

CODE OF ETHICS
and
GUIDELINES OF PRACTICE

OF THE
BORD TAL-WARRANT TAR-RESTAWRATURI

PREAMBLE

To draw up this Code of Ethics and Guidelines of Practice, the codes of the Institute for Conservation (ICON), the European Confederation of Conservator-Restorer's Organisation (ECCO) and the American Institute for Conservation (AIC) have been used as a basis.

INTRODUCTION

The purpose of the Code of Ethics and Guidelines of Practice is to set out the professional standards expected of conservator-restorers who are in receipt of a warrant issued by the Bord tal-Warrant tar-Restawraturi (BWR) of Malta and those accredited under the Cultural Heritage Act.

This code is based on what makes the profession creditable and respectable, namely mainly: honesty in dealings with clients, employers, employees and colleagues; giving good and fair advice; being aware of ones' limitations; carrying out conservation work to the highest possible standards and not damaging objects*; charging fairly for work. From this it can be seen that a Code of Ethics and a Guidelines of Practice can be distilled down to treating all persons equally, honestly and pleasantly; maintaining the utmost respect for the objects, whatever their value or rarity, and striving to increase knowledge and understanding of the profession.

In the future, situations will occur which have not been covered by these Code and Guidelines. Alterations and additions will need to be made to the Code of Ethics and Guidelines of Practice. These will be communicated to the warrant holder/accredited person.

** an asterisk is used at the first use of a word that is defined in the Glossary.*

GENERAL GUIDELINES

The Code of Ethics and Guidelines of Practice embody the principles and obligations which must govern the behaviour of every warrant holder/accredited person practising conservation* in the Maltese Islands. The warrant holder/accredited person must observe accepted standards and local laws, uphold the dignity and honour of the profession and accept its self-imposed disciplines.

The fundamental role of each such warrant holder/accredited person is the preservation* of cultural property* for the benefit of present and future generations but without losing sight of the role or purpose of the cultural property. The Code of Ethics and Guidelines of Practice aim to safeguard all cultural property regardless of the age, state of completeness, monetary value or client*.

Objects designated as cultural property are entrusted to the care of the conservator-restorer* who has a responsibility not only to the cultural property but also to the client, the public and posterity. The care and treatment* of cultural material is the shared responsibility of the client and the conservator-restorer who have to balance the requirements for preservation against the need to use, understand and/or appreciate the items.

The Code of Ethics sets out certain basic principles which are intended to ensure that the warrant holder/accredited person maintains the highest standards of professional practice. Should a case arise when a warrant holder/accredited person is believed to have fallen short of the standards desired, procedures for disciplinary action shall be considered by the BWR and action shall be taken in terms of law as per Cultural Heritage Act (2002).

REQUIREMENT

All warrant holders/accredited persons are required to sign an undertaking that they will abide by the hereunder Code of Ethics and Guidelines of Practice.

Adherence to the Code of Ethics and Guidelines of Practice is a matter of personal responsibility. A warrant holder/accredited person shall always be guided by the intent of this document.

CODE OF ETHICS OF THE BORD TAL-WARRANT TAR-RESTAWRATUR

- 1 Each warrant holder/accredited person must strive to achieve the highest possible standards, according to current knowledge, in all aspects of conservation*. This includes, but is not limited to: examination*; treatment; preventive conservation*; research; documentation*; training and conservation advice.
- 2 Each warrant holder/accredited person shall consider the relevance of preventive conservation as a means of promoting the long-term welfare of cultural property.
- 3 Each warrant holder/accredited person must strive to preserve cultural property for the benefit of future generations and he/she must make every effort to maintain a balance between the preservation of cultural property and the need to use, understand and appreciate it.
- 4 The actions of each warrant holder/accredited person must be governed by a respect for, and knowledge of, the cultural property including its physical, historic, cultural, social, scientific, technical, religious and aesthetic context.
- 5 Each warrant holder/accredited person must recognise the limits of his/her skills and abilities, of those for whom he/she is responsible, and the limits of available facilities, when devising and implementing conservation measures. The warrant holder/accredited person must limit his/her activity to his/her area of specialisation and work within the parameters of the warrant/accreditation granted to him/her.
- 6 Each warrant holder/accredited person shall treat all professional relationships with honesty and respect, recognise the rights and opportunities of all individuals in the profession and respect the profession as a whole.
- 7 Each warrant holder/accredited person has the responsibility to endeavour to contribute to the growth and progression of themselves, assistants employed or engaged by them or under their direction and the profession to the highest standards by continuing to develop knowledge and skills, by sharing this information and experience, and by providing or promoting educational opportunities.

