

BM&AG Due Diligence Policy for loans in.

This policy will cover the following areas

- Short term loans for Exhibitions from within the UK or overseas
- Long term loans for permanent displays from within the UK or Overseas
- New Acquisitions.

In accordance to the BM&AG Collecting Policy 2008-2013, there is a presumption against entering into any loans into the museum unless it is for immediate display or research. This Due Diligence policy will be applied to all loans entering BM&AG sites. This is in accordance with all relevant national and international standards, including the following:

- Statement of Principles issued by the National Museum Director's 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.
- The Art Loss Register

Roles and Responsibilities

The BM&AG Due Diligence policy and procedures are adhered to and carried out by all members of the Interpretation and Exhibitions Department in conjunction with the Lead Exhibition Curator(s). Overall responsibility for supervising the Due Diligence procedures lies with the Head of Museum and Heritage Services.

Documentation

BM&AG's loan agreement form requires the Lender to confirm their legal ownership and lawful ability to lend the object, as well as to confirm the provenance to the best of their knowledge and that no outstanding or potential third party claims of ownership are in existence. If the object has been exported from a country since 1970 BM&AG will seek evidence of this in the form of the export licence or other documented permissions.

BM&AG will ensure that all records of Due Diligence checks are retained within the confidential exhibition files for a minimum of seven years in accordance to Birmingham City Council procedures.

Principles

Full provenance information is requested of the Lender for each object coming into BM&AG by issuing the relevant loan agreement forms. This will be assessed by the Lead Exhibition Curator(s) for any missing or irregular information. Particular attention is paid to the period 1933 - 1945. Checks will also be carried out 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 Lender is unable to provide a complete provenance, the Lead Exhibition Curator(s) would contact other experts in the relevant field. Legal advice from Birmingham City Councils legal department will also be sought. Should the provenance still be incomplete, the Interpretation and Exhibitions Department will contact the Art Loss Register and other Art loss databases.

BM&AG will not proceed with any loans with questionable provenance that may contravene accepted national or international standards. The overall decision to borrow will be made by the Head of Museums and Heritage Services.

For further information:

Please contact:

The Interpretations and Exhibitions Department (0121 303 9412)

The Loans Registrar (0121 303 3986)