

The Complexities of Cultural Property Restitution: The Case of the Lewke Cannon in Sri Lanka

M.B. Kiriella

LL.M. Candidate, Department of Commercial Law, Faculty of Law, University of Colombo, Sri Lanka

This paper investigates the legal intricacies surrounding the removal and restitution of Lewke's Cannon from Kandy, an artifact in the Rijksmuseum since 1875 following its confiscation by the Dutch during the 1765 conquest of Kandy, using the doctrinal research method. The exploration unfolds against the backdrop of diverse legal frameworks that governed Sri Lanka during the incident in 1765. The Dutch, asserting control, imposed Roman Dutch Law on their territories. Kandyan Law, which governed the specific region of Kandy, vested ultimate power in the King, designating royal properties, such as the Lewke's Cannon, as expressions of regal ownership. Roman Dutch Law, notably influenced by the Roman Principle of Occupancy, had profound implications for international law concerning the acquisition of war spoils. Concurrently, the field of Cultural Property Law emerged, reflecting a synthesis of public, private, and international legal elements, underscored by ethical considerations in preserving cultural assets. The study examines international legal conventions, including the UNESCO Convention, UNIDROIT Convention, and the 1954 Hague Convention, that shape the landscape for repatriating cultural property. Simultaneously, it evaluates Sri Lanka's domestic legal apparatus, revealing the inadequacies of the 1940 Antiquities Ordinance No. 9 and the 1988 Cultural Property Act No. 73 in addressing contemporary legal exigencies. The conclusion navigates the complexities surrounding Sri Lanka's inability to file a claim under the Hague Convention, with the Dutch restitution prompting considerations of ethical dimensions beyond explicit legal imperatives.

Keywords: *Canon of Kandy, Dutch Removal, Restitution, Cultural Property Law, Sri Lanka*