- 8 Each warrant holder/accredited person shall seek to promote an awareness and better understanding of conservation through communication with allied professions and the public.
- 9 Involvement in the commerce of cultural property is not compatible with the activities of the warrant holder/accredited person.
- 10 Each warrant holder/accredited person has an obligation to promote adherence to and understanding of the Code of Ethics.

GUIDELINES OF PRACTICE OF THE BORD TAL-WARRANT TAR-RESTAWRATURI

1.0 THE WARRANT HOLDER/ACCREDITED PERSON AND CULTURAL PROPERTY

1.1 GENERAL OBLIGATIONS

Each warrant holder/accredited person must work to the highest standards of practice.

1.1.1 Standard of Treatment

Each warrant holder/accredited person shall adhere to the highest standards of treatment, regardless of the monetary value of an object. Although circumstances may limit the extent and type of treatment, the quality of treatment must not be compromised.

1.1.2 Preventive Conservation

Each warrant holder/accredited person must take into account preventive conservation before and after carrying out treatment on the cultural property.

1.1.3 Recognition of Limitations

Each warrant holder/accredited person shall carry out only that work which is within the limits of his/her professional competence/area of specialization, working within the parameters of the warrant/accreditation granted to him/her.

1.1.4 Documentation

Each warrant holder/accredited person has an obligation to document work by recording all essential details of the conservation of an object using text and images as appropriate. Records of examination, treatment and evaluation of treatments must be kept as intrinsic to the care and preservation of an object; they must be kept in as permanent a manner as practical, and be available for appropriate access. The extent and type of documentation will vary with the nature of the cultural property and conservation work required. The warrant holder/accredited person must deposit a copy of all conservation records with the Superintendence of Cultural Heritage as per Cultural Heritage Act 2002.

1.1.5 Copyright

Copyright law must be complied with. The documentation which was created by the warrant holder/accredited person is the intellectual property of the warrant holder/accredited person unless he/she is an employee or working under contract and the work was carried out in the course of his/her employment; and subject to the terms of the contract* of employment.

1.1.6 Moral Rights

Each warrant holder/accredited person must recognise the moral rights accorded to documentation and other written work; i.e. no work may be changed, except by the author or with his/her consent.

1.1.7 Human Remains and Material of Religious or Ritual Significance

Each warrant holder/accredited person must show respect for human remains and cultural property, which has a ritual or religious significance. He/she must be cognisant of any special requirements, whether legal or social, of such material.

1.1.8 Professional Development

Each warrant holder/accredited person must enrich his/her knowledge and skills and keep abreast of current developments through continued study, and communication with conservators and other specialists with the aim of improving the quality of professional work. The warrant holder/accredited person should strive towards achieving and retaining membership of relevant professional bodies/associations.

1.1.9 Removal and Preservation

The warrant holder/accredited person shall not remove material from cultural heritage unless this is done for scientific investigation, or is indispensable for the preservation of the object or it substantially interferes with the historic and aesthetic value of the cultural heritage. Materials that are removed should be conserved, if possible, and the procedure fully documented.

