the script and language used, which resembles other Brahmi inscriptions found in Sri Lanka from the same period.

The content of the Nagadvipa inscription is maritime trade and taxation. The inscription refers to regulations governing maritime trade, specifically the collection of taxes or duties from ships using the port facilities of Nagadvipa. Similar to the Godavaya inscription, it indicates the imposition of taxes on goods and merchandise transported by sea, suggesting a structured system of customs management at the port.

Support for religious establishments is a key thing and the inscription mentions that a portion of the revenues collected from these maritime taxes was to be allocated to local religious institutions, likely Buddhist monasteries or shrines located on the island. This demonstrates the pattern of dedicating a share of commercial income to religious establishments, as seen in other parts of ancient Sri Lanka.

Royal decree and administration furthermore explain the text implies that the decree was issued by royal authority, reaffirming the central role of the state in regulating maritime activities. It also hints at the presence of local administrators or officials responsible for enforcing these regulations and overseeing the collection of taxes. The significance of the Nagadvipa inscription was the regulation of maritime commerce like the Godavaya inscription, the Nagadvipa inscription provides evidence of the regulatory framework surrounding maritime commerce in ancient Sri Lanka. It shows that ports like Nagadvipa were not only strategic points for trade but also centers of administration where state authorities exerted control over economic activities.

Integration of trade and religion was the main focus that the inscription highlights the integration of economic and religious life in ancient Sri Lanka. The allocation of maritime taxes to religious establishments suggests a close relationship between commerce and religion, with temples and monasteries playing a role in the local economy and potentially even in trade networks.

Role in regional trade networks is a focal point where Nagadvipa's location made it a key hub in the Indian Ocean trade routes. The inscription's reference to maritime taxes points to the island's significance as a port of call for ships engaged in long-distance trade, including routes linking the Roman Empire, India, and Southeast Asia. This emphasizes the importance of Sri Lankan ports in facilitating regional and intercontinental commerce.

Cultural and political insights that the inscription reflects the administrative practices of the time, revealing the mechanisms by which ancient Sri Lankan rulers maintained control over strategic ports and facilitated trade. The mention of a royal decree also suggests a centralized approach to governance and economic management.

The Nagadvipa inscription, much like the Godavaya inscription, offers valuable insights into the ancient maritime law and trade practices of Sri Lanka. It highlights the role of state authorities in regulating trade, the importance of ports in the regional and international exchange of goods, and the intertwined nature of economic and religious life. These inscriptions together help to reconstruct the broader picture of maritime activities and governance in ancient South Asia, demonstrating that trade regulation and religious patronage were deeply interconnected aspects of the political and economic landscape.

The Godavaya inscription

The ancient monastery called Godavaya Viharaya in Ambalanthota of the Hambanthota District unearthed an inscription that describes custom duties that were levied at ports when an exchange of goods has been recovered. This inscription, which could be assigned to the second century CE, further describes the custom duties imposed at the port had to be donated to the Gotapabba Viharaya by order of the King. These two inscriptions represent clear evidence of the nature and formal structure of the maritime law of modern Sri Lanka

The second incidence was an inscription similar to the one at Godavaya, relating to maritime law, is located in Nagadvipa, also known as Nagadeepa or Nainativu, an island in the Jaffna District of Northern Sri Lanka. The inscription at Nagadvipa, like the Godavaya inscription, provides insight into the regulation of maritime trade and the role of ports in ancient

