

## ROMANIA

### Hope for Roşia Montana?

For many years ICOMOS has protested time and again against the plans of the Roşia Montana Gold Corporation (RMGC) (see *Heritage at Risk 2002/2003*, pp. 175/176 and *Heritage at Risk 2004/2005*, pp. 201-203). The project, which in spite of worldwide protests has been pushed on, is threatening the Roman and medieval mines and the small mining town in a scenic cultural landscape. A huge artificial lake filled with cyanides would endanger the entire region. After a visit to Roşia Montana, the President of ICOMOS once more spoke out against the project of the RMGC in a letter of 15 June 2007 to Călin Popescu-Tăriceanu, Prime Minister of Romania, also forwarded to representatives of the European Union:

*Dear Prime Minister,*

*It was a great pleasure for me to visit Romania recently, particularly the well restored city of Sibiu, the 2007 European Capital of Culture, and Sighisoara, an outstanding World Heritage Site. I also visited Roşia Montana, the ancient Alburnus Maior, where a gigantic mining project is in its preparation phase. Through my contacts with Romanian specialists, I heard again about the plans of the Roşia Montana Gold Corporation which are threatening to destroy the environmental, historical, archaeological and architectural values of the site, one of the oldest and most valuable mining ensembles in Europe and around the world.*

*As you probably know ICOMOS (the International Council on Monuments and Sites), the organization I have the honor to preside, has already officially raised its concerns about the preservation of the natural and cultural assets of the Roşia Montana area several times: two resolutions at its General Assemblies in Madrid 2002 and Victoria Falls 2003 emphasized the responsibility of the decision makers with regards to this dangerous situation and an ICOMOS congress in Pecs in 2005 reiterated our organization's concerns about this matter and called upon all relevant authorities to take further steps in order to save both the cultural and the natural heritage in Roşia Montana: "ICOMOS rejects the project of the new gold mine of Roşia Montana. This dangerous technology threatens the natural heritage of the site and the fauna and flora of the rivers Maros and Tisza, as well as the cultural heritage of the old mines used from Prehistoric through Roman and Middle Ages, endangers equipment of the old mining technology as well as 18th-century architectural heritage of the small mining town. ICOMOS demands to stop the project immediately. "*

*At the same time, specialists worldwide as well as prestigious scientific bodies such as the Romanian Academy have emphasized the risks the mining development would inflict. Apparently the damages to the natural and man-made heritage would be irreversible. In this light, we would be very interested to learn about the current status of the mining project, in particular the prospects of it receiving or not the required government approvals and permits. On the other hand, ICOMOS would gladly support any initiative for the preservation and enhancement of the historic monuments and sites of the area.*

*As the natural and the cultural heritage of Roşia Montana constitute a common asset of the Romanian as well as European citizens, we consider that the responsibility for their care and preservation are subject to both Romanian and European authorities. This is*



One house after the other is bought by the Roşia Montana Gold Corporation (Photo: M.Pz.)

*even more relevant since 1 January 2007 when Romania became a member of the European Union.*

*Under these circumstances, I can therefore only hope that you will be able to prevent the impending disaster in Roşia Montana.*

*Yours sincerely*

*Michael Petzet  
President of ICOMOS*

Shortly before this publication went to press we received the following press release on a decision by the Brasov Court of Appeal, which gives reason to hope that the fight against the disastrous project is not yet lost:

*Roşia Montana/Romania; 27 November 2007 – The Brasov Court of Appeal yesterday annulled archaeological discharge certificate No. 4/2004 issued by the Ministry of Culture and Cults in order for Roşia Montana Gold Corporation (RMGC) to exploit the so-called Carnic Massif. The court's decision is definitive and means that Carnic's unique Roman and pre-Roman mine galleries as well as the entire Massif remain protected. Yesterday's ruling rejected RMGC's request to intervene but admitted intervention requests formulated by several Romanian NGOs; including the Pro Europe League.*

*Roşia Montana Gold Corporation (RMGC) is 80% owned by Gabriel Resources (TSX:GBU), a small, under-resourced and inexperienced Canadian mining company which plans to uproot the people of Roşia Montana to realize Europe's largest open-cast gold mine. The remaining 20% are owned by Minvest, a state-owned mining company as well as three minor shareholders. Archaeologists and expert institutions from Romania and all over the world have repeatedly protested over the destruction of Roşia Montana's archaeological*

treasures that would be caused by RMGC's development.

