

# **Whitechapel Gallery - Due Diligence Policy in Respect of Loans**

Approved by the Board of Trustees May 2010

Date of Next Review - Two years after approval or earlier if required.

## **1 Introduction**

The Whitechapel Gallery seeks to promote public understanding and enjoyment of modern and contemporary art through its exhibition programme. The Gallery is committed to maintaining the highest ethical standards and to compliance with all applicable laws. The Gallery strongly supports the principle that stolen or illegally exported items should not be exhibited or acquired.

This policy sets out the principles regarding due diligence in provenance and ownership research to which the Gallery aspires to when considering any inward loan.

## **2 Statement of Principles**

2.1 The Gallery will not accept as a loan, gift or bequest any object without confirmation from the donor or lender that they have valid legal title to the object and the rights to loan, gift or bequest the object.

2.2 The Gallery will exercise due diligence to establish the legal status of objects under consideration, making every reasonable effort to investigate and clarify the provenance of an object. In practicing due diligence, the Gallery will apply high standards to its research into exhibition loans

2.3 Where necessary or prudent the Gallery will extend research beyond the information supplied by the donor or lender in an effort to clarify the history of the object.

2.4 The Gallery will borrow only those objects for which either provenance has been established by research or, through their presence in the public domain, are judged to have a history that is reasonably secure.

2.5 Information obtained about the provenance of an object should be documented and preserved to ensure that the Gallery is able to respond to public requests and to avoid duplication in the future.

2.6 The Gallery recognises that in practice less significant objects and objects made in editions are not always accompanied by detailed histories and that in these circumstances, having taken into account information gathered through the curators' research which must be conducted according to the Gallery's minimum standards, best judgement must apply.

2.7 Notwithstanding high standards of research, the Gallery also recognises that there may be circumstances in which an object is acquired or borrowed for which the history is deemed to be reasonably secure and is accepted in good faith, but for which legitimate ownership is nevertheless challenged. In these cases, the Gallery is committed to giving prompt and serious consideration to *bona fide* enquiries over ownership and claims to title, under the applicable guidelines.

2.8 The Whitechapel Gallery is an educational institution that seeks to encourage enquiry and open debate. Faced with an absence of information within a provenance, and having taken into account this policy and considered the research undertaken in accordance with the Gallery's codification of procedures for due diligence, the Gallery may from time to time elect to bring a work into the public domain through exhibition, in such circumstances where the Gallery can demonstrate the highest standard of due diligence has been undertaken and consideration has been given to the view of the current possessor, in belief that such display may encourage other legitimate claimants to make known their interest.

2.9 In maintaining and enacting this policy the Gallery will aim to be consistent with the principles set out in relevant official published guidelines. This includes *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material* (DCMS 2005) and *Spoliation of Works of Art during the Holocaust and World War II period: Statement of Principles and Proposed Actions* (National Museums Directors Conference 1998)

These two mentioned publications can be found here

[http://www.culture.gov.uk/images/publications/Combating\\_Illicit\\_Trade05.pdf](http://www.culture.gov.uk/images/publications/Combating_Illicit_Trade05.pdf)

[http://www.nationalmuseums.org.uk/activities/spoliation/spoliation\\_statement/](http://www.nationalmuseums.org.uk/activities/spoliation/spoliation_statement/)