

BP Sponsorship (1990 – 2006)

Year	Amount
2006	£330,000.00
2005	£330,000.00
2004	£330,000.00
2003	£330,000.00
2002	£330,000.00
2001	£250,000.00
2000	£250,000.00
1999	£150,000.00
1998	£150,000.00
1997	£150,000.00
1996	£150,000.00
1995	£150,000.00
1994	£150,000.00
1993	£150,000.00
1992	£150,000.00
1991	£150,000.00
1990	£300,000.00

BP'S SPONSORSHIP OF TATE

1. Purpose of Report

The Ethics Committee are asked to review Tate's sponsorship relation with BP, specifically considering whether the reputational risk to Tate outweighs the benefit of BP's financial support. The Committee are asked to consider this relationship in light of recent adverse press coverage of the environmental consequences of BP's activities, the specific criticism of Tate by a number of activist groups and a number of related press enquiries to Tate about our continued relationship with BP.

2. Recommendations

The Ethics Committee is asked to consider whether the continued acceptance of funds from BP would significantly damage the effective operation of Tate in delivering its mission, as defined by Tate's Ethical Fundraising Policy, because the acceptance of funds would:

1. Harm Tate's relationship with other benefactors, partners, visitors or stakeholders;
2. Create unacceptable conflicts of interest;
3. Materially damage the reputation of Tate; or,
4. Detrimentally affect the ability of Tate to fulfil its mission in any other way than is mentioned above.

Tate's Ethics Policy is set out in full at Appendix 1.

3. Background

3.1 Summary of BP's Sponsorship

S41, S43(2) BP has supported Tate since 1990 making 2010 their 21st year of support and BP the longest running sponsor of Tate. In 2007 the sponsorship was renewed through to March 2012 [REDACTED] contributing to a cumulative figure [REDACTED] 1.1

BP sponsors the Tate Britain Collection Displays under the title sponsorship of 'BP British Art Displays 1500-2010'. Their sponsorship has allowed the display of the permanent collection to be changed on an annual basis.

Also included within the annual sponsorship fee is the annual BP British Art Lecture and a series of four free one-day festivals with themed activities around the gallery that are targeted at different age groups.

S41, S43(2) Additionally BP has committed to support the Tate Movie [REDACTED]. The Tate Movie is part of the Cultural Olympiad and is an animated film being produced in partnership with Aardman. It will be the first of its kind, an animation film made by children, for children across the UK. The final movie will be shown in select cinemas and on the BBC in 2012. 1.2

BP also currently support three other major institutions in London;

British Museum - An Annual Exhibition Sponsorship
National Portrait Gallery - BP Portrait Awards
Royal Opera House - Live Relay screens

3.2 Tate's Sustainability Strategy

Tate has made a commitment to play a leading role in sustainability in the sector and we have set out a path for significant change in our Strategy to 2012. The Board approved a Sustainability Strategy in September 2008, and Tate's advancement in the area had been noted by peers in the sector. The Board considered progress on our Sustainability Strategy at the March 2010 Board, and Trustees expressed their support for sharing Tate's progress and experience more widely, including with the public and our audience. Tate aims to focus on external communication of our commitment to sustainability throughout 2010, with more direct communication with our visitors, the cultural sector, and the wider media.

With Tate intending to take a leading public role on Sustainability in the arts sector, the organisation is likely to receive greater scrutiny both of our operations and the operations of our sponsor bodies.

Tate's Sustainability Strategy, as agreed by the Board in September 2008, is set out in full at Appendix 2.

3.2 BP and Sustainability

In rankings of environmental sustainability and social impacts from major oil and gas companies BP generally surpasses its competitors with listings at the top of many of the league tables. A summary of league table results is set out at Appendix 3.

BP's sustainability reporting covers all the non-financial aspects of its operations – health and safety; environment and energy; people and human rights.

In Environmental Sustainability, BP aims to achieve the following:

- Improving energy efficiency in BP's own operations through close performance monitoring and developing more efficient fuels and lubricants.
- Promoting natural gas as a key part of the energy future – gas is the cleanest burning fossil fuel, as well as being efficient, versatile and abundantly available.
- Including a cost of carbon in investment appraisals for all new major projects to allow informed investment in fossil fuels and encourage development of the technology needed to reduce their carbon footprint.
- Investing in low-carbon businesses. Since 2005 BP have invested around \$4billion in Alternative Energy, with our activity focused on advanced biofuels, our wind business in the US, solar power, and carbon capture and storage.
- Participating in the policy debate, calling for policy action to put a price on carbon and stimulate renewable and low-carbon energy.
- Funding and participating in a wide variety of research programmes on climate change and low-carbon options for the future.

BP's 2009 Sustainability Report is set out at Appendix 4.

S38(1) and S43(2) 3.4 BP Canadian Oil Sands Initiative and Associated PR

1.3

BP's interests in the Canadian oil sands projects include a 50% share in the Sunrise oil sands field in Alberta, Canada, operated by Husky Energy, which has estimated resources in excess of three billion barrels. BP's oil sands portfolio also includes interests in the Kirby lease and the Terre de Grace block.

Oil sands projects have raised concerns because of issues including their greenhouse gas emissions, their impacts on land, water and local communities and their commercial viability. Sunrise is currently being managed in a manner consistent with BP's environmental requirements for new projects, which require a thorough review of environmental issues and opportunities associated with any investment.

