

Loan of objects from abroad for temporary exhibition

Due diligence standards and procedures

Standards and guidelines

Staff of the Fitzwilliam Museum involved with researching and seeking loans will be familiar with national and international standards and guidelines relating to due diligence and the Museum will comply with such standards, including:

- Statement of Principles on “Spoliation of works of art during the Holocaust and World War II period” National Museum Directors Conference, 1998
http://www.nationalmuseums.org.uk/spoliation_statement.html
- “Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material” DCMS, October 2005
http://www.culture.gov.uk/reference_library/publications/3697.aspx
- UNESCO 1970 “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property”
http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html
- The ICOM code of ethics for museums, 2006
<http://icom.museum/ethics.html>
- MA Code of Ethics for Museums, 2008
<http://www.museumsassociation.org/ma/10934>
- SPECTRUM: The UK Museum Documentation Standard
<http://www.mda.org.uk/spectrum>
- “Convention on International Trade in Endangered Species of Wild Fauna and Flora” 1973/79
<http://www.cites.org/eng/disc/text.shtml>
- ICOM red list
<http://icom.museum/redlist/>

Links to relevant electronic documents will be provided on the Museum’s intranet and copies of these documents maintained for reference.

Museum staff involved with due diligence procedures

Normally, exhibition curators will undertake due diligence research. In most cases the curator will be a member of Museum staff within a curatorial department, reporting to the Keeper of the department or directly to the Assistant Director, Collections. In some circumstances there may be an external curator but there will be a curatorial contact within the Museum who will be responsible for ensuring that due diligence is pursued. Curators can call on assistance from registrarial or documentation staff where required to pursue specific lines of enquiry and have access to advice from the Assistant Director, Collections and other staff within the Museum as required. The Assistant Director, Collections has responsibility for overseeing due diligence procedures. Ultimate responsibility for due diligence resides with the Director of the Museum. If required, external advice will also be sought, including from Legal Services in the University of Cambridge.

Policy

Due diligence in relation to the loan of objects from abroad is governed by the Museum's Loans In policy.

Procedures

Due diligence relating to loans from abroad for temporary exhibition fall within the SPECTRUM procedures grouped under Loans In and is an extension of the Museum's normal practice of gathering information and agreeing loans. Step by step procedures for reference by exhibition curators involved in due diligence research are given in the Loans from Abroad Due Diligence Checklist (a copy of which is on the Museum intranet).

Research and information requests

- Initial assessment of potential loans, rejecting anything that is known to be ethically unacceptable – taken illegally from archaeological sites, the result of spoliation or protected natural material.
- Confirmation of lender's legitimate title and legal authority to lend an object. Confirmation that the object is usually kept outside the UK, not owned by a person resident in the UK and that there are no existing restrictions on import of the object into the UK.
- When necessary, provenance information from the lender will be sought.
- When necessary (if, for example, the lender is unable to provide the required information or there is doubt concerning the information supplied), further research will be undertaken, seeking information from published and unpublished sources and consulting with other curators, scholars and authorities. Checks will be made with auction houses and dealers and any other organisations that might hold information that can be used to establish provenance.
- The proposed loan itself may, if practical, be examined for evidence, such as labels or marks that may assist provenance research.

- When appropriate, particular consideration during provenance checking will be given to the period 1933-1945.
- When appropriate, checks will be carried out to ensure that the excavation, importation or transfer of objects has not contravened the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This will normally involve proof of legal import/export. Particular attention will be given to objects originating from areas of conflict or known looting.
- When necessary, reference will be made to the ICOM red list, the Art Loss Register (<http://www.artloss.com/>) and any other relevant loss/claimants lists and databases.
- Further legal advice will be sought by the Museum when required.

Agreeing the loan

- The Museum will only enter into an agreement if it is satisfied that the loan is ethically acceptable.
- Approval for the loan by the Syndicate of the Fitzwilliam Museum (the governing body within the University of Cambridge) will be required.
- The Museum's provenance/ownership confirmation request form and the standard Loans In Agreement require the owner to confirm their legal ownership and right to loan the object without any third-party claims upon the object. Where a Loan agreement from the lender is required this will take precedence (following SPECTRUM guidelines).
- The Museum's standard Loans In Agreement states that the loan is made in accordance with all applicable national and international laws, conventions and agreements.
- If any doubt remains about a potential loan, or if the necessary agreements are not secured, the loan will be rejected by the Museum.

Publication of information

- Where immunity from Seizure is sought, information will be prepared for publication on the Museum website according to the regulations governing the legislation. The guidelines and list of requirements for this are available on the Museum intranet. In summary, information about the exhibition of the objects, the lender, as well as description and provenance details of the objects, will be published for an initial period of at least four weeks plus one day prior to the objects entering the UK and for a period of at least twelve weeks following the initial period.

Documentation of procedures

- Information gathered about the (potential) loan will be maintained throughout the research, agreement and loan stages. This will be accessible by lender name, exhibition title and object name/reference number.

- Following the close of the exhibition, all documentation will be retained for a minimum of 10 years, regardless of whether the object was accepted or rejected for loan. This may include: a completed provenance information form, formal correspondence with lenders/owners, curators and scholars; informal notes and records; copies of, or references to, any published or unpublished sources relating to the provenance of an object. Any information published on the Museum website will be removed after the required period but retained as archive information.
- Information will be considered confidential in accordance with Data Protection legislation. However, the Museum will comply with Freedom of Information requests and will supply appropriate information to other organisations that may carry out subsequent due diligence research.