1.1.10 Reproduction and Preservation

When the social, religious, or other use of cultural heritage, including access to original documents, is incompatible with its preservation, the warrant holder/accredited person shall discuss with the owner or legal custodian, whether making a reproduction of the object would be an appropriate intermediate solution. The warrant holder/accredited person shall recommend proper reproduction procedures in order not to damage the original.

1.2 EXAMINATION

1.2.1 Examination

No conservation shall be undertaken without appropriate examination having first been carried out and without an evaluation of proposed treatments, of the condition of the cultural property and of its future role and use. The client must be advised of the treatment to be carried out before such treatment is undertaken.

1.2.2 Sampling

The permission of the client must be given before carrying out any examination or tests that may cause change to the cultural property and before any material is removed. A minimum of material necessary shall be removed, a record of removal kept, and the material retained as part of the examination record with the owner's consent. Where possible non-invasive methods of testing shall be used.

1.2.3 Consultation

A warrant holder/accredited person must be able to work in multi-disciplinary groups. When necessary or appropriate the warrant holder/accredited person shall consult with historians, scientists, archaeologists, curators and/or other specialists and shall participate with them in a full exchange of information.

1.2.4 *Scientific Investigation*

Each warrant holder/accredited person shall follow accepted scientific standards and research protocols and shall work with scientists as appropriate.

1.3 PREVENTIVE CONSERVATION

The warrant holder/accredited person must recognise the critical importance of preventive conservation as the most effective means of promoting the long-term preservation of cultural property. The warrant holder/accredited person must provide guidelines for continuing use, maintenance and care, recommend appropriate environmental conditions for storage and exhibition, and encourage proper procedures for handling, packing and transport.

1.4 DOCUMENTATION

1.4.1 *Documentation*

The conservation professional has an obligation to produce and maintain accurate, complete, and permanent records of examination, sampling, scientific investigation, and treatment. When appropriate, the records should be both written and pictorial. The kind and extent of documentation may vary according to the circumstances, the nature of the object, or whether an individual object or a collection is to be documented. The purposes of such documentation are:

- to establish the condition of cultural property;
- to preserve a record of the object before treatment and of the treatment carried out;
- to aid in the care of cultural property by providing information helpful to future treatment and by adding to the profession's body of knowledge;
- to aid the owner, custodian, or authorized agent and society as a whole in the appreciation and use of cultural property by increasing the understanding of an object's aesthetic, conceptual, and physical characteristics;
- to aid the conservation professional by providing a reference that can assist in the continued development of knowledge and by supplying records that can help avoid misunderstanding and unnecessary litigation.

1.4.2 *Documentation related to Examination*

Before any intervention, the conservation professional must make a thorough examination of the cultural property and create appropriate records. These records and the reports derived from them must identify the cultural property and include the date of examination and the name of the examiner. They also should include, as appropriate, a description of structure, materials, condition, and pertinent history.

1.4.3 *Treatment Plan*

Following examination and before treatment, the conservation professional must prepare a plan describing the course of treatment. This plan must also include the justification for and the objectives of treatment, alternative approaches, if feasible, and the potential risks. When appropriate, this plan should be submitted as a proposal to the owner, custodian, or authorized agent.

1.4.4 *Documentation related to Treatment*

During treatment, the conservation professional must maintain dated documentation that includes a record or description of techniques or procedures involved, materials used and

their composition, the nature and extent of all alterations, and any additional information revealed or otherwise ascertained. A report prepared from these records shall summarize this information and provide, as necessary, recommendations for subsequent care.

1.4.5 Preservation of Documentation

Documentation is an invaluable part of the history of cultural property and should be produced and maintained in as permanent a manner as practicable. Copies of reports of examination and treatment must be given to the owner, custodian, or authorized agent, who should be advised of the importance of keeping the documentation with the cultural property. Documentation is also an important part of the profession's body of knowledge. The conservation professional must strive to preserve these records and give other professionals appropriate access to them, when access does not contravene agreements regarding confidentiality.