Recent press has highlighted that a number of BP shareholders have attacked the company's justification for possible investments in the Sunrise oil sands fields. About 140 investors have stated that the company's assessment of the outlook for oil sands shows that it has not properly considered the risks involved and have called for BP to commission an in-depth report. Other companies are also facing protests over their plans for the oil sands, with the same resolution set to be put to a vote at Shell's AGM next month.

For reference, specific observation from BP auditors Ernst & Young in response to BP's 2009 sustainability reporting: "BP has acknowledged stakeholder concerns about the oil sands projects in Canada. These include energy intensity, impacts on water and air quality, land rights, biodiversity and production costs. We discussed and saw evidence that BP has entered into dialogue in an effort to be responsive, including notes of meetings with NGOs and correspondence with institutional investors".

BP's current Statement in respect of the Oil Sands resolution:

A group of members requisitioned the circulation of a special resolution under the provisions of Section 338 of the Companies Act 2006. The resolution and supporting statement, together with the company's response are attached as Appendix 5. In summary the BP Board recommended that shareholders oppose the resolution on the understanding that the development of Canadian oil sands in BP's portfolio:

- Provides a competitive source of hydrocarbon renewal both in terms of the range of oil prices and the price of carbon at which the project is viable
- Creates additional value through the integration with the BP refineries in North America
- Is to be undertaken using the Steam Assisted Gravity Drainage in situ process, which has the potential for improvement in efficiency through the application of BP's technology. BP will not pursue Canadian oil sands mining projects.
- Is to be sanctioned with Board oversight using established processes and undertaken in a manner which fulfils BP's commitment to sustainability by adhering to BP's environment and social practice for new projects for water management, land use and community relations.

The resolution was lost at BP's AGM on 15 April 2010, with 85% of shareholders voting against the resolution. A Q&A on Oil Sands project, produced by BP is set out at appendix 6. A selection of Press Cuttings is set out at Appendix 7.

3.5 Recent Requests and Actions at Tate in Response to Questions about BP's Support

1.4

S36(2)(b), S38(1)

summary of protests is below:

A

<u>Date</u>	<u>Group</u>	<u>Content</u>	<u>Follow Up</u>
10.06.08	S40(2) Postcard from [REDACTED] to Nicholas Serota	The postcard was a request to discontinue Tate's relationship with BP, organised by <i>Rising Tide</i> a grassroots activism group.	Letter from Nicholas Serota explaining that BP's support fits within the context of Tate's sponsorship policy
22.10.08	S40(2) [REDACTED] to Freedom of Information team	Request for details of BP's funding of Tate	Letter of response from the Freedom of Information Team explaining that due to Tate's confidentiality agreement with BP, we cannot disclose those details
21.11.08		Appeal of Decision Requested	S40(2) [REDACTED] request was re-considered by the FOI Appeals Committee and a letter of response was sent to confirm that Tate could not disclose the requested information due to our confidentiality agreement with BP.
3.03.10	S40(2) Email from [REDACTED] (Art Not Oil) to Penelope Curtis, Director TB.	Request for Tate to 'refuse' BP sponsorship in light of 'Oil Tar Sands' issue	None to date.
5.03.10	S40(2) Email from [REDACTED] (Art Not Oil, Tate Member)	The email, sent to panellists at the <i>Rising to the Climate Change Challenge</i> Symposium at Tate Modern Tate Member asks Tate to 'wean itself off oil company sponsorship'	None.
10.03.10	Art Monthly	Editorial discussing the 'pre-emptive censorship' at Tate Modern of activism against Tate or its sponsors.	N/a – the article is attached at appendix 8.
19.03.10	S40(2) [REDACTED] (Art Not Oil, Tate Member)	S40(2) [REDACTED] attended the TM symposium questioning BP's sponsorship in the Q&A section. He asked for a vote for Tate to withdraw from BP sponsorship by 2010.	The vote was taken by those members of the audience who wished to participate (approximately 60% of the audience) no numbers or notes were taken, and that concluded the intervention. Some other members of the audience made similar comments.
17.04.10	S40(2) [REDACTED] to Freedom of Information team	Request for details of BP's funding of Tate	Letter of response from the Freedom of Information Team explaining that due to Tate's confidentiality agreement with BP, we cannot disclose those details
20.04.10	Observer interview with Nick on TM10 "The public ask the questions"	Question; In a time of climate change, will you stop sponsorship by oil companies so we can visit Tate and enjoy great art without being complicit in climate chaos?	Response from NS: "The first thing to say is we have support from BP, which as a company is looking at renewable energy as well as using up fossil fuels and using oil. We have long had support from them and are not intending to abandon it. But we are committed to addressing issues posed by climate change. Tate has made some big strides in terms of carbon reduction and bringing that to the attention of other people in the world".

4. Discussion

S36(2)(b) [Applies to whole of section 4] The argument for Tate retaining its financial partnership with BP is as follows:

1.6

- BP is a significant figure in British corporate life and Tate is a significant figure in British cultural life. BP's support currently enables Tate to further its charitable objectives.
- **S38(1), S43(2)** Taking a moral stance on the ethics of the Oil and Gas sector, and the Canadian Oil Sands initiative in particular, is outside of Tate's charitable objectives.

