

Below are excerpts from the Tucson Museum of Art's Collections Management Policy. These passages detail considerations surrounding Acquisitions; Legal, Ethical, and Social Considerations; and Provenance in their relationship to the museum's collecting practices.

COLLECTIONS MANAGEMENT POLICY – EXCERPTS
Approved May 2015

Acquisition Guidelines

- The provenance of an object is documented to the satisfaction of staff, the standards set forth in the UNESCO Cultural Property Act of 1970, and the AAM's *Guidelines Concerning the Unlawful Appropriation of Objects during the Nazi Era* of 1999 (amended 2001).
- The ownership of the object is not in question.
- If obtained at an archaeological site, the object has been documented and its existence disclosed to the lawful owner of the site, as well as to appropriate legal or governmental authorities in its country of origin.
- Due diligence has been exercised by curatorial staff to authenticate the object, including contacting specialists, appraisers, or connoisseurs in the field.
- The object does not contain materials prohibited by State, Federal, or International Wildlife Regulations, for use or sale. Exceptions for acquisition may be made based on the following guidelines and others contained in the *Endangered Species Act* of 1973 (amended 1996): the object has accompanying documentation, both from the country of origin authorizing its exportation, and from the United States authorizing its importation; the object is an antique (i.e., not less than 100 years old); the object falls under a permit of exemption issued by the U.S. Secretary of the Interior.

Legal, Ethical, and Social Considerations (see Appendix #1 for additional legal considerations)

The Museum recognizes that throughout the world, millions of objects have been transferred illegally or forcibly from their rightful owners or countries of origin. In an effort to avoid potential disputes of ownership, and to enforce the spirit of international conventions, the Museum adopts the following guidelines for provenance of objects in its collection. Primary guidance for the conduct of the Museum regarding suspect objects will be the following federal and international initiatives:

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property ("Cultural Property Act"), adopted by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), 1970.

- If the Museum comes into possession of an object that can be demonstrated to have been exported or otherwise transferred in violation of the principles of the Cultural Property Act, and the country of origin seeks its return and demonstrates that it is part of the country's cultural heritage, the Museum will, if legally free to do so, take responsible steps to cooperate in the return of the object to the country of origin.

- Although the bill was not signed into law until 1983 in the United States, the Museum will abide by the UNESCO draft date of 1970 as the date prior to which objects must have been imported to the U.S. in order to be considered for acquisition.
- The Museum will abide by the ongoing and updated bans on importation of goods based on official requests made by other countries to the Cultural Property Advisory Committee of the U.S. Government.
- The Museum will not acquire any object that has been acquired in, or exported from, its country of origin—or any intermediate country in which it may have been legally owned—in violation of that country’s laws.
- The Museum will not acquire excavated art works where there is reasonable cause to believe their recovery involved the recent unscientific destruction or damage of monuments or archaeological sites, or involved a failure to disclose the finds to the owner or occupier of the land, or to the proper legal or governmental authorities.
- The Museum will practice due diligence in determining the provenance of relevant material presented to the Museum for acquisition including:
 - Requesting from the donor, lender, or vendor, all documentation relating to the history of ownership of the material;
 - Contacting the International Foundation for Art Research, the Art Loss Register, and/or Interpol to learn if the material has been stolen;
 - Considering the character of the individual or parties involved.

Provenance

The Museum recognizes that thousands of objects have been stolen, confiscated, looted, pillaged, or otherwise appropriated unlawfully from the rightful owner during the Nazi Era (1933–1945). As an ethical steward and trustee of the public, the Museum will be guided by the following policy regarding these objects:

- The Museum will identify all works in the collection that underwent a change of ownership between 1932–1946, and those works which may be reasonably thought to have been in Europe between those years.
- The Museum will make accessible to researchers and the public the documentation or other information regarding covered objects.
- The Museum will give priority to continuing provenance research as resources allow, including the pursuit of special funding to undertake such research.
- The Museum will practice due diligence in determining the provenance of covered objects already in the collection or presented to the Museum for acquisition including:
 - Requesting from the donor or vendor all documentation relating to the history of ownership of the material;
 - Contacting websites, archives, auction houses, scholars, art galleries and dealers, and other sources which maintain stolen artifact databases or other records;
 - Contacting the source of the covered objects when credible evidence is found that the objects were unlawfully appropriated;
 - Documenting all provenance research;

- Publishing lists of recent acquisitions on websites such as that of the Museum, and the Nazi Era Provenance Internet Portal; or otherwise making accessible these lists for further research and public review.
- Should the Museum discover that a covered object has incomplete or uncertain provenance, it may, in certain circumstances, choose to proceed with the loan or acquisition, with the idea that exposure at the Museum may reveal further information on the object. The Museum's intent in this circumstance is the completion of the provenance, which may not have been successful without the exposure and research capabilities of the Museum.
- Should the Museum discover that a covered object, in the collection or on loan, has incomplete or uncertain provenance, it shall make such information public and notify any potential claimants if possible. If no claim is made, the Museum shall retain the object for further research, education, and maintenance. The Museum shall act with transparency in informing the public of the object's history, in the hopes that more information will come forth as a result.
- The Museum shall address all claims of ownership openly, honestly, seriously, respectfully, thoroughly, and promptly, with dignity toward all involved parties.
- The Museum shall respond to all claims with a request for evidence of rightful ownership by the claimant.
- Should the Museum determine that a claimant has sufficient evidence of ownership of an object which had been unlawfully appropriated; the Museum shall seek a mutually agreeable and appropriate resolution with the claimant, with the method of mediation preferable to litigation.
- When appropriate, the Museum shall consult legal counsel in order to fulfill its legal role as custodian of the object and the ethical role as custodian of the public trust.

Appendix:

#1. Museum acquisitions must comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and import of works of art, such as the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act (CCPIA), sanctions enforced by the Office of Foreign Assets Control (OFAC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Native American Graves Protection and Repatriation Act (NAGPRA).

The Museum will be guided by the Report of the Association of Art Museum Directors' Task Force on the Acquisition of Archaeological Materials and Ancient Art (revised 2013) and the American Association of Museums' Standards Regarding Archaeological Material and Ancient Art, and adopts the definitions contained therein.