

