

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

DEGREE OF MASTER OF LAWS IN COMMERCIAL LAW- 2024/25

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 EITHER (a) or (b). Both questions carry equal marks]

- a) It is now widely accepted that cultural heritage forms part of the cultural identity of a nation. Yet, its protection is far more recent compared to the protection afforded to cultural objects.

With reference to suitable examples, examine the link between cultural objects and cultural heritage and analyse the global and local efforts that have been taken to recognize and protect cultural heritage.

(20 Marks)

- b) The outflow of cultural objects from the former colonies during the period of European colonialism has left these former colonies grappling with many questions. Among them are the questions of devaluation and dehumanization.

Explain the implications of these terms and examine how these could be addressed in the modern context where former colonies are requesting the return of their cultural objects.

(20 Marks)

Question 02

Both the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects operate to create a solid legal framework to deal with the movement of cultural objects. Yet, they are not without their flaws. Critique these two international instruments from the viewpoint of the Global South, focusing especially on their treatment of cultural objects of the colonial period.

(20 Marks)

Question 03 [Answer EITHER (a) or (b). Both questions carry equal marks]

- a) Poorland, a landlocked nation has been in a protracted international armed conflict with Issland for the past 24 months. Issland has been engaging in aerial bombardment of Poorland, and has targeted many buildings and sites of religious and historical importance in Poorland. Issland maintains that it was necessary to take these actions in order to bring Poorland to the negotiating table since Poorland has been firing missiles into Issland, harming their cultural monuments. Many of these sites in both nations are over 1000 years old. Discuss the legal consequences, bearing in mind that both nations are parties to all major international Conventions on the treatment of cultural property in times of armed conflict.

(20 Marks)

- b) There are many methods of dispute resolution relating to cultural property. Outline these various methods, and explain the relative usefulness of each. Refer to suitable examples to support your views.

(20 Marks)

Question 04

The Cultural Property Act and the Antiquities Ordinance together attempt to provide a legal framework for the protection of cultural objects in the local context. Yet, there remain areas in which the law is still not comprehensive enough. Critique both these pieces of legislation, offering your ideas on how the law could be reformed to provide more comprehensive protection for cultural objects.

(20 Marks)

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