

**Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and  
Ethnographic Material, and Historic Objects**

**Adopted by the Board of Regents April 13, 2015**

**(1) Principles.**

The Smithsonian Institution supports the free exchange of information and collections which contributes to the advancement of knowledge and promotes appreciation of our shared cultural heritage. Pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property and the 1983 Cultural Property Implementation Act, the legitimate international transfer of cultural material should be facilitated by all available means, including loans and sales, and the Smithsonian encourages such transfers in the same manner as it fosters international exchanges between museums. At the same time, the Smithsonian undertakes to cooperate with all local, state, Federal, and international authorities and institutions to protect archaeological, historic, ethnographic, and artistic material from destructive exploitation. The Institution repudiates the illicit traffic in all such objects. Illicit traffic contributes to the despoliation of museums, monuments, and archaeological sites and the irreparable loss to science and humanity of archaeological remains.

Objects which have been stolen, unscientifically gathered or excavated, or unethically acquired should not be made part of Smithsonian collections. The Smithsonian observes the highest legal and ethical standards in the acquisition of collections. Smithsonian collecting units shall exercise due diligence in the acquisition of collections, including rigorously researching the provenance of the collection item under consideration for acquisition, to determine that the Smithsonian can acquire a valid title to the collection item and the acquisition will conform to all applicable legal and ethical standards. Objects acquired by the Smithsonian should have their provenance as completely documented as possible. Consistent with the policy set forth below, objects with incomplete provenance should be acquired only when they are of exceptional rarity, and when it is reasonably certain that their origin, context, and history can be established through scholarly research.

The Smithsonian will observe the following guidelines for the acquisition of art, antiquities, archaeological and ethnographic material, and historic objects of foreign provenance (referred to as “collection items” in the guidelines) in addition to undertaking the rigorous research and documentation required of all acquisitions. These guidelines apply to all acquisitions of art, antiquities, archaeological and ethnographic material, and

historic objects, whether by gift, bequest, purchase, transfer, exchange, or any other method. The Smithsonian will also be guided by the *Standards Regarding Archaeological Material and Ancient Art*, issued by the American Alliance of Museums (AAM), and where applicable, the *Report of the Association of Art Museum Directors (AAMD) Task Force on the Acquisition of Archaeological Material and Ancient Art*. The text of these documents is included in the *SD 600 Implementation Manual*. Acquisition of biological and natural history specimens is governed by applicable law and Smithsonian policy, including the *Smithsonian Policy on Collecting Biological Specimens* (May 11, 1992), and any subsequent revisions thereto.

**(2) Policy.**

- a) Before acquiring or borrowing a collection item, the collecting unit must conduct due diligence sufficient to ascertain from the circumstances surrounding the transaction or knowledge of the item's provenance that the collection item was not stolen or wrongfully converted and is not illegally present in the United States.
- b) Before acquiring or borrowing a collection item, the collecting unit must ascertain through provenance research that the collection item was not unethically acquired from its source or unscientifically excavated. Moreover, the collecting unit must ascertain through provenance research that the collection item was outside its country of probable modern discovery before November 17, 1970, or was legally exported from its country of modern discovery and legally imported into the United States after November 17, 1970, the date on which the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property was signed. The collecting unit shall require sellers, donors, lenders, and their representatives to provide all available information and documentation, as well as appropriate warranties.
- c) The Smithsonian recognizes that even after the most extensive research, some collection items will lack a complete documented provenance history. In some instances, Smithsonian collecting units may make an informed judgment based upon all available information that the collection item was outside its probable country of modern discovery before November 17, 1970, or legally exported from its probable country of modern discovery and legally imported into the United States after November 17, 1970, and therefore may be acquired. In other instances, the cumulative facts and circumstances known to the collecting unit after provenance research may allow it to make an informed judgment to acquire

the item. Examples of such facts and circumstances include, but are not limited to:

- i. the number, place and circumstances of independent exhibition(s) of the item;
- ii. the number, type and circulation of publications(s) of the item;
- iii. the length of time and place of public display(s) of the item;
- iv. the provenance history of other items excavated from the same site or area;
- v. the prior owner(s) of the item and any claims made against them with respect to other items; and
- vi. communications regarding the item between the country of modern discovery and the current owner, a prior owner, or the collecting unit.

In both instances, the Smithsonian shall carefully balance the possible financial and reputational harm of acquiring the item against the benefit of collecting, presenting, borrowing, and preserving the collection item in trust for the educational benefit of current and future generations.

- d) In cases of doubt, the collecting unit shall consult with the Office of General Counsel, the National Collections Program, and the appropriate Under or Deputy Under Secretary.
- e) If the Smithsonian, as a result of its continuing research, gains information that establishes another party's right to ownership of a collection item, the Smithsonian shall bring this information to the attention of the party, and if the case warrants, initiate the return of the collection item to that party or contact the competent authorities to determine what steps may be taken to preserve the interests of all parties. In the event that a third party brings to the attention of the Smithsonian information supporting the party's claim to a collection item, the Smithsonian shall respond promptly and responsibly and take prudent and necessary steps to address such a claim and resolve the status of the collection item. Collecting units receiving such information should consult with the Office of General Counsel, the National Collections Program, and the appropriate Under or Deputy Under Secretary.
- f) This policy shall also be applied to determining whether to accept loans for exhibition or other purposes.
- g) The provenance of acquired collection items shall be a matter of public record.

### **(3) Implementation.**

Each collecting unit must:

- a) Establish authority and assign responsibility for ensuring compliance with the Smithsonian Institution Policy on Acquisition of Art, Antiquities, Archaeological and Ethnographic Material, and Historic Objects.
  
- b) Incorporate applicable guidelines for acquiring, borrowing, and managing art, antiquities, archaeological and ethnographic material, and historic objects as set forth in the *SD 600 Implementation Manual*.