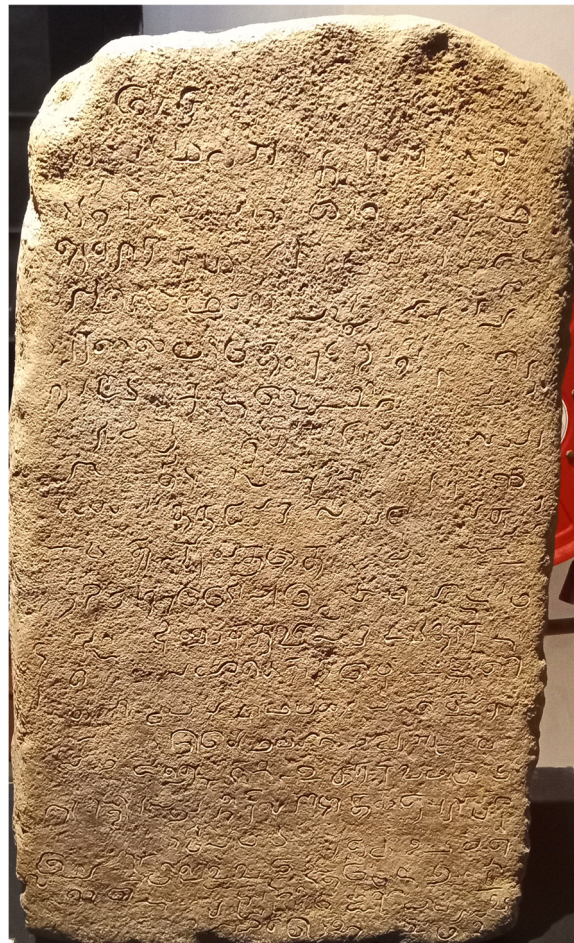


Figure 1. Nagadvipa inscription (Now at National Maritime Museum, Galle, Sri Lanka)

Sri Lanka. The Godavaya inscription, unearthed at the Godavaya Viharaya in Ambalanthota, Sri Lanka, is a significant archaeological find that dates back to the 2nd century CE. This ancient inscription provides valuable insight into maritime law and trade practices in the region during that period. Here is a closer look at its context and content:

Location of the inscription. It was discovered at the Godavaya Viharaya, an ancient Buddhist monastery located near the mouth of the Walawe River in Ambalanthota, on the southern coast of Sri Lanka. The site is close to the ancient port of Godavaya, which was an important maritime trading center during the early centuries of the Common Era. The inscription is assigned to the 2nd century CE, based on its script style and paleographic analysis. It is written in early Brahmi script, which was used widely in ancient South Asia.

Maritime taxation and trade which was the Godavaya inscription is primarily concerned with maritime trade and the taxation of goods passing through the port. It records a royal decree that stipulates the levying of customs duties on ships arriving at the port. The revenue collected from these duties was to be donated to the Godavaya Viharaya, indicating a connection between the state, trade, and religious institutions.

Donation to the monastery is a key message from the inscription mentions that a portion of the revenue collected from maritime trade was designated as a donation to support the monastic community at Godavaya. This reflects the close relationship between commerce and religion in ancient Sri Lanka, where trade revenues often funded religious establishments. Administration and oversight are the inscription suggests that the port was under royal control, with officials appointed to oversee the collection of duties. It provides evidence of an organized administrative system managing maritime trade and taxation in ancient Sri Lanka.

Evidence of early maritime law reflects the inscription is one of the earliest records of maritime law in South Asia. It reveals how ancient societies managed and regulated maritime commerce, including the imposition of taxes on goods transported by sea. This reflects an understanding of the importance of maritime trade to the economy and the need for structured regulation.

Insights into ancient trade networks is evidence from the Godavaya was strategically located along the maritime trade routes that connected the Roman Empire, the Arabian Peninsula, India, and Southeast Asia. The inscription suggests that the port was an active hub in these trade networks, facilitating the exchange of goods like spices, gems, pearls, and silk.

The interconnection of religion and commerce, which was observed from the inscription, provides a glimpse into the socio-economic fabric of ancient Sri Lanka, where religious institutions like monasteries played a role in economic activities. The fact that a portion of maritime taxes was donated to the Godavaya Viharaya demonstrates the symbiotic relationship between the state, religion, and trade.

Cultural and historical context mainly use the Brahmi script and the content of the inscription offers insights into the cultural and political landscape of Sri Lanka during the 2nd century CE. It illustrates the influence of Indian culture and the spread of Buddhism, along with the local adaptation of administrative practices to manage maritime commerce.

The Godavaya inscription is a vital piece of evidence for understanding the maritime history of ancient Sri Lanka. It sheds light on how trade was conducted and regulated, the role of ports like Godavaya in regional trade networks, and the integration of economic, political, and religious spheres in early South Asian societies. The inscription also adds to the broader understanding of maritime law's evolution in the ancient world, particularly in the Indian Ocean region.