According to the French mining archaeologists responsible for the excavations at Roşia Montana "in Carnic, antic mining networks (from Dacian times, identified as such for the first time, and from Roman times as well) remain of a striking coherence and in a remarkable state of conservation...." Carnic is protected under Romanian legislation (Law 5/2000) as cultural patrimony of national interest. However, in January 2004 Romania's Ministry for Culture and the Cults (MCC) issued archaeological discharge certificate Nr. 4 (DC No.4/2004), which effectively removed Carnic's protected status. The decision was provoked by RMGC's intention to exploit the massif's rich gold reserves.

In February 2004 Alburnus Maior initiated legal proceedings against MCC to prove that there exists no scientific and legal basis for discharge certificate No.4/2004. In a first ruling the Alba-Iulia Court of Appeal accepted on 21 June 2005 Alburnus Maior's case and annulled the discharge certificate. However, due to procedural technicalities Romania's Supreme Court accepted on 11<sup>th</sup> July 2006 RMGC's and MCC's appeal against the annulment, and sent the case for re-trial to the Brasov Court of Appeal.

During the debates that led to yesterday's ruling, Alburnus Maior<sup>1</sup> and the Pro Europe League<sup>2</sup> successfully proved, amongst other: a) that the Carnic Massif hosts archaeological vestiges protected as a monument of national interest and b) that the Romanian State has the obligation to employ administrative, technical and legal measures to protect this patrimony. Evidence submitted showed that the existence of archaeological vestiges is incompatible with open cast mining. During the case the NGO's also showed that in 2003 when a French archaeological team researched the massif they recommended that Carnic's archaeological vestiges should be restored and that their conclusions had been intentionally distorted by the Director of Romania's National History Museum, who turned them into a recommendation for discharge. Last but not least, when DC

No. 4/2004 was issued, the research of the area was far from being finalized and, according to Romania's mining law, MCC is not the competent authority to allow mining activities to take place on archeologically protected areas. Better still, an expert topographical assessment ordered by the court proved that the stereographical coordinates contained within the administrative act under discussion in fact corresponded to a territory in the county of Buzau, some 460 km away from Roşia Montana!

Yesterday's victory is the result of a legal process which lasted for almost four years and included numerous testimonies by archaeologists and expert institutions such as the Romanian Academy. According to Andreea Szabo, Alburnus Maior's lawyer, "This precedent setting case which has already paved the way for additional court victories reconfirms the authenticity of the arguments advanced by Alburnus Maior as well as the Alba-Iulia Court of Appeal and sanctions a certain attitude from the part of the Romanian authorities."

"Laws on the protection of our cultural patrimony are vital, and yesterday's ruling shows that they must take precedence over short-term economic interests. It's unfortunate that civil society groups have to resort to taking the Government to court in order to stop it giving the country's patrimony away to foreign mining companies. We are happy that this ruling shows that it is possible for citizens to hold the Government to account. This is a major set-back for Gabriel and the only thing they can do now is to yet again spend more of their investor's money by trying to challenge the decision", says Dumitru Dobrev, Pro Europe League's lawyer.

<sup>1</sup> The full written conclusions submitted by Alburnus Maior can be accessed on [http://www.rosiamontana.ro/brasov/concluzii\\_scrise\\_AM\\_19noi.doc](http://www.rosiamontana.ro/brasov/concluzii_scrise_AM_19noi.doc)

<sup>2</sup> The full written conclusions submitted by Pro Europe League can be accessed on [http://www.rosiamontana.ro/brasov/Concluzii\\_CA\\_Bv\\_LPA.doc](http://www.rosiamontana.ro/brasov/Concluzii_CA_Bv_LPA.doc)



View of Roşia Montana with three churches (Photo: M.Pz.)



Dilapidated façade in the centre of Roşia Montana (Photo: M.Pz.)



Farmhouse in Roşia Montana with entrances to medieval mines in the background (Photo: M.Pz.)



View of the valley that would be replaced by a cyanide reservoir (Photo: M.Pz.)