

## **Essex Collection of Art from Latin America**

### **ACQUISITION AND DISPOSAL POLICY**

#### **1.0 Introduction**

- 1.1 This policy document replaces the previous Acquisitions and Disposal Policy.
- 1.2 The policy takes into account the Arts Council Accreditation Standard for Museums in the UK.
- 1.3 The policy is produced as part of the ESCALA Forward Plan (2010-2014) as adopted by the ESCALA Management Committee and approved by University Steering Group.
- 1.4 Policy review procedure

The current policy dates from December 2010. The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.

The Arts Council / Museum Galleries Scotland / NIMC / CyMAL will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

- 1.5 The Acquisition and Disposal Policy will be reviewed by the ESCALA Acquisition Committee, which also discusses acquisitions. The policy and acquisitions are then approved by the ESCALA Management Committee.

#### **2.0 Museum's statement of purpose**

- 2.1 In full:

*The Collection exists to build, maintain and provide access in the UK to a permanent collection of art from Latin America of the highest quality, representing the rich diversity of visual arts in the region from 1900 to the present. As a university museum the Collection is a focus for interdisciplinary research, teaching and learning, increasing knowledge and awareness of art from Latin America for the enrichment and enjoyment of the academic and wider community.*

- 2.2 In brief:

*ESCALA stimulates research, awareness and appreciation of art from Latin America.*

### **3.0 Collecting**

#### **3.1 Existing collections, including the subjects or themes and the periods of time and/or geographic areas to which the collections relate**

##### **3.1.1 Size of collection**

The Essex Collection of Art from Latin America comprises approximately 650 artworks by 350 artists from 18 countries.

##### **3.1.2 Periods of time**

In general, artworks date from 1900 to the present. The majority of artworks date from the latter half of the twentieth century to the present. A very small number of artworks date from before 1900.

##### **3.1.3 Range of media**

The Collection includes artworks in a broad range of media and is stronger in some media than others. Areas of strength include prints (various techniques), drawings, paintings and mixed media artworks.

##### **3.1.4 Geographic areas**

- a. For the purposes of collecting, 'Latin America' refers to the geographical areas of North America (Mexico), Central America and South America and to adjacent islands.
- b. An artist in the Collection can be Latin American by birth, training or residence.
- c. Artwork produced by Latin American-born artists who reside outside of Latin America will be considered.
- d. Artworks by non-Latin American artists whose work deals with Latin America may be considered.

##### **3.1.5 Scope**

The Collection aims to represent Latin America's rich diversity of visual arts, embracing modern and contemporary traditions that draw on a range of technical and artistic influences. The Collection does not collect pre-Columbian or popular art but is interested in the influences of indigenous and 'popular' techniques and artistic influences on modern and contemporary art, as well as those more often associated with 'high' art.

##### **3.1.6 Subjects and themes**

As a university museum, the Collection aims to collect artworks that are related to and of interest to the University of Essex research community, especially staff and students associated with the interdisciplinary Centre for Latin American and Caribbean Studies. The Collection's broad themes, however, mean that it is

relevant to the wider research community and to the wider public. Some of the Collection's principal themes are:

- a. The history of art of Latin America, from pre-Columbian times to the present;
- b. The engagement of the art of Latin America with the art of other parts of the world, especially Europe and the United States;
- c. The history of Latin America;
- d. The political engagement of Latin America with other parts of the world, especially Europe and the United States;
- e. Cultural identity and Latin America;
- f. Human rights and Latin America;
- g. The environment and Latin America;

### 3.1.7 Strengths

The Collection has particular strengths in some areas, largely reflecting research interests of staff and researchers in the Department of Art History and Theory at the University of Essex who, in the early years, mediated donations of artworks to the Collection. The strengths include the following areas, with associated artists (none of these lists is exhaustive):

- a. Media

#### **Paintings**

Argentina: Pérez Celis, Víctor Chab

Bolivia: Fernando Montes

Brazil; Siron Franco (best public collection outside of Brazil); Antonio Henrique Amaral, Daniel Senise, Katie Van Scherpenberg

Colombia: Diego Mazuera, Ofelia Rodríguez, Fanny Sanín

Peru: Fernando de Szyszlo

#### **Prints and drawings**

Argentina: Josefina Auslender, Ernesto Bertani, Mildred Burton, Jorge Luna Ercilla

Brazil: Lívio Abramo, Antonio Henrique Amaral, Iberê Camargo, Alex Gama, Rubens Gerchmann, Carlos Martins

Chile: Carlos Hermosilla and Taller 99

Cuba: Huella Múltiple

Mexico: Demián Flores Cortés, Rufino Tamayo, Taller de Gráfica Popular

Paraguay: Olga Blinder, Fayga Ostrower, Lotte Schulze

b. Styles/movements

**Abstract Geometric**

Argentina (Arte Madí, Arte Nuevo): Martín Blaszko, Gyula Kosice, César Paternosto, Ana Sacerdote

