

V&A Due Diligence Policy for Works of Art and Cultural Objects for loan

The Museum will not borrow any object unless it is satisfied that the Lender/owner has full title and they or any agent acting for them has full legal authority to enter into a Loan Agreement with the Museum. The Museum will adhere to the 1970 UNESCO Convention (on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property), rejecting items if there is any suspicion that, since 1970, they may have been stolen, illegally excavated or removed from a monument, site or wreck contrary to local law or otherwise acquired in or exported from their country of origin (including the UK), or any intermediate country, in violation of that country's laws or any national or international treaties, unless the Museum is able to obtain permission from authorities with the requisite jurisdiction in the country of origin. Particular attention will also be paid to object provenance between 1933 and 1945, and on observance of all relevant national and international regulations governing the import and export of cultural property, and the control of trade in endangered species of wild flora and fauna.

EXPERTISE (Roles and Responsibilities)

- i. Application of due diligence procedures are assigned primarily to the exhibition curator(s) or collection curator, and checked by the exhibition co-ordinator or loans manager, who are required to work with the Museum's due diligence guidelines and DCMS guidelines *Combating Illicit Trade* (DCMS, October 2005).
- ii. Where appropriate, further guidance and advice will be sought from additional curatorial and specialist consultants, such as colleagues from within the V&A, other national Museums, academic institutions, and major auction houses as well as consulting art loss databases.
- iii. The Director of the V&A has overall responsibility for ensuring the appropriate due diligence procedures are carried out.

DUE DILIGENCE CHECKS

An exhibition or collection curator is required to undertake full provenance checks for all objects proposed for loan to the Museum, and existing long loans undergoing review and renewal. These checks include:

- i. Consultation with lender on provenance;
- ii. Full ownership history where possible, with special consideration of 1933-45 period and any information which suggests irregularity of ownership/ acquisition;
- iii. Legitimate title of the current owner;
- iv. Lender's legal authority to lend (as declared on V&A loan agreement);

Checks are to comply with, make use of, and be guided by the following national and international standards:

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

The V&A will not proceed with a loan should be any doubt over the legality of its ownership, its removal from its country of origin, or its entry into the UK.

V&A LOAN AGREEMENT

The V&A's standard agreement for loans in requests the lender to:

- i. Declare their legal title and confirm their lawful right to lend the object;
- ii. Declare that they, as lender, are not aware of any past, current or potential claim by a third party;
- iii. Declare that loans are agreed in accordance with the 1970 UNESCO Convention and in accordance with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species.

The 'V&A's standard agreement for loans in confirms the V&A's commitment to:

- i. Borrow objects in accordance with the 1970 UNESCO Convention;
- ii. Borrow objects in accordance with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species;
- iii. Return the object to the same address as that from which it was lent, or a reasonable alternative by notification, at the termination of the loan.

RECORD KEEPING

Records and documentation of due diligence are to be retained: all relevant correspondence, details of published information, signed loan agreements, lender's evidence, and photographic evidence is to be kept on permanent files, in accordance with SPECTRUM: UK Documentation Standard for Museums, and under direction from the National Archives on stewardship of public records.