1.7

The argument against Tate retaining its financial partnership with BP is as follows:

- **S38(1), S43(2)** Environmental activism is on the rise. The oil and gas industry is appearing as the recipient of public scrutiny, disapproval and negativity, in the same way as the tobacco industry was in the 1990's.
- Tate has taken a public stance on sustainability and is arguably the cultural institution most in the public eye in the UK. In light of this the reputational risk to Tate of retaining BP as a partner is significant.

1.8

The Executive view is that currently the benefits of BP's support for Tate far outweigh any quantifiable risk to our reputation.

S38(1), S43(2) However, the relationship between Tate and BP should however be reviewed on a regular basis in light of a continually changing environment.

1.9

5. Conclusion

Tate requests the Ethics Committee's advice on this matter. The deliberations and decision of the Ethics Committee on this issue may be used in responding to external requests for information, to demonstrate scrutiny of the sponsorship relationship.

S40(2) Written by: Sarah Robinson, Head of Corporate Sponsorship, Rebecca Williams, Director of Development, [REDACTED], Corporate Governance Manager
Sponsored by: Alex Beard, Deputy Director

1.10

CONFIDENTIAL**MINUTES OF THE ETHICS COMMITTEE MEETING HELD ON 6 MAY 2010****PRESENT**

Helen Alexander	Chair, Senior Trustee
Jeremy Deller	Artist Trustee
Patricia Lankester	Trustee
Monisha Shah	Trustee
Jules Sher QC	Co-Opted Member
Alex Beard	Deputy Director
Masina Frost	Head of Director's Office
S40(2) [REDACTED]	Corporate Governance Manager (notes)
Sarah Robinson	Head of Corporate Sponsorship

2.1

1. APOLOGIES

Nicholas Serota (Director) and Rebecca Williams (Director of Development) sent apologies due to commitments aboard.

2. BP'S SPONSORSHIP OF TATE

During the meeting, Helen Alexander noted that she sat on the Board of utility company Centrica; whilst there was no overlap in operations with BP or other oil companies, she noted that there may be the perception of this to the public. Jeremy Deller noted that he knew individuals from *Art Not Oil*, through his participation in the Art & Ecology project at the RSA.

S43(2) Helen Alexander opened the meeting, asking Alex Beard to set out the rationale for calling the meeting. Alex Beard noted this was the first occasion that a corporate sponsor had been considered by Tate's Ethics Committee (though corporate sponsorship has been considered by the organisation previously, in cases such as Tobacco company sponsorship), and explained this was due to:

- Greater focus on BP's environmental operations with the commitment to undertake the Canadian Tar Sands project; and
- Tate's commitment to Sustainability, where the gallery seeks to develop a leading position in the art sector.

Alex Beard therefore concluded it was sensible to ask the Committee to reflect on the relationship between Tate and BP, with reference to Tate's Ethical Fundraising Policy. He emphasised that the executive's position remained comfortable in accepting sponsorship funds from BP, considering that the relationship fits within our guidelines, however non-executive scrutiny appeared advisable.

Helen Alexander requested that the Committee consider whether the relationship harmed Tate, as set out in section 4.1 (c) of Tate's Ethical Fundraising Policy, namely;

- 4.1 (c). When acceptance of the funds would, in the judgment of the Board of Trustees, having taken the advice of the Ethics Committee where appropriate, significantly damage the effective operation of Tate in delivering its mission, whether because such acceptance would:

- a. Harm Tate's relationship with other benefactors, partners, visitors or stakeholders;
- b. Create unacceptable conflicts of interest;
- c. Materially damage the reputation of Tate; or,
- d. Detrimentally affect the ability of Tate to fulfill its mission in any other way than is mentioned above.

The Committee considered that currently there was no evidence based on the report to suggest that the acceptance of funds from BP would significantly damage the effective operation of Tate. The Committee however recognised that this could change in the future, and should be kept under review. S43(2), S38(1) [REDACTED]

2.3

S43(2), S38(1) The Committee considered that it was not Tate's role to make moral decisions of another companies' activities where they stood outside Tate's charitable objectives, but was rather to consider Tate's operation under section 4.1 of Tate's Ethics Policy. The Committee also agreed it was not in a position to make an ethical judgement on BP's proposal to extract oil from the Canadian tar sands, providing its operation was legal. Jules Sher drew the Committee's attention to the legal requirement for a charity to be predisposed to accept funds, where their origin was known to be legal, as was the case with BP, with reference to *Harries v The Church Commissioners for England* [1992]. Jules Sher recommended that Tate ask its legal advisers for an opinion on the matter.

2.4

The Committee considered the acceptance of funds alongside Tate's sustainability strategy, noting that fundraising was not explicitly referenced in the strategy. The Committee proposed that the executive prepare a draft Q&A document linked to Tate's Sustainability Strategy which sought to explain Tate's position to the public. If, as a result of that draft, it was felt that the Strategy should be revisited, then that should be the next step.

The Committee agreed that the consideration of the relationship by this group was an important step; it allowed Tate to explain why it continues to accept funds from BP, and demonstrated that Tate would keep this issue under review.

In conclusion, the Committee:

1. Recommended the continuation of the current relationship with BP, given that there was no evidence to suggest that the acceptance of funds from BP would significantly damage the effective operation of Tate.
2. Requested that a further meeting should be considered in 6 months time, to review the situation. At this meeting, an overview of all corporate sponsorship should be provided.
3. Requested that the executive prepare a Q&A document on Tate's Sustainability Strategy, considering what questions we might be asked, and how to respond to them.

Jules Sher offered to assist in the wording of this Q&A document, if considered helpful.