Brazil (Neo-concrete): Amilcar de Castro, Franz Weissmann

Colombia (Abstract): John Castles, Edgar Negret, Eduardo Ramírez Villamizar

Uruguay (Southern Cone Constructivism): Alfredo Blas Castagna, José Pedro Costigliolo, María Freire, Gastón Ulalde

**Kinetic**

Argentine: Eduardo Kac, Juan Melé

Venezuela: Carlos Cruz-Diez, Jaime Gili

**Conceptual**

Argentina: León Ferrari, Jorge Macchi

Brazil: José Leonilson, Jac Leirner, Cildo Meireles, Tunga

c. Influences/themes

**Human Rights**

Argentina: Remo Bianchedi, Marcelo Brodsky, León Ferrari

Brazil: Siron Franco, Fernando Marquespentead, Maria Moreira

Colombia: Wilson Díaz

**Popular (including pop culture, religion)**

Argentina: Estéban Alvarez

Colombia: Ofelia Rodríguez

Guatemala: Moisés Barrios

U.S.A.: Yolanda López

**Pre-Columbian/Indigenous**

Argentina: Artemio Alisio

Colombia: Nadín Ospina

Guyana: Aubrey Williams

Mexico: Demián Flores Cortés, Felipe Ehrenberg, Rufino Tamayo, Mariana Yampolsky

Nicaragua: Raúl Quintanilla

Paraguay: Olga Blinder, Fayga Ostrower, Lotte Schulze

### 3.1.8 Extended loans

A small number of exceptional works are on extended loan to the University.

### 3.1.9 Archive

An essential adjunct to the collection is the research archive of ephemera, small catalogues, films, dvds and cds. The archive focuses on material related to artists in the Collection but includes items related to other Latin American artists and art galleries and museums.

## **3.2 Criteria governing future collecting policy, including the subjects or themes for collecting**

### 3.2.1 General

The following guidance notes were approved by the ESCALA Management Committee in May 2009 and remain valid. They refer to artworks considered for acquisition by the ESCALA Acquisition Committee. The notes recommend that artworks considered should be either:

- a. By an artist already in the Collection; or
- b. By an artist with whom the Collection has worked or is working with (exhibition, residency, commission); or
- c. By an artist whose work relates to the scope of the Collection as set out in 3.1.5; or
- d. By an artist whose work relates to the themes of the Collection as set out in 3.1.6.

In all cases, the following should apply:

- a. The work must be of good quality and by an artist who has been practising for no less than 3 years;
- b. The work must complement or supplement the existing collection in a significant way;
- c. The Collection must have the resources to transport, preserve, store, display and research the work adequately or be able to implement a plan to deal with

these costs.

### 3.2.1 Geographic areas

In recent years, the Collection has expanded its geographical and therefore cultural definition of Latin America. Acquisitions since 2008 include artworks by North American-born artist Yolanda López and Guyanan-born artist Aubrey Williams. Collecting, in other words, the Collection is no longer restricted to Spanish and Portuguese-speaking Latin America, nor to a narrow focus on the Caribbean (previously centred on Cuba).

The Collection will continue to review its geographical focus periodically, as appropriate.

### 3.2.2 Scope of the collection

The Collection will continue to focus on modern and contemporary Latin American art. Donation and/or purchase of historical artworks is often difficult/limited. It is the aim, where possible, however, to collect key historical artworks as well as those of emerging artists (not necessarily young artists).

### 3.2.2 Subjects and themes

It is anticipated that the subjects and themes of artworks collected will remain the same in broad terms in future, although from time to time the ESCALA Acquisitions Committee may decide to focus on collecting artworks from particular countries or traditions and in particular media, in order to fulfill the Collection's mission.

## 3.3 Limitations on collecting

The museum recognises its responsibility, in acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections meet the requirements of the Designation Standard. It will take into account limitations on collecting imposed by such factors as inadequate staffing, storage and care of collection arrangements.

## 3.4 Collecting policies of other museums

3.4.1 The Collection remains the only public collection in Europe devoted exclusively to modern and contemporary art from Latin America. The associated Archive was founded at the same time, and has been acknowledged by Tate and the British Library as unique in the UK.

3.4.2 The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of

resources.

At present, the only comparable collection in the UK to which this condition applies is Tate and the University of Essex is in the process of developing a Memorandum of Understanding with Tate that will take into account acquisitions. Given the wide nature of Tate's acquisition remit in terms of international modern art and its concentration on acquiring a small number of major works no conflict of interest or duplication is foreseen.

The Collection has discussed the possibility of joint acquisitions with El Museo del Barrio (New York City).

- 3.4.3 In Europe, the closest equivalent to the Collection is the Museo Extremeño de Arte Iberoamericano e Español in Badajoz, Spain. Another collection, DAROS Latin America (based in Zürich, Switzerland and with a branch in Rio de Janeiro, Brazil) is privately owned.