1.5 CONSERVATION TREATMENT

1.5.1 Necessity for Treatment

Each warrant holder/accredited person must not undertake any treatment of cultural property without first assessing and establishing the necessity and suitability for such intervention. He/she must also have clear aims and purposes for the conservation and/or restoration. When non-intervention best serves to promote the preservation of the cultural property, it may be appropriate to recommend that no treatment be performed.

1.5.2 Extent of Treatment

Each warrant holder/accredited person shall not undertake any treatment which is more extensive than necessary. No treatment must be carried out when intervention is unnecessary. Any essential intervention must not be omitted.

1.5.3 Materials and Methods

Each warrant holder/accredited person shall choose methods and materials that, to the best of current knowledge, will not adversely affect the cultural property or its future examination, scientific investigation, treatment or function. No method or material shall be used before establishing any likely reactions between the material and the cultural property or adverse effects of the process. Whenever possible the principles of reversibility and retreatability must be respected.

1.5.4 Alterations and Removal of Material

No aspect of cultural property shall be altered nor shall material be removed from it without justification.

1.5.5 Restoration and Reconstruction**

Any intervention to compensate for loss must be clearly documented. It must be detectable by common examination methods. Such restoration shall aim to be reversible and shall not permanently modify the aesthetic and/or physical and/or material characteristics of the cultural property unless for clearly defined and over-riding structural or physical reasons and with the consent of the client.

1.5.6 Fraud

No warrant holder/accredited person shall knowingly be an accessory to fraud.

1.5.7 Training and Continuing Responsibility

The warrant holder/accredited person should, within the limits of his/her knowledge, competence, time and technical means, participate in the training of interns and assistants. The warrant holder/accredited person is responsible for supervising the work entrusted to his/her assistants and interns and has ultimate responsibility for the work undertaken under her/his supervision. He/she must maintain a spirit of respect and integrity towards such colleagues.

1.6 EMERGENCY SITUATIONS

When an emergency threatens cultural property, a warrant holder/accredited person must take all reasonable immediate action to preserve the cultural property, even though strict adherence to the Guidelines of Practice may not be possible. A warrant holder/accredited person must be prepared to justify his/her actions if necessary and must return to working within the Guidelines as soon as possible.

2.0 RELATIONSHIP WITH THE CLIENT

2.1 Communication

Each warrant holder/accredited person must communicate fully, clearly and regularly with the client so that there is a thorough understanding of responsibilities, procedures, shared decisions and realistic expectations.

2.2 Publicity

To maintain the dignity and credibility of the profession, the warrant holder/accredited person shall employ only appropriate and informative forms of publicity in relation to her/his work in order to avoid the dissemination of inappropriate, misleading, illegal or unauthorised information.

2.3 Consent of the Client

Each warrant holder/accredited person must act only with the consent of the client, and request written instruction. The client must be informed of any circumstances that necessitate significant deviation from the contract. When possible, notification should be made before such changes are made.

2.4 Disagreement

Each warrant holder/accredited person shall refuse any request to act in a way he/she demonstrates to be contrary to the terms and spirit of the Code of Ethics and Guidelines of Practice.

2.5 Confidentiality

2.5.1 Except as provided in the Code of Ethics and Guidelines of Practice, the warrant holder/accredited person shall consider relationships with a client as confidential. Information derived from examination, scientific investigation, or treatment of the cultural property shall not be published without written permission of the client.

2.5.2 No warrant holder/accredited person shall, without the client's consent, disclose personal information concerning that client unless legally required to do so or to comply with any of these guidelines.

3.0 CONSULTATION

Since no individual can be expert in every aspect of conservation, it may be appropriate to consult with colleagues or, in some instances, to refer the client to a professional who is more experienced or better equipped to accomplish the required work. If the client requests a second opinion, this request must be respected.