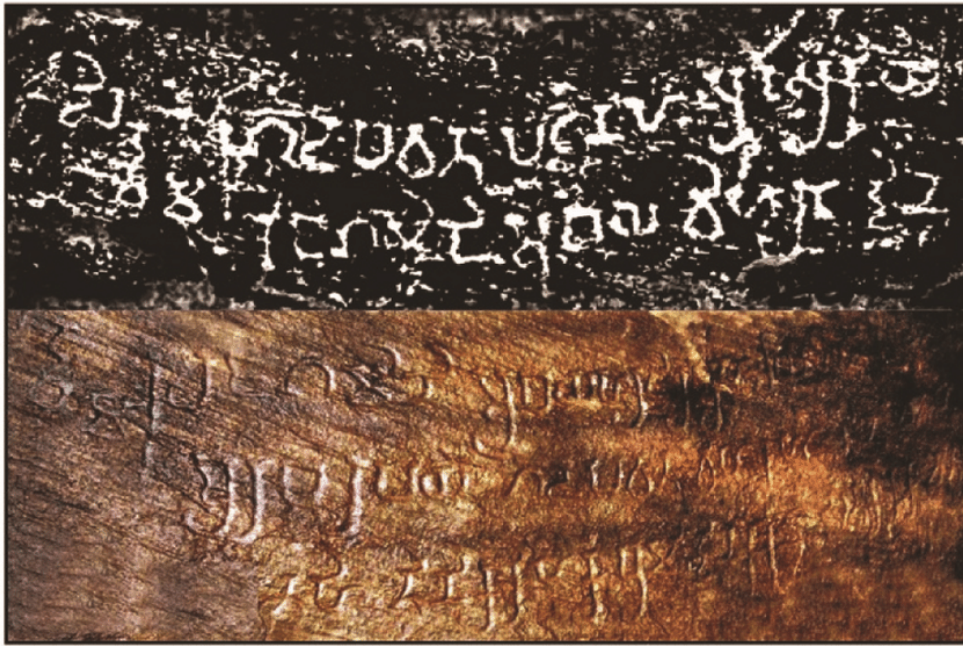


Figure 2. Godavaya inscription (National Museum, Colombo, Sri Lanka)

Discussion

Ancient maritime law was primarily rooted in the customs and traditions that evolved within seafaring communities. Much of this early legal framework focused on regulating trade and commerce, establishing rules for contracts, handling cargo, and resolving disputes to ensure safe and fair conduct at sea (Van Hoof et al., 2020). The laws also addressed risk-sharing mechanisms, such as the division of losses between merchants and shipowners in cases of jettison or piracy. Additionally, the development of maritime law was heavily influenced by religious texts and local cultural practices, reflecting the values and beliefs of various societies. These ancient legal principles laid the foundation for modern admiralty law, with enduring concepts like liability, salvage rights, and risk-sharing remaining central to contemporary international maritime law.

The evolution of maritime law in Sri Lanka offers a unique perspective on the development of international maritime law, illustrating how local customs and regulations influenced and were influenced by broader global trends. Ancient maritime laws in Sri Lanka, evidenced by inscriptions like those found at Godavaya and Nagadvipa, reflect a sophisticated understanding of maritime governance and trade practices as early as the 2nd century CE. These inscriptions provide insight into the regulation of ports, the levying of taxes on trade, and the allocation of revenues to religious and state authorities, demonstrating the importance of maritime law in managing commercial activities and supporting economic and cultural institutions.

Sri Lanka's strategic location at the crossroads of major Indian Ocean trade routes made it a hub of international maritime activity, connecting the East and the West. Ancient Sri Lankan ports, such as Galle, Mantota, and Godavaya, were vital links in the network of maritime trade that spanned from the Roman Empire to China. This international engagement necessitated the development of local maritime laws that could effectively regulate trade, protect merchant interests, and resolve disputes. As Sri Lankan ports became centers of commerce, their laws and practices began to interact with those of other trading nations, contributing to the body of customary maritime law that underpins today's international regulations (Gunawardhana, 2022).

Over time, as trade expanded and globalized, many principles of ancient Sri Lankan maritime law such as those related to taxation, customs duties, and the protection of maritime assets found resonance in broader maritime traditions (Couper, 2020). These principles helped shape the rules that would later be codified in international treaties and conventions, such as the “Law of the Sea”. Sri Lanka’s maritime regulations, influenced by Indian, Roman, and Arab traditions, became part of a shared legal heritage that shaped the maritime laws of the Indian Ocean region.

In the modern era, international maritime law has continued to build on these ancient foundations, incorporating elements like the equitable distribution of losses, salvage rights, and piracy regulation concepts that were already present in the early maritime practices of Sri Lanka. Today, Sri Lanka is a signatory to key international maritime conventions, such as the United Nations Convention on the Law of the Sea (UNCLOS), aligning its legal framework with global standards while reflecting its ancient legacy in maritime law.

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