

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
DEGREE OF MASTER OF LAWS IN COMMERCIAL LAW- 2023/24
SEMESTER I END EXAMINATION

(CULTURAL PROPERTY LAW –TLLM 1137)
(Three Hours)

Total number of questions: 04

Answer **THREE (03)** questions and **no more**
(Candidates will be penalized for illegible handwriting)

Question 01 (answer BOTH parts)

(a) The theories of cultural nationalism and internationalism seem to conflict with each other. Through an examination of the merits and demerits of each of these, critically analyse how each theory can be used to both support and oppose the return of colonial cultural property lost involuntarily from the home state.

(10 marks)

(b) Cultural heritage is a very wide term that goes beyond what is meant by cultural property. Critically explain what is meant by the term cultural heritage and why its protection is important to Sri Lanka. Critique the current legal regime that is operative in this regard.

(10 marks)

(Total:20 Marks)

Question 02

In July 2023, a ceremonial vase belonging to the 14th century and displayed at the National Museum of Amorca, was stolen during a robbery that took place in the museum premises. Investigations revealed that the vase had been smuggled out of the country and was last known to be in a private collection in Pratorca. With reference to the provisions of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, discuss how this property could be restored to Amorca. Assume that both both Amorca and Pratorca are States Parties to the Convention.

(20 Marks)

Question 03

Zolan is an island nation that has been experiencing a civil war for several decades. The armed militant separatist group, The Black Bulls, have been engaging in guerilla warfare tactics. They have also been taking refuge in temples and historical buildings situated within a protected zone known as the cultural rectangle. During an engagement with the Black Bulls, which took place within the cultural rectangle, the bombing operation undertaken by the army of Zolan caused considerable damage to the historical buildings situated therein. The commander of the operation maintains that it was necessary to take this measure in order to destroy the main command of the Black Bulls. These buildings have been declared as protected monuments under the domestic laws of antiquity since they are over 2000 years old. Discuss the legal consequences, bearing in mind that the legal system of Zolan is the same as of Sri Lanka, and that Zolan is a party to all major international Conventions on the treatment of cultural property in times of armed conflict.

(20 Marks)

Question 04

“The domestic legal system of Sri Lanka contains some instruments aimed at protecting and preserving cultural property. Yet there are some gaps in the legal regime.”

Critically examine the legal regime that currently operates to protect cultural property and make any recommendations to strengthen the protection given to cultural property at present.

(20 Marks)

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