

# NGS DUE DILIGENCE POLICY FOR WORKS OF ART ON LOAN FROM ABROAD TO NGS TEMPORARY EXHIBITIONS

## Introduction

NGS is committed to developing its exhibition programmes according to the highest ethical standards in compliance with all applicable laws and in accordance with national and international standards. This policy sets out the due diligence principles to which NGS adheres when considering a work for loan to NGS.

## Principles

1. NGS due diligence procedures conform to standards as set 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
  - MA Code of Ethics for Museums, 2008
  - SPECTRUM: UK Documentation Standards for Museums;
  - Convention on International Trade in Endangered Species of Wild Fauna and Flora;
  - ICOM red list.
2. NGS will not accept any work on loan without confirmation that the lender has valid and legal title to retain and transfer the work.
3. NGS will exercise due diligence by undertaking full provenance checks for all works considered for loan carried out by its curators, in accordance with NGS ‘Due Diligence Procedure for Loans In to NGS’ and in accordance with the standards detailed above. Checks include:
  - Consultation with lender on provenance
  - Full ownership history where possible, with special consideration of 1933-45 period and any information which suggests irregularity of ownership/acquisition
  - Legitimate title of current owner
  - Lender’s legal authority to lend
4. NGS will borrow only those works for which provenance has been established or, through presence in the public domain, are judged to have a history that is reasonably secure.

5. The NGS standard loan agreement for loans in states that ‘NGS operates an ethical loans policy and recognises and complies with the ICOM Code of Ethics and the (UK) Museums Association Code of Ethics. The NGS recognises and complies with the principles for Combating Illicit Trade (DCMS 2005); the Unesco 1970 Convention on the Illicit Import, Export and Transfer of Cultural Property. The NGS will not knowingly acquire, borrow or display any work for which there is reasonable cause to believe that the work may have been stolen, illegally exported or illegally imported from its country of origin’.

It requests the lender to:

- Acknowledge their legal title and confirm their lawful right to lend the object
  - Acknowledge that they, as lender, are not aware of any past, current or potential claim by a third party
  - Acknowledge that all due diligence checks have been completed
6. Formal records and documentation relating to due diligence procedures are kept on central exhibition files in the Registrars’ Department.
  7. Curators are responsible for carrying out provenance checks for potential loans with guidance, where required, from the NGS Due Diligence panel and monitored by the Exhibitions Registrar.
  8. The Director-General of NGS has overall responsibility for ensuring the appropriate due diligence procedures are carried out.