

ETHICAL ACQUISITIONS POLICY

Note: This document is divided into ‘preamble’ and ‘policy’. The preamble gives the imperatives and authorities for the ethical policy. The policy is intended as the Library’s public statement in plain English of its ethical position. The two sections are intended to be read together and to form together the ethical component of the British Library’s Policy on Acquisitions.

The British Library Policy on Ethical Acquisitions: preamble

1. The past. The British Library acknowledges the wide-ranging ways in which, over the centuries, material has come together to form the National collection, and that ethical standards have varied from era to era and from community to community. The British Library believes that there is great educational and research value in maintaining the ‘universal collections’ built up in our institutions where the products of various cultures and civilisations can be seen together, compared and contrasted – not only by the citizens of the UK but by the many visitors every year from all parts of the world. This position is very similar to that now being actively articulated by national museums and galleries. The Library has an excellent record of stewardship of all its collections from whatever part of the world, of good access and conservation, and of dissemination of information about its collections. Such diversity in collections enables the British Library to reflect the fact of modern Britain’s multi-cultural, multi-religious, multi-ethnic make-up.

2. The present and future. The British Library will apply the policy set out in this document to all future acquisitions of material which is considered to have cultural or heritage value including material defined as such by the various laws, conventions, and codes of practice referenced in this document. In doing so, and in line with recent legislation and the ethical policies to which it subscribes, the Library believes it to be proper to create this ethical policy to govern future acquisitions.

3. The Department for Culture Media and Sport’s *Combating Illicit Trade: Due Diligence guidelines for museums, libraries, and archives on collecting and borrowing cultural material* (October 2005)¹, is considered to be mandatory by The Board of the British Library.

4. The British Library takes full account of the UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970*.² The United Kingdom acceded to this convention and it was given effect in UK law as a series of criminal offences under the *Dealing in Cultural Objects (Offences) Act 2003*.³

¹http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/3697.aspx

² http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

³ <http://www.legislation.gov.uk/ukpga/2003/27/contents>

5 The British Library takes full account of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973*.⁴

6 The British Library takes full account of the *Cultural Property (Armed Conflicts) Act (2017)* which implements the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and the Protocols to that Convention of 1954 and 1999.

7 The British Library takes full account of the “red list” of the International Council of Museums (ICOM) which classifies the endangered categories of archaeological objects or works of art in the most vulnerable areas of the world, in order to prevent them being sold or illegally exported.⁵

8. The Library only accepts items, whether as loans, gift, bequest or on purchase, after performing the appropriate level of due diligence. In all cases where necessary the Library seeks to obtain documented confirmation from the donor or seller that he or she owns the object, and is able to transfer it free from encumbrances. The Library must also have reasonable cause to believe that the current holder is legitimately entitled to retain the object or that the object was not stolen, illegally exported or illegally imported. In all circumstances the Library will seek to inspect any object proposed for acquisition or inward loan for indications of provenance. If necessary the Library will further investigate the history of the object before it is acquired or borrowed by the Library. For the purposes of this statement ‘to borrow’ includes to receive on long-term loan or trust.

9 By acquisition is meant any activity by which the Library acquires an item or a group of items. In accordance with the *Dealing in Cultural Objects (Offences) Act 2003* ‘acquires’ includes ‘buys, hires, borrows, accepts’. This means that also all loans are covered by this policy

10 The development of this policy has been informed by the ethical policies of a number of organisations with which the British Library is associated, or with whom it holds material with a common history. These include:

- International Council of Museums (ICOM) *Code of Ethics for Museums* (2004)⁶
- Museums Association *Code of Ethics for Museums: ethical principles for all those who work for or govern museums in the UK* (2002)⁷
- the Collections Trust SPECTRUM guidelines, formerly managed by the ‘Museum Documentation Association’⁸
- The National Museum Directors’ Association Spoliation statement⁹
- The British Museum’s policy on acquisitions¹⁰

⁴ <http://www.cites.org/eng/disc/text.php>

⁵ <http://icom.museum/programmes/fighting-illicit-traffic/red-list/>

⁶ <http://icom.museum/ethics.html#intro>. This is considered to be a minimum standard for museums.

⁷ http://www.museumsassociation.org/asset_arena/7/17/15717/v0_master.pdf

⁸ <http://www.collectionstrust.org.uk/spectrum>

⁹ http://www.nationalmuseums.org.uk/what-we-do/contributing-sector/spoliation/spoliation_statement/

¹⁰ <https://www.britishmuseum.org/pdf/Acquisitions.pdf>

11 These policies are aimed at ensuring that good legal title is the minimum threshold for the acquisition or inward loan of an item. These policies also add stringent ethical and moral considerations, and suggest standards for due diligence in light of the applicable laws and conventions to which the United Kingdom is a party state.

The British Library Policy on Ethical Acquisitions: policy

The Board of the British Library approved the following policy on 22 November 2006. The Board has delegated implementation of the policy to the Executive. Prior approval of the Board is required for any acquisition which falls within the scope of paragraphs 14 and 15 below. The policy was updated February 2015.

12 The British Library always attempts to seek good legal title. The Library only acquires or borrows items that are legally available to be acquired or borrowed. The Library will not, for example, acquire material to which the seller does not have demonstrable legal title, and it will not borrow material from a lender who has wrongfully assumed the rights of the legal owner.

13 The British Library deplores looting and all its consequences. The Library deplores the looting of cultural property in whatever form with the ensuing damage to archaeological sites, buildings, and communities, and the corresponding loss of cultural context. The Library does not and will not acquire items originating from such looting. The Library will not borrow for exhibition, research or any other purpose any item known to have been looted.

14 The British Library will not accept illegally excavated or illegally exported material. The policy of the British Library is to refuse to acquire items that have been illegally excavated and or illegally exported from their countries of origin since 1970. The general expectation should be that that the British Library will only consider the acquisition of antiquities and archaeological items exported from their country of origin before 1970 where proper documentation can be provided. Exceptionally, where such documentation does not exist, as is sometimes the case, the Board reserves the right for the Library's curatorial staff to exercise their best judgement as to whether to recommend such an item for purchase or inward loan. In such circumstances the British Library would require the vendor or donor to provide a signed written statement confirming the circumstances behind the object being offered to the British Library, and may in some cases demand a sworn affidavit to that effect.

15 The British Library and the concept of 'safe haven'. There may be occasions when the British Library actively considers temporary and emergency acquisition, on a safe haven basis. This may occur where there are overwhelming conservation, scholarly, or other exceptional imperatives to acquire that outweigh other more usual considerations. Such instances will be extremely rare and will occur only in the most limited of circumstances and would be subject to the approval of the Board of the British Library. The status of such material will be kept under review.

16 The British Library recognises the limits on any role as a repository of last resort.

The British Library recognises that there may be occasions when it is asked to act as a repository of last resort for items within its remit where no documentation exists and where no payment is given that encourages illicit trade. The status of such material will be kept under review and will be subject to Board approval.

17 Human Remains. The Library has very few examples of human remains and is only likely to acquire other examples very rarely. Were the Library to seek to acquire any human remains less than 100 years old it will be bound by the Human Tissue Act 2004.¹¹ In such cases the Library would be guided by the Human Tissue Authority. In all cases the Library observes the DCMS Code of Practice for the Care of Human Remains in Museums (October 2005)¹², which sets out clearly the legal and ethical framework for the care, conservation, storage, display, research use, acquisition and loan of human remains.

¹¹ <http://www.legislation.gov.uk/ukpga/2004/30/contents>

¹² http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/reference_library/publications/3720.aspx