The Committee noted that the current relationship with BP would end in 2012, and renewal discussions would be likely to start one year in advance. Further scrutiny by the Ethics Committee later in 2010 would therefore be helpful to Tate's Corporate Sponsorship team in preparing for discussions.

3. ANY OTHER BUSINESS

None.

Report 2 Tate Corporate Relationships

1. Purpose of Report

This report is written to provide an overview of Tate's corporate fundraising relationships, to highlight any issues or risks associated with these, and to seek the advice of the Ethics Committee on the effective management of any risks to Tate.

2. Recommendations

The Ethics Committee is asked to:

- a. Agree that a rigorous assessment of risk should be made before corporate support is accepted especially where the relationship involves long term partnership or sponsorship.
- b. Consider whether the acceptance of funds from the range of Tate's corporate partners outlined in the report would damage the effective operation of Tate in delivering its mission (as defined in the Ethics Policy) because acceptance of the funds would:
 1. Harm Tate's relationship with other benefactors, partners, visitors or stakeholders;
 2. Create unacceptable conflicts of interest;
 3. Materially damage the reputation of Tate;
 4. Detrimentally affect the ability of Tate to fulfil its mission in any other way than is mentioned above.
- c. Advise on Tate's management of risks associated with the range of corporate partnerships outlined in the report; and
- d. Approve the continuation of Tate's corporate relationships.

3. Background

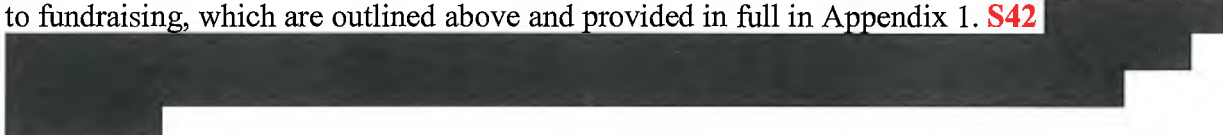
The Ethics Committee last met on 6 May 2010 to consider Tate's long-term relationship with BP in light of public criticism of the company. At that meeting, the Committee recommended the continuation of the relationship with BP, recognising that there was the possibility of increased reputation risk to Tate, and also requested a meeting be convened in six months time to consider the full range of Tate's corporate fundraising relationships.

4. Discussion

This section considers the range of Tate's fundraising activities with the corporate sector and covers ethical considerations, an update on the BP Sponsorship, an overview of Tate's long-term partnerships and exhibition sponsors, an overview of Tate's corporate memberships, and a discussion of Tate's relationships with the commercial arts sector.

4.1 Ethical Considerations and Summary

Members of the Committee will be familiar with Tate's Ethics Policy, and the provisions related to fundraising, which are outlined above and provided in full in Appendix 1. S42



S42

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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4.2 BP Sponsorship Update

Following the Ethics Committee’s consideration of our relationship with BP in May, the company came under increased scrutiny and criticism during the summer as the full implications of the Gulf of Mexico oil spill became clear.

In June, July and August the volume of complaints and interest from stakeholders and members of the public, and the amount of press interest, intensified. There were a number of small demonstrations which attracted press interest, notably at Tate Modern’s *No Soul for Sale* event and at Tate Britain’s Summer Party, a joint celebration of the BP Collection Displays and the Duveen’s Commission (supported by Sotheby’s).

S38(1), S43(2)

[REDACTED] and, as reported at the Board of Trustees meeting in July, press coverage and public debate was broadly balanced. In September the group Art Not Oil (behind the events at Tate Britain’s *Summer Party* and an event staged at the British Museum) staged another event in the Turbine Hall at Tate Modern. Press coverage has decreased noticeably since September. A summary of press coverage is included in Appendix 3.

3.1

S36(2)(b), S38(1), S43(2) More recently attention has been drawn to BP’s safety violations in North Sea oil rigs. We continue to monitor enquiries, complaints and public debate. Since 1990 BP has contributed **[S41 applies to words in square brackets [REDACTED]]**, and the Executive still feels that the benefits of BP support for Tate continue to outweigh any quantifiable risk to our reputation. [REDACTED]

3.2

[REDACTED]

4.3 Tate long-term partners and exhibition supporters

Long term corporate partners and corporate supporters represent Tate’s most intensive, valuable and high profile corporate relationships. On this basis, a rough assessment of risk type and level has been made below.

This risk assessment should be interpreted as a guide for those areas where Tate should exercise extra awareness, and active management, of risks associated with the partnership.

With all of the partners below, it is the Executive’s view that there are no exceptional areas of risk represented which would merit abrogation of the partnerships.

S38(1), S43(2) Tate long-term partners and exhibition supporters by sector, company and risk 3-3

Sector	Company	Tate Relationship	Main Risk Type(s)	Risk Assessment
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Energy / Natural Resources	BP	TB Displays, Education, Movie	Environmental, Other Ethical	Medium
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

4.4 Corporate memberships

[Redacted]

Corporate memberships offer benefits such as opportunities for partners to attend events, private views and special tours; for corporate entertainment; and for staff of membership companies to

attend exhibitions and tours. The range of Tate's corporate members, categorised according to sector, is summarised overleaf.

It is the Executive's view that the benefits of the memberships outweigh the risks.

