

**ASSOCIATION OF ART MUSEUM DIRECTORS**

**PROTOCOLS FOR SAFE HAVENS FOR  
WORKS OF CULTURAL SIGNIFICANCE FROM  
COUNTRIES IN CRISIS**

**I. Preamble**

Protecting works<sup>1</sup> of cultural significance (“works”) in danger of damage, destruction or looting as a result of war, terrorism or natural disasters is the responsibility of everyone and especially of institutions whose mission is to protect, conserve and study the artistic heritage of human kind. Members of the Association of Art Museum Directors (AAMD)<sup>2</sup> stand ready with our colleagues around the world to offer whatever help can be provided to museum professionals, international organizations such as the Blue Shield and custodians responsible for safeguarding the cultural heritage of countries in crisis, including facilitating access to refuges in other countries, if feasible.

AAMD supports the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Member museum staff can offer technical assistance and professional advice to protect collections *in situ*. In cases where this is not practical, perhaps the greatest contribution AAMD members and other museums outside the affected area can make is to offer safe havens to those works in danger of damage, destruction or looting until they can be safely returned. While museums in neighboring countries would normally be the most readily accessible safe havens for objects in danger, there are many reasons – political, environmental, societal – that could cause a country in crisis not to seek safe haven in a neighboring country or that make a neighboring country impractical as a safe haven. Additionally, objects that are in danger of being damaged, destroyed or looted might require specialized treatment or care that may be unavailable in museums in a neighboring country. In these situations, museums in North America and around the world can and should offer to preserve and protect threatened cultural property.

Placing works in danger of damage or destruction in museums or other institutions away from the areas of crisis assures that they will be preserved and protected by professional staff until their return. In addition, works that have been looted and brought into a country such as the United States can also be candidates for preservation and protection until they can be returned to their source country; providing that doing so is consistent with the laws of the United States. Providing a safe haven for these works removes them from the marketplace (legal or illegal), preserves their

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<sup>1</sup> The term “works” should be broadly interpreted to include works of art, archaeological objects, objects removed from a fixed monument or immovable structure, but must always be limited to objects for which the museum has the knowledge and resources to preserve and protect. For example, zoological or botanical objects would not normally be covered by the Protocols, but could be considered by a particular museum that has the knowledge and resources to accept them.

<sup>2</sup> The AAMD has over 240 members who are directors of major art museums in the United States, Canada and Mexico.

physical integrity, allows relevant information to be recorded for posterity, and provides a basis for their safe return to the appropriate entities or individuals.

The AAMD has developed the following set of protocols for those interested in a united effort to offer safe havens to works in danger of being destroyed or looted as a result of war, terrorism or natural disasters. The AAMD encourages its members to adopt these protocols, while museums of the world that wish to assist in this effort are urged to use all or relevant parts of these protocols.

## **II. The Source of Works In Need of Safe Havens**

In the event of a terrorism occurrence or during an armed conflict or natural disaster, works may be brought for safe haven in the United States, Canada or Mexico from any depositor, assuming of course compliance with applicable law (see below). Predetermining who may request such assistance in the abstract is not always possible, but may include the legal owner of a work, the agent for the owner, the bailee of a work, the custodian of a work, and a person or entity who comes into possession of the work and the owner is unknown, unavailable or legally constrained (collectively, a “depositor”). Examples of a depositor are:

- Museums in the affected area that hold works;
- Governmental entities of or within the affected areas;
- U.S. government authorities who have seized works on entry to or in the United States; or
- Private individuals, companies or organizations who own or come into possession of works, whether in the affected area or after removal from the area.

Member museums should exercise caution to assure that accepting the request for safe haven will not violate the rights of lawful owners, subject the museum to a claim for return, reflect negatively on the reputation of the museum or cause the museum to be involved in any illegal or unethical activity. Requests for safe haven and agreements to accept such requests should be documented where possible prior to movement of works to be transferred.

## **III. Immunity**

Prior to accepting a work, member museums should consider whether legal protections, such as immunity from seizure, are available in the safe haven country to protect the work and/or the museum from claims.

## **IV. Inventory and Documentation**

Inventorying and documenting the condition of works to be transferred for safe haven should take place prior to movement whenever possible. Copies should be kept at the original location, sent with the works during transit, and forwarded to the proposed safe haven museum. On arrival, a new condition report should be completed.

## **V. Transport to Safe Havens**

To the extent reasonable, works should be transported by the safest, surest method to the closest safe haven possible, with the depositor bearing the cost of transport, unless other arrangements have been made. In some cases, the safe haven museum may pay the transportation costs and will

be eligible for reimbursement from the depositor. Works should be transported in the company of the depositor (or its representative) or a reliable courier whenever possible.

#### **VI. Storage Conditions; Special Care**

Works provided safe haven should be stored in conditions suitable for the works in question, consistent with the security, climate and storage protocols applied to similar works in the collection of the museum offering safe haven. Safe haven museums may, but are not required to, take extraordinary measures to safeguard works such as creating special storage facilities, insuring the works or applying for immunity from seizure.

#### **VII. Conservation; Restoration**

Works in obvious need of stabilization should be stabilized by professionals in safe haven museums to the extent feasible and practicable. Conservation work should only be undertaken with the consent of the depositor (except in emergencies) and should be done with the same care and professional attention that the safe haven museum would bestow on its own works. In emergency or authorized situations, conservation work may be undertaken without the consent of the depositor, but only to the extent necessary to preserve the work. Conservation work should be documented and, as soon as practical, the depositor should be informed of the work performed.

#### **VIII. Records**

All works provided safe haven should be treated as loans, inventoried upon receipt, digitally documented and, if feasible and practicable, a condition report prepared and any immediate conservation needs identified. A copy of the inventory, digital images, and, if prepared, the conservation report and explanation of the conservation needs should be communicated as soon as practicable to the depositor.

#### **IX. Publication**

Museums offering safe haven should publish on their own websites, on the AAMD object registry and on appropriate international websites whatever is known about the works provided safe haven. A secure database will be established as a section of the AAMD Object Registry to identify works given safe haven. In rare instances, security concerns may require a delay in the foregoing publication.

#### **X. Scholarly Access**

Museums providing a safe haven should make the works available to scholars as they would their own collections, subject to the wishes of the depositor or, if different, the owner.

#### **XI. Exhibition**

When appropriate, and with the permission of the depositor, works may be exhibited and all information known made available to the public preferably in conjunction with educational material about the importance of safe guarding a country's cultural heritage.

## **XII. Education Programs**

Education programs that explain to the public the dangers cultural property faces from terrorism, armed conflict, looting and illicit traffic, and natural disasters should be stressed, as well as the danger of purchasing or otherwise acquiring unprovenanced works of cultural property from crisis areas.

## **XIII. Return of Works**

The timing of the return of works will depend on the circumstances existing in the country from which the works were removed, but if possible should be effected as soon as practical after the situation giving rise to the need for a safe haven has passed. Return may be effected in any number of ways that will depend upon the circumstances, but may include as appropriate:

- To the depositor;
- To the then owner;
- To the government of the affected area; or
- To the United States government.

Museums must be cautious to comply with applicable law in returning objects, especially if there are or may be potential ownership disputes.

## **XIV. Legal Issues**

Because the actions of member museums in providing a safe haven may have legal consequences, member museums should consult with legal counsel before accepting or returning a work.