

## THE COMPLEXITIES OF CULTURAL PROPERTY RESTITUTION: THE CASE OF THE LEWKE CANNON IN SRI LANKA

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### ABSTRACT

This paper investigates the legal intricacies surrounding the removal and restitution of Lewke's Cannon from Kandy, an artifact housed in the Rijksmuseum since 1875 following its confiscation by the Dutch during their 1765 conquest of Kandy. Despite persistent Sri Lankan efforts to secure its return, recent years have witnessed a shift in Dutch policy, culminating in the restitution of selected colonial-era artifacts, including the Cannon. The analysis is grounded in the diverse legal frameworks that governed Sri Lanka at the time of the incident, notably the imposition of Roman-Dutch Law in coastal areas under Dutch control and Kandyan Law in the interior. The latter vested ultimate authority in the King, thereby classifying royal artifacts such as the Cannon as expressions of regal ownership. In contrast, Roman-Dutch Law, shaped by the Roman principle of occupancy and the concept of *res nullius*, has implications for interpreting war spoils in both historical and international legal contexts. Using a qualitative, doctrinal methodology, this paper assesses key international conventions—including the UNESCO Convention, the UNIDROIT Convention, and the 1954 Hague Convention—while also evaluating domestic legal instruments like the Antiquities Ordinance of 1940 and the Cultural Property Act of 1988, both of which reveal critical limitations. By interrogating the classification of the cannon as war booty and examining the ethical and legal constraints surrounding its restitution, the study highlights the challenges Sri Lanka faces in asserting ownership within existing legal regimes. Ultimately, this paper concludes that ethical considerations increasingly influence restitution practices, revealing a paradigm shift beyond strict legal formalism

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