

Accreditation Commission Statement on:

Acquisition, Documentation, and Disclosure of Sensitive Cultural Property in Accredited Museums

Approved by the Accreditation Commission July 2006

Museums in the United States and elsewhere are under increasing public scrutiny in regard to the acquisition and documentation of sensitive cultural property, including antiquities, archaeological materials, ethnographic objects, and both living and non-living flora and fauna.

Extensive media coverage of looting and illicit trade in antiquities has raised questions about how museums go about acquiring new materials and the extent to which their collection records are openly accessible. The parallel attention given to objects that were unlawfully appropriated during the Nazi era has prompted the museum field to develop specific guidelines and best practices on that subject that can be broadly relevant in the arena of cultural property. As institutions that hold our collections in trust for the public, museums must comply with all applicable laws and should also demonstrate a high standard of professional conduct consistent with the ethics codes of our field.

The AAM Board of Directors has convened an Ethics Taskforce to reexamine AAM's ethical guidelines on the subject of collecting, acquiring, loaning, and accepting loans of cultural property or biological materials from other countries. This Accreditation Commission Statement sets out interim standards the Commission will use in the conduct of its work until the AAM Ethics Taskforce makes its report. The Commission will reevaluate this statement after the Ethics Taskforce makes its report to the AAM Board and the field.

Legal compliance standards for the acquisition or retention of cultural property are articulated in domestic U.S. laws including the National Stolen Property Act, the Endangered Species Act, and the Native American Graves Protection and Repatriation Act of 1990, as well as in international agreements such as the UNESCO Convention on Cultural Property and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). Foreign nations have adopted a wide range of approaches in enacting legal codes covering the protection and export of cultural property. Both in the United States and internationally, the cultural and intellectual property rights of indigenous groups entail a further level of complexity and ethical obligation. Museum boards and staffs should be aware of all relevant considerations and legal requirements when addressing cultural property questions. *(continued)*

Best practices of responsible stewardship of sensitive cultural property by accredited museums include:

1. Transparency. Institutions should have a collections policy setting out the institution's own standards for provenance concerning new acquisitions, loans, and gifts, and this policy should be available to the public. Collection records, including the circumstances and date of acquisition and full findings from provenance research, should be readily accessible. New acquisitions should be published promptly. If provenance information is not sufficiently complete to assure compliance with relevant laws, a museum should proactively communicate with source countries to seek guidance before finalizing an acquisition.
2. Responsiveness to Claims. If an entity with legal standing presents a claim for recovery or restitution of collection materials, museums should promptly enter into good-faith discussions and make available all pertinent documentation.
3. Partnerships. A number of museums have entered into agreements with source countries and Native American tribal governments to work cooperatively on questions of custody, care, interpretation, and loans of sensitive cultural property, often in situations where title is not clear-cut. Such agreements can benefit all parties, including the public, and suggest new paradigms of responsible stewardship.
4. Informed and Proactive Leadership by museum boards, directors, and senior managers. Museums rely on trustees, collectors, and other donors for support in building and maintaining their collections. Responsible stewardship should assure that all interested parties are fully aware of the legal compliance requirements and ethical standards that pertain to sensitive cultural property, as well as the collecting policies and disclosure practices of the museum.

Several professional associations, such as the Association of Art Museum Directors and the Association of Science Museum Directors, have produced statements about cultural property that are specific to their types of collections. The AAM Accreditation Commission expects that accredited museums will follow pertinent guidance in their disciplinary associations, as well as adhering to accreditation standards.