Tate Corporate Members by Sector and Relationship

Sector	Company	Tate Relationship
Consumer Goods	David M Robinson (Jewellery) Ltd	Corporate Partner, TL
	J W Lees (Brewers) Ltd	TL
	Louis Vuitton	Joint
Financial	Advent International	TB
	Deutsche Bank	Joint
	Fraser Wealth Management	TL
	GAM UK Ltd	TB
	Grant Thornton	TL
	HSBC Holdings Plc	Joint
	Morgan Stanley	Joint
	Nomura International Plc	Access Bespoke
	Royal Bank of Scotland	TL
	Societe Generale	TM Events Bespoke
	UBS	Joint
Media / Communications	IPC Media Ltd	TM
	Lime Pictures	TL
	Pearson Plc	Joint
	Thames & Hudson	Joint Bespoke
Professional Services	Accenture	Joint
	Cheetham Bell JWT	TL
	Clifford Chance	Access Bespoke
	DLA Piper	Partner and Collection Sponsor, TL
	DWF	Corporate Partner, TL
	Ernst & Young	TB
	Freshfields Bruckhaus Deringer	Joint
	Hill Dickinson	Corporate Partner, TL
	Jackson & Canter LLP	TL
	KPMG	TL
	Linklaters	Joint
	Oliver Wyman	TM Bespoke
	Pannone LLP	TL
	Property Development / Construction	Bruntwood
Davis Langdon		TM Events
Drivers Jonas Deloitte		TB
Mace Ltd		Joint
Native Land Limited		TM Bespoke
Tishman Speyer Properties Ltd	TB	
Retail	John Lewis Partnership Plc	Bespoke
Transport / Travel	Hanjin Shipping Co	Access
Energy / Natural Resources / Infrastructure / Mixed Industrial	Alstom Limited	TM Events
	Centrica Plc	TM Events
	EDF Energy	TM
Art / Auctions	Rezayat Europe	TB
	Sotheby's	Joint
Local Business – Art	Art Space Gallery	TSI - Map Group
	Belgrave St Ives	TSI - Map Group
	Millennium Gallery	TSI - Map Group
	New Craftsman Gallery	TSI - Map Group
Local Business – Leisure / Services	Alba Restaurant	TSI - Map Group
	Andrew Collinge Ltd	TL
	Aspects Holidays	TSI
	Blas Burgerworks	TSI - Map Group
	Blue Hayes Private Hotel	TSI - Map Group
	Hawke's Point	TSI
	Individual Restaurant Company	TL
	Langridge Holiday Cottages	TSI - Map Group
	Sail Lofts	TSI
	St Ives Holidays	TSI - Map Group
	The Cornwall Hotel	TSI
	The Garrack Hotel & Restaurant	TSI - Map Group
	The Mex Restaurant	TSI - Map Group
	Tregenna Castle Hotel & Leisure Estate	TSI - Map Group

4.5 Relationships with the commercial arts sector

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

5. Conclusion

The Committee is asked to agree to introduce a more formal risk assessment for new partners and sponsors; consider whether the acceptance of funds from the range Tate's corporate partners outlined in the report would damage the effective operation of Tate in delivering its mission; advise on Tate's management of any risks associated with the corporate partnerships outlined in the report; and approve the continuation of Tate's corporate relationships.

Written by: Masina Malepeai Frost, Head of the Director's Office
Sponsored by: Nicholas Serota, Director

Report 4.1 Sponsorship Renewal – BP

1. Purpose of Report

This report is issued in light of the directive from the Ethics Committee at the last meeting to review BP's sponsorship of Tate Britain prior to any renewal of that sponsorship. The paper offers an update on protests and resultant coverage since the previous discussion by the Ethics Committee at their meeting on 1 November 2010. This information is supplied in order for the Ethics Committee to fully consider any risk posed to Tate by a continued relationship with BP.

2. Recommendations

The Ethics Committee is asked to:

- a. approve Tate's recommendation to renew its partnership with BP for a further five year term, said term to begin in February 2012;
- b. consider this approval based on the limited amount and low impact of recent protests and the financial rewards Tate will gain from a renewed relationship with BP.

3. Background

3.1 Summary of BP's sponsorship

S41, S43(2) BP has supported Tate since 1990, making BP Tate's longest-established sponsor. The current level of giving is [REDACTED]. Tate anticipates that the sponsorship will be renewed at [REDACTED]. 4.1

BP currently sponsor the Tate Britain Collection Displays under the title sponsorship of 'BP British Art Displays'. The sponsorship also pays for additional activity designed to encourage engagement with the Collection Displays:

- The BP British Art Lecture – an annual lecture
- BP Saturdays - A series of four free one-day festivals with themed activities around the gallery that are targeted at different age groups.

S41, S43(2) As outlined in the previous paper, BP is also supporting the Tate Movie [REDACTED]. 4.2

3.2 Summary of renewal offer

Tate and BP are currently discussing the potential renewal of BP's sponsorship. Should the relationship be renewed, the sponsored activity will alter slightly from previous years.

S43(2) BP will continue to sponsor the Tate Britain Collection Displays under the title of 'BP British Art Displays'. [REDACTED] 4.3

[REDACTED]

[REDACTED]

[REDACTED]

Tate understands at this point that BP's sponsorship of three other major institutions in London – the British Museum, the National Portrait Gallery and the Royal Opera House – will also be renewed. These contracts will also be considered for renewal in spring 2012.

