

DUE DILIGENCE PROCEDURES FOR WORKS OF ART AND CULTURAL OBJECTS ON LOAN FROM ABROAD TO TEMPORARY EXHIBITIONS

The British Museum's due diligence procedures conform to the national and international standards as laid out in the following:

- Statement of Principles issued by the National Museum Directors Conference on "spoliation of works of art during the Holocaust and World War II period" in 1998;
- *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on collecting and borrowing Cultural Material* (DCMS, October 2005);
- UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property;
- ICOM Code of Ethics;
- SPECTRUM: UK Documentation Standard for Museums;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- ICOM red list.

Work on due diligence is assigned to the exhibition curator(s) and loans manager, who are required to work within the Museum's due diligence guidelines and, where appropriate, to consult scholars and curators in the relevant field, the Art Loss Register and other art loss databases. Responsibility for overseeing due diligence procedures lies with the Deputy Director.

An exhibition curator is required to undertake full provenance checks for all objects proposed for loan to the Museum. These checks include, but are not limited to, consultation with the lender on provenance, legitimate title of the current owner, and the owner's legal authority to lend the object.

Provenance checks will include consideration of the 1933-1945 period, and any information which may suggest irregularity concerning acquisition or current title of ownership. Checks will also be carried to ensure the excavation, importation, exportation 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 Cultural Property.

In cases where the owner is unable to supply all necessary information, the curator would contact the Art Loss Register and other art loss databases where appropriate, and/or consult with scholars and fellow curators.

All records of due diligence checks are retained; they are considered confidential and kept on file for ten years.

The British Museum's standard "loans-in" agreement requires the lender to confirm that their acquisition of the object was legitimate, that there are no outstanding third party claims on the objects, and that they have legal ownership. It is now usual practice for many lenders to require that their own loan agreement or conditions of loan documentation be used as the official agreement between lender and borrower. In such cases, agreements are scrutinised to ensure that they conform to national and international standards and that issues covering provenance and legitimate ownership have been addressed.

The British Museum would not proceed with a loan should any information surrounding its provenance contravene accepted national or international standards.