## **4.0 Acquisition**

### 4.1 Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.

### 4.2 Acquisition procedures

- 4.2.1 The museum will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.
- 4.2.2 In particular, the museum will not acquire any object or specimen unless it is satisfied that the object or specimen has not 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. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).
- 4.2.3 In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.
- 4.2.4 So far as biological and geological material is concerned, the museum will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international

wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.

- 4.2.5 The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.
- 4.2.6 In England, Northern Ireland and Wales the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure as defined by the Treasure Act 1996.
- 4.2.7 Any exceptions to the above clauses 8a, 8b, 8c, or 8e will only be because the museum is either:
  - a. acquiring an item of minor importance that lacks secure ownership history but in the best judgment of experts in the field concerned has not been illicitly traded; or
  - b. acting with the permission of authorities with the requisite jurisdiction in the country of origin; or
  - c. in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

- 4.2.8 The museum does not hold or intend to acquire any human remains.

## **5.0 Spoilation**

The museum will use the statement of principles 'Spoilation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

## **6.0 Repatriation and restitution**

The museum's governing body, acting on the advice of the museum's professional staff, if any, may take a decision to return human remains (unless covered by the "Guidance for the care of human remains in museums" issued by DCMS in 2005) , objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 8.1-8.4, 12g and 8.19 below will be followed but the remaining procedures are not appropriate.

The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the "Guidance for the care of human remains in museums".



## **7.0 Management of archives**

As the museum holds acquire archives, including photographs and printed ephemera, its governing body will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

## **8.0 Disposal procedures**

### Disposal preliminaries

- 8.1 The governing body will ensure that the disposal process is carried out openly and with transparency.
- 8.2 By definition, the museum has a long-term purpose and holds collections in trust for society in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museum's collection.
- 8.3 The museum will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.
- 8.4 When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

### Motivation for disposal and method of disposal

- 8.5 When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 8.7 - 8.19 will be followed and the method of disposal may be by gift, sale or exchange.
- 8.6 The museum will not undertake disposal motivated principally by financial reasons.

### The disposal decision-making process

- 8.7 Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

### Responsibility for disposal decision-making

- 8.8 A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.

#### Use of proceeds for sale

- 8.9 Any monies received by the museum governing body from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.
- 8.10 The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

#### Disposal by gift or sale

- 8.11 Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.
- 8.12 If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.
- 8.13 The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

#### Disposal by exchange

- 8.14 The nature of disposal by exchange means that the museum will not necessarily be in a position to exchange the material with another Accredited museum. The governing body will therefore ensure that issues relating to accountability and

impartiality are carefully considered to avoid undue influence on its decision-making process.

- 8.15 In cases where the governing body wishes for sound curatorial reasons to exchange material directly with Accredited or unaccredited museums, with other organisations or with individuals, the procedures in paragraphs 8.1 – 8.4 and 8.7 – 8.8 will be followed as will the procedures in paragraphs 8.16 – 8.19.
- 8.16 If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.
- 8.17 If the exchange is proposed with a non-accredited museum, with another type of organisation or with an individual, the museum will make an announcement in the Museums Journal and in other specialist journals where appropriate.
- 8.18 Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the museum's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the governing body must consider the comments before a final decision on the exchange is made.

(Documenting disposal)

- 8.19 Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on deaccession and disposal.

## **9. General Loans Policy**

- 9.1 The Collection will adhere to the MLA Accreditation Scheme Guidelines as they apply to loans.
- 9.2 The Collection will only accept loans from person/persons that possess the legal authority to make a loan.
- 9.3 Adequate records will be maintained to document properly the details of all loans.
- 9.4 There are three kinds of loan identified as follows:
  - a. long term loan to the Collection
  - b. short term loan to the Collection
  - c. short term loan from the Collection
- 9.5 The Collection has a general presumption against accepting long term loans. If at all possible the lender should be encouraged to donate the item in question. It is

recognized that the term 'permanent loan' has no legal meaning. Items accepted for long term loan by the Collection must be for an agreed period of no more than 5 years. At the end of the loan period the agreement will be reviewed and if necessary a new loan formally agreed.

- 9.6 Artworks that fall outside of the collecting policy will not normally be accepted for long-term loan.
- 9.7 The Collection will give careful consideration to any request to lend materials from its collections for temporary displays elsewhere. All such requests should be made in writing to the Executive Director with full details of the proposal. Any potential borrower will be expected to demonstrate that appropriate transport, security, conservation care and display conditions can be met.
- 9.8 The Collection will only lend an accessioned item if that item has been properly insured or an indemnity undertaking has been given. This must be 'nail to nail' insurance covering each item from the moment it leaves the Collection to its return including periods in transit.
- 9.9 The Collection will only lend an accessioned item if the responsible officer is satisfied that the use of the loan is suitable and proper.
- 9.10 The Collection will only loan items after a suitable condition check has been performed and it is agreed that loaning will not harm the work.
- 9.11 The Collection will normally expect all costs associated with an outgoing loan to be met by the borrowing museum or organization concerned.
- 9.12 The Collection will normally charge a small fee to cover the cost of administering the loan.