3.2 Summary of previous discussions

In November 2010 the Ethics Committee reviewed the BP relationship in light of their then interests in the Canadian Oil Sands projects and the Gulf of Mexico disaster in April 2011.

The Committee determined that:

It is not Tate's function to take political stands on issues unrelated to its mission to enhance the public enjoyment and understanding of British Art and International modern and contemporary art.

S42 [REDACTED]

4.4

The Committee agreed that a formalised assessment be made for each corporate sponsorship prior to Tate accepting support. The criteria for this assessment is now in place and has been applied to BP. The assessment did not bring to light any issues that would suggest Tate should not renew its relationship with BP.

S36(2)(b) It was acknowledged that judging impacts around reputation and stakeholder relationships was not straightforward and Tate should consider first whether accepting funds from a particular supporter is beneficial to the execution of its core activity, and secondly consider issues of reputation and relationship impairment.

4.5

At their recent meeting, Tate Britain Council noted the approaching end of Tate's current relationship with BP, and have invited Rebecca Williams to the next council meeting (due to take place on 11 July 2011) to discuss the matter.

3.5 Recent requests and actions at Tate in response to BP's support

S36(2)(b), S38(1), S43(2) Since the previous discussion by the Ethics Committee in November 2010 there have been a limited number of additional protests. These have focused on the anniversary of the Gulf of Mexico disaster. [REDACTED]

4.6

[REDACTED]. A summary of comments and protests since November is attached below.

17.04.11	Rising Tide UK - The Great BP-Sponsored Sleep-In at Tate Modern	A demonstration in the Turbine Hall at Tate Modern. Minimal disruption to gallery to gallery caused. 14:00 Approx 40 people involved in a sleep in on the Bridge and Turbine Hall Following this a small group gathered on the Bridge with a guitar and sang songs for 15 minutes 15:00 Approx 20 people crossed the barriers and walked on Ai Weiwei Sunflowers. After 1 minute they all left the work 15:00 until 16:15 the group gathered on the River landscape, sang songs and handed out leaflets	
20.04.11	Climate Rush UK - Oil in a Teapot Picnic Protest at Tate Britain	Protestors plan to have a picnic on the steps of Tate Britain on the 20 April	
20.04.11	Liberate Tate Protest at Tate Britain	Liberate Tate stage protest inside Tate Britain on the anniversary of the spill in the Gulf of Mexico. 2 protesters poured an oil like substance over a naked man on the floor of the Duveens gallery. Gallery staff screened off gallery to clean up the substance. Limited disruption to the gallery was caused.	
20.04.11	A letter with 166 art world signatures was published in the Guardian urging Tate to end its sponsorship relationship with BP.	A letter with 166 art world signatures was published in the Guardian urging Tate to end its sponsorship relationship with BP. Signatures included: Naomi Klein - writer, John Keane -artist, Lucy R. Lippard - writer, Charles Thomas - artists and co-founder The Stuckists, Billy Childish - artist, Matthew Herbert - sound artist and composer, Rebecca Solnit - writer and activist. S36(2)(b) The letter was believed to have been instigated by Rising Tide	
20.04.11	S40 ██████████ to Nicholas Serota, cc'd Rising Tide	Wrote email to Nicholas Serota and cc'd Rising Tide, Subject 'Art not Oil' asking for Tate to stop allowing BP to be a sponsor, stating 'By forging and maintaining links with a corporation such as BP, Tate is dirtying its own name with its implicit consent to such actions. Every pound of dirty oil money accepted by Tate helps legitimise a long legacy of environmental destruction and human rights abuses. You are helping BP to buy public acceptance at a time when we need to have our eyes wide open to climate change and other problems the company is causing.'	S40 ██████████ replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
20.04.11	S40 ██████████ to Nicholas Serota	Wrote email to Nicholas Serota, calling for the end of BP sponsorship of Tate, stating 'BP has been on a PR offensive to reclaim its image, through its relationship with galleries such as Tate... Tate is dirtying its own name with its implicit consent to such actions'	S40 ██████████ replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
20.04.11	S40 ██████████ member of Tate to Nicholas Serota, cc'ed	Wrote email to Nicholas Serota, 'As a member of the Tate, I am writing to add my voice to calls from across the UK for respected institutions such as yours to take a stand against the unethical practices of BP, by ending your sponsorship agreements with the	S40 ██████████ replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota

	Rising Tide	company.'	
20.04.11	S40 [REDACTED] to Nicholas Serota	S40 Wrote email to Nicholas Serota, 'I am writing to add my voice to calls [REDACTED] for respected institutions such as yours to take a stand against the unethical practices of BP, by ending your sponsorship agreements with the company.'	S40 [REDACTED] replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
20.04.11	S40 [REDACTED] to Nicholas Serota, cc'ed Rising Tide	S40 Wrote email to Nicholas Serota calling for end of BP Sponsorship with similar wording to emails sent by [REDACTED] and [REDACTED].	S40 [REDACTED] replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
20.04.11	S40 [REDACTED] to Nicholas Serota	S40 Wrote email to Nicholas Serota calling for end of BP Sponsorship with similar wording to emails sent by [REDACTED].	S40 [REDACTED] replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
06.05.11	S40 [REDACTED] to Nicholas Serota, subject: info@risingtide.org.uk	'I recently visited the Tate Modern and am more than irritated that companies like BP and Unilever sponsor your work and exhibitions. I am sure there are other ways to financing art. I am very concerned about these developments and hereby take part in the following action against BP sponsoring your institution'	S40 [REDACTED] replied 21.04.11 with the Tate Statement on behalf of Nicholas Serota
05.05.11	Tate Website was Hacked	Attempted breach of Tate Website by group Anonymous, Tweeted by Rising Tide and emails were sent to Tate. 'Tate website hacked by Anonymous & down for a few hours to get the museum to stop taking #BP oil money. BP out of Tate!' – Twitter http://twitter.com/#!/robwreeves/statuses/66094335262855168	An internal notice was made on TateNet notifying Tate Staff, because the incident was small, a public statement was not made.