4.0 THE CONSERVATOR AND THE PROFESSION

4.1 Good Practice

Each warrant holder/accredited person must maintain the highest standards of behaviour and work.

4.2 Health and Safety

The warrant holder/accredited person must adhere to all health and safety laws.

4.3 Security

Each warrant holder/accredited person must take reasonable measures to ensure the security of the cultural property in his/her care. The working and storage conditions must be designed to safeguard the cultural property.

4.4 Contracts

The warrant holder/accredited person may enter into contractual agreements with individuals, institutions, businesses, or government agencies provided that such agreements do not conflict with principles of the Code of Ethics and Guidelines of Practice.

4.5 Fees

4.5.1 Fees charged by each warrant holder/accredited person shall be commensurate with services rendered and shall not be influenced by the client's ability to pay nor by the value of the object.

4.5.2 A warrant holder/accredited person shall not knowingly underprice his/her work in order to gain a contract.

4.6 Insurance

Each warrant holder/accredited person must carry or ensure that they are covered by appropriate insurance.

4.7 Advertising

4.7.1 Each warrant holder/accredited person must ensure that any publicity for which he/she may be held responsible is accurate, straightforward, honest and unlikely to cause public offence.

4.7.2 No warrant holder/accredited person shall purport to represent the views of the BWR unless expressly authorised to do so.

4.8 Laws and Regulations

Each warrant holder/accredited person should be familiar with laws and regulations associated with his/her work, such as those concerning: cultural property, health and safety; employment; insurance; building regulations; the rights of artists and their estates; sacred and religious material; excavated objects; endangered species; human remains; and stolen or illicit property.

4.9 *Dishonesty*

Each warrant holder/accredited person may be liable to disciplinary proceedings by the BWR as per Cultural Heritage Act 2002, including suspension or revocation of warrant, if he/she is convicted of dishonesty, mismanagement or gross negligence, or any other offence involving dishonesty in the course of his/her professional activities.

4.10 *Illicit Material*

When a warrant holder/accredited person knows or has reason to believe that he/she is being asked to work on stolen property, cultural property that has been exported illegally from its country of origin, or imported illegally into Malta or illegally obtained, it is his/her duty to report this to the Superintendence of Cultural Heritage.

4.11 *Delegating and Subcontracting*

Each warrant holder/accredited person must not subcontract or delegate work without the client's express permission. The warrant holder/accredited person contracted to carry out the conservation work is wholly responsible for every aspect of his/her contract including the standard of subcontracted work. Contracted persons must be suitably qualified for the tasks concerned.

4.12 *Share Information*

4.12.1 Each warrant holder/accredited person must be willing to share all information, through publication where possible, on the efficacy and use of treatments or procedures and of information gained from research, examination or treatment. Divulging such information should not conflict with the warrant holder/accredited person's ability to profit from the process such as by selling material and patenting processes.

4.12.2 The recipient of information should acknowledge sources in both oral and written presentations.

4.12.3 Each warrant holder/accredited person must not knowingly be party to the dissemination of false or misleading information.

4.13 *Adverse Comment*

4.13.1. A warrant holder/accredited person may be required to testify in legal, regulatory or administrative proceedings concerning allegations of unethical practice. All comment should be considered carefully and substantiated by facts and personal knowledge.

4.13.2. Allegations of unprofessional conduct by a warrant holder/accredited person must be reported in writing to the BWR. All correspondence regarding alleged unethical practice shall be held in strictest confidence.

4.14 *References and Recommendations*

A warrant holder/accredited person shall not recommend or provide a personal reference for a person or persons without having personal knowledge of the training, experience, abilities and competence of that individual or group. Any reference to the work of others must be based on facts and personal knowledge rather than on hearsay.

4.15 *Conflict of Interest*

4.15.1 The BWR discourages activities that might prejudice a warrant holder/accredited person's professional integrity. In particular, each warrant holder/accredited person must ensure that private research and publication, or collaboration with the media do not conflict with, or encroach upon, his/her professional responsibilities.

