

## The art of practising art law

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### Protecting cultural heritage and tracking stolen pieces all in a day's work

Written by Julius Melnitzer

Tuesday, 04 July 2006

When Bonnie Czegledi was a teenager, she wanted to be an artist. But her parents, fearful that there was no living in it, would not allow her to paint. She painted anyway, hiding her work under her bed, away from the prying eyes of her mother and father.



Bonnie Czegledi says, 'It is imperative that those entrusted with the responsibility to create laws to protect our cultural heritage attach some degree of shame to the illicit export of our own property as well as the looting of U.S. sites.'

Never did she imagine that her adult world would also be a shadowy one. For in a tour de force of life planning, she not only fulfilled her parents' wishes by becoming a lawyer, she managed to live her own dream by becoming a cultural heritage lawyer? a rare breed indeed.

"The art world has traditionally been a very secretive one," Czegledi says. "Apart from the drug trade, the black market in art is the largest illicit trade in the world. It's a haven for both money laundering and terrorism."

The illicit trade, worth \$6 billion annually, has become known as "The Greatest Show You've Never Seen."

Interpol's most wanted list of stolen art includes a Da Vinci valued at \$65 million and a Renoir valued at \$300,000. And the Art Loss Register in New York, which helps purchasers identify stolen works, lists 160,000 misappropriated items.

All the while, Czegledi remains an artist herself, practising both her craft and her profession from an art gallery cum law office in Toronto's tony Yorkville district. On the legal side, she spends a great deal of her time dealing with art theft and tracking down the rightful owners of

artworks lost to the Nazis during the second World War.

"I get a lot of referrals from other lawyers whose clients need legal advice about their collections," she says.

At times, it's difficult to distinguish whether Czegledi's services fall on the legal or artistic side of her abilities.

"But it's no different from a business-law lawyer who employs both her business skills and her knowledge of the law in advising the client," she says. "It's the package the client is looking for."

The package embraces a practice that includes provenance research, recovery of stolen art, trade law compliance for art and antiquities, taxation of art, relationships between artist and dealer, representation of galleries and museums, sales and gifting of collections and works, estate work for artists and collectors, and due diligence investigation for art purchasers.

Preservation of intangible and tangible indigenous cultures and heritage sites is also an important aspect of this field, which involves extensive knowledge of international law. For example, Canada is a signatory to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, 1970. The enabling domestic legislation is The Cultural Property Import-Export Act.

Czegledi is certainly on to something. Allegations that Iraqi museums and archeological sites in Afghanistan were looted and treasures destroyed without intervention from coalition forces has attracted the attention of international media to the realities of art theft.

"People have come to realize how our cultural heritage is the tangible embodiment of human past," Czegledi says. "When it is destroyed by armed conflict or economic despair, humanity loses some of its common heritage, and that cost of that kind of loss is incalculable."

Canada, however, does almost nothing about art theft. Apart from two officers in Quebec, no Canadian jurisdiction has resources dedicated to combating it. Indeed, Canada is prominent on the Interpol list, which says stolen works by Chagall, Colville, Mir?, Rubens, and Warhol are located in this country.

Czegledi is particularly upset that Canada and the United States allowed the Bilateral Agreement Concerning the Imposition

of Import Restrictions on Certain Categories of Archeological and Ethnographical Material to lapse in April 2002. That agreement helped stem illicit trafficking of cultural property ? such as First Nations and Inuit materials ? by providing a mechanism for the return of artifacts that entered the U.S. illegally.

Czegledi believes that a new agreement should improve on the old one. The old treaty, for example, covered only material more than 250 years old, but the majority of items illegally traded are only 100 years old and older. She also believes the treaty should not be subject to renewal every five years and that it should be reciprocal.

"By establishing a new, improved treaty, Canadians and Americans could set a powerful example for legislative responsibility in protecting the heritage of nations," Czegledi says.

Aggravating the art theft problem is a general lack of public awareness.

"It is imperative that those entrusted with the responsibility to create laws to protect our cultural heritage attach some degree of shame to the illicit export of our own property as well as the looting of U.S. sites," says Czegledi.

Czegledi is certainly doing her part. Apart from lobbying for a new agreement with the U.S., she is a prolific writer and lecturer on the subject of art law and art theft.

"Attitudes to illegal trade in cultural property are analogous to such social woes as domestic violence and drunk driving," she says. "It is the lack of public awareness or concern that contributes to its existence."