3.6 UK Press reaction to BP protests

S36(2)(b), S38(1), S43(2) The protests against BP's sponsorship of the arts were accompanied by a campaign across activist websites, including those run by *Rising Tide*. [REDACTED] 48 [REDACTED]. The protests themselves received wider coverage in national broadsheets focused on the 20 April 2011, the day of the in-gallery protest and anniversary of the Gulf of Mexico spill. The articles were generally neutral in tone, with two significant pieces in the *Independent* and on Channel 4 in support of BP's sponsorship of the arts. The below table indicates the press received since the previous Ethics Committee meeting and highlights those articles in support of BP.

11.03.11	Liberate Tate	Call For Proposals For A Sound Artwork In Response To BP's Sponsorship Of Tate - works will be exhibited late June 2011
11.03.11	Facing The Gulf Portraits of Oil Blog	"BP Facing The Gulf Portraits Of Oil" Community Arts Project. Community arts project which aims to document the experience of empowering Gulf Coast residents to paint portraits of the Gulf Coast to enter into the BP Portrait Award at the National Portrait Gallery in London
01.03.11	Liberate Tate	Deadline Reminder Alternative Tate Audio Guide Dispatches 'BP: In Deep Water'
30.03.11	Rising Tide UK	Flash Mob Protest Information - BP And Culture - Time To Break It Off; A Week Of Action To Kick BP Out Of Our Cultural Spaces
01.04.11	Rising Tide UK	BP And Culture - Time To Break It Off; A Week Of Action To Kick BP Out Of Our Cultural Spaces (April 14 - 20, 2011)
07.04.11	Rising Tide UK	"The Great BP-Sponsored Sleep-In" Flash Mob at Tate Modern (April 17, 2011)
12.04.11	I (The paper for today)	Activists to State sit in at Tate Mdoern over BP Sponsorship by Sarah Morrison
14.04.11	Guardian.co.uk	BP's PR campaign fails to clean up reputation after Gulf oil spill Critics remain unconvinced by oil giant's efforts ahead of annual general meeting and one-year anniversary
17.04.11	Press TV	BP-London gallery link faces protest Hundreds of Britons, who are angry at BP causing oil spill in Gulf of Mexico, are to hold a protest at the London gallery's link with the oil giant.
17.04.11	Demotix	Protest at Tate Modern Against BP Sponsorship A week of action against BP's sponsorship of cultural spaces continues with a protest at Tate Modern gallery, London, UK
17.04.11	London SE1 Community Website	'Art not Oil' anti-BP flashmob protest in Tate Modern Turbine Hall Anti-BP campaigners marked the first anniversary of the Gulf of Mexico oil spill with a 'sleepover' flashmob at Tate Modern on Sunday in protest at the gallery's links with the oil giant.
18.04.11	Metro Scotland	Slick Campaign: An environmental activist takes part in a flash mob 'sleepover' protest against BP's sponsorship of the Tate Modern in London
18.04.11	Morning Star	Now That's Art: Flashmob Hits the Tate by Will Stone Over 150 demonstrators descend on the Tate Modern to protest against BP sponsorship
19.04.11	YouTube	The Great BP – Sponsored Tate Modern Sleep In http://www.youtube.com/watch?v=2lzYry0cBtg
19.04.11	The Edmonton Sun	BP oil spill, one year later including Images of Protest at Tate
20.04.11	The Guardian	Letters and emails: Tate should end its relationship with BP - with artist signatures A letter with 169 signatories has been printed in The Guardian, calling for Tate to end its relationship with BP.

20.04.11	Evening Standard	Protesters fuel debate over BP arts funding by Benedict Moore-Bridger
20.04.11	The Daily Telegraph	Artists protest over BP's Tate donations by Rowena Mason
20.04.11	Metro	Coverage of Protest at Tate Britain -Photo with blurb
20.04.11	i(The paper for today)	A Slick Protest at Tate Britain, Coverage of Protest at Tate Britain - Photo with blurb
20.04.11	Spoonfed	Tate urged to end relationship with BP by Spoonfed Arts Team
20.04.11	NewsOK	Liberate Tate demo by Amy Scaife, Article about Protests by Liberate Tate
20.04.11	Press Association	Oily protest against BP at gallery, Article about Protests at Tate
20.04.11	Channel 4 News	Art and Business: An unhappy marriage? by Matthew Cain Coverage of Protest at Tate Britain including video and photos written with a positive tone of arts funding from BP
20.04.11	Evening Standard	Protesters fuel debate over BP arts funding by Benedict Moore-Bridger Coverage of Protest at Tate Britain including video and photos
20.04.11	Bloomberg	Anit-BP Activists Stage Nude Lie-In, Pour Oil at Tate Britain by Farah Nayeri Coverage of Protest at Tate Britain including photos
22.04.11	Greenmuze.com	Oily Tate Britain Protest by Greenmuze Staff Coverage of Protest at Tate Britain including photos
22.04.11	Consumerist.com	Art Activists Cover Naked Body In Oil In Tate Museum to Protest Censorship And BP Sponsorship by Ben Popken Coverage of Protest at Tate Britain including photos
22.04.11	Psfk.com	Artists Challenge BP - Gallery Relationship by Claudia Cukrov Coverage of Protest at Tate Britain including photos
25.04.11	TheIndependent.co.uk	It's oil that fuels our museums by Tiffany Jenkins Editorial in response to BP protests, supporting BP's sponsorship and involvement in the arts
28.04.11	Art Threat	Liberate Tate Urges Dialogue over public/private funding by Amanda McCuaig Coverage of Protest at Tate Britain including photos