4.15.2 A warrant holder/accredited person taking freelance work in the field of conservation when employed by an institution, studio, workshop or similar employment must not trade in the name of the employer and must make it clear whether he/she is acting on behalf of the employer or on behalf of him/herself. He/she shall take on work only with permission from the employer or his/her representative.

4.16 *Employment*

Each warrant holder/accredited person who employs conservator-restorers must encourage them to act as competent professional warrant holders/accredited persons and should provide an opportunity for continued study and development.

GLOSSARY OF TERMS

In the Code of Ethics and Guidelines of Practice some words have been used in their broadest sense and should be read as such.

Accredited Person: is a person who has been granted accreditation by the Bord tal-Warrants tar-Restawraturi to perform particular work, interventions or procedures in connection with cultural property in accordance with the Cultural Heritage Act 2002.

Conservation: any activity required to maximise the endurance or minimise the deterioration of any cultural property as far as possible, and includes examining, testing, treating, recording and preserving any such cultural property or any part thereof.

Conservator-restorer: means a professionally qualified person holding a warrant conferred by the Bord tal-Warrant tar-Restawraturi.

Cultural Heritage: movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country. This includes archaeological, palaeontological or geological sites and deposits, landscapes, groups of buildings, as well as scientific collections, collections of art objects, manuscripts, books, published material, archives, audio-visual material and reproductions of any of the preceding, or collections of historical value, as well as intangible cultural assets comprising arts, traditions, customs and skills employed in the performing arts, in applied arts and in crafts and other intangible assets which have a historical, artistic or ethnographic value.

Cultural property: means movable or immovable property forming part of the *cultural heritage*.

Client: refers to the person or persons having legal ownership of the cultural property or the person or persons exercising professional custodianship over the cultural property. Thus a wide section of people are included such as owners, agents, custodians, curators, architects, surveyors, archaeologists, keepers whether they be from museums, institutions or the private sector.

Contract: an agreement, whether verbal or written. Written contracts are recommended as they help avoid misunderstandings.

Documentation: all of the records, text and images, accumulated during the examination and treatment of the cultural property; where applicable, it includes the examination record, treatment proposal, estimate of time/cost, client consent, treatment record and summary, recommendations for future use, storage and exhibition.

Examination: is concerned with establishing information on the composition, properties and structure of the cultural property, its condition and case history; identification, extent and nature of deterioration alterations and loss; evaluation of the causes of deterioration; determination of the type and extent of treatment needed. Examination includes the study of relevant documentation.

Object/s: use of the words “object/s”, and “cultural property” will be taken to mean also buildings and/or archaeological sites, as the situation may call for.

Preservation: all actions taken to retard deterioration of or prevent damage to cultural property. It involves controlling the environment and conditions of use and may include treatment in order to maintain an object, as nearly as possible, in an unchanging state. In the case of archival material, moving image and sound, this may include transferring to other media.

Preventive conservation: all actions taken to retard deterioration and prevent damage to cultural property through the provision of optimum conditions of storage, exhibition, use, handling and transport.

Reconstruction: all actions taken to recreate, in whole or in part, the missing elements of cultural property, based on historical, literary, graphic, pictorial, oral archaeological and scientific evidence. Its aim is to promote an understanding of an object, and is based on little or no original material. For the purpose of this document reconstruction, such as the rebuilding of broken material, is included by the terms *conservation* or *treatment*.

Restoration: a highly specialised activity to conserve the integrity of cultural heritage, and to reveal its cultural values and to improve the legibility of its original state, form and design, within the limits of still existing material. Such activity must be based on a critical and historical process of evaluation and not on conjecture.

Treatment: consists mainly of direct action carried out on the cultural property with the aim of retarding further deterioration or aiding physical interpretation.

Warrant holder: is a person who has been granted a warrant in accordance with Part VI of the Cultural Heritage Act 2002.