S38(1), S43(2)

3.7 Update on US criminal charges against BP

4.9

Since the Gulf of Mexico disaster there have been numerous articles debating if a criminal case could be made against those involved in the spill. BP's corporate website states that "Several external investigations into the Gulf of Mexico oil spill are underway, including those by:

- the Deepwater Horizon Joint Investigation, a combined effort of the US Coast Guard Marine Board of Inquiry and the US Department of Interior, Bureau of Offshore Energy Management Regulation and Enforcement
- the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, also known as the Presidential Commission
- the National Academy of Engineering
- the US Chemical Safety Board
- the US Congress
- the US Department of Justice and
- the US Securities and Exchange Commission
- the US Coast Guard

The US Department of Justice announced on 15 December 2010 that it "has filed a civil lawsuit against nine defendants in the matter of the Deepwater Horizon Oil Spill. The lawsuit asks the court for civil penalties under the Clean Water Act and to declare eight of the defendants liable

without limitation under the Oil Pollution Act for all removal costs and damages caused by the oil spill, including damages to natural resources.”

BP was one of the eight defendants. Furthermore the following appears on the Department of Justice website:

“In response to the effects of the 2010 Deepwater Horizon explosion, fire, and oil spill in the Gulf of Mexico, the U.S. Government has committed to holding all responsible parties accountable for all cleanup costs and other damage. Federal officials have identified BP as one of the responsible parties, and BP has begun to receive and process applications for claims stemming from the effects of the oil spill. As of August 23 [2010], an independent claims facility, the Gulf Coast Claims Facility, has begun the task of processing claims and disbursing payments from the \$20 billion fund that BP has established for that purpose.”

There is no mention of a criminal case against BP or the other companies involved. There have however been speculative press articles that say criminal prosecution is inevitable and some that suggest the Department of Justice is investigating individual BP managers who worked both on the rig and onshore for personal culpability. Commentators have however said that prosecution of individuals is extremely unlikely.

S38(1), S43(2)

3.8 Update on BP commercial concerns

4.10

BP are still pursuing a deal with Russian oil company Rosneft, despite the blocks to this by TNK-BP, BP's existing Russian business concern. In June BP CEO Bob Dudley said that the £9.8bn share tie-up with Rosneft was only "one of dozens" of opportunities available in the far north. He stated BP was well ahead with new exploration deals in Brazil, Britain and Australia as well as increasing output from new operations in Iraq and was preparing to drill again in the Gulf of Mexico.

The Canadian Oil Sands project – Sunrise Steam Assisted Gravity Drainage project (“SAGD” or “Sunrise”), has not been publicly mentioned by BP since November 2010. Information on BP's corporate website still indicates that “BP is involved in three oil sands projects, all of which are located in the province of Alberta. Development of the Sunrise Energy Project, our joint venture with Husky Energy, is under way, with production expected to start in 2014. The other two proposed projects, Pike and Terre de Grace, are being appraised for development.”

4. Discussion

The argument for Tate retaining its financial partnership with BP is as follows:

- BP is a significant figure in British corporate life and Tate is a significant figure in British cultural life. BP's support currently enables Tate to further its charitable objectives.
- **S43(2), S41 applies to the figures in this bullet point** Renewal of the BP relationship particularly significant to Tate in light of the negative impact the economic downturn has had on corporate sponsorship. 4.11
- **S36(2)(b) applies to this and remaining bullet points below** Taking a moral stance on the ethics of the Oil and Gas sector remains outside of Tate's charitable objectives. 4.12

- S38(1), S43(2)



4.13

The argument against Tate retaining its financial partnership with BP is as follows:

- S38(1), S43(2) Environmental activism is on the rise. The oil and gas industry is appearing as the recipient of public scrutiny, disapproval and negativity, in the same way as the tobacco industry was in the 1990's.
- Tate has taken a public stance on sustainability and is arguably the cultural institution most in the public eye in the UK. In light of this the reputational risk to Tate of retaining BP as a partner is significant.
- It is possible that the outcome of any investigation by the Department of Justice or criminal prosecutions brought as a result of the Gulf of Mexico disaster will spark further protests against BP's relationship with Tate.

4.14

The Executive view is that currently the benefits of BP's support for Tate far outweigh any quantifiable risk to our reputation.

5. Conclusion

The Committee is asked to approve the recommendation to renew Tate's relationship with BP. The deliberations and decision of the Ethics Committee on this issue may be used in responding to external requests for information, to demonstrate scrutiny of the sponsorship relationship.

Written by: S40 [redacted], Deputy Head of Corporate Sponsorship
Sponsored by: Alex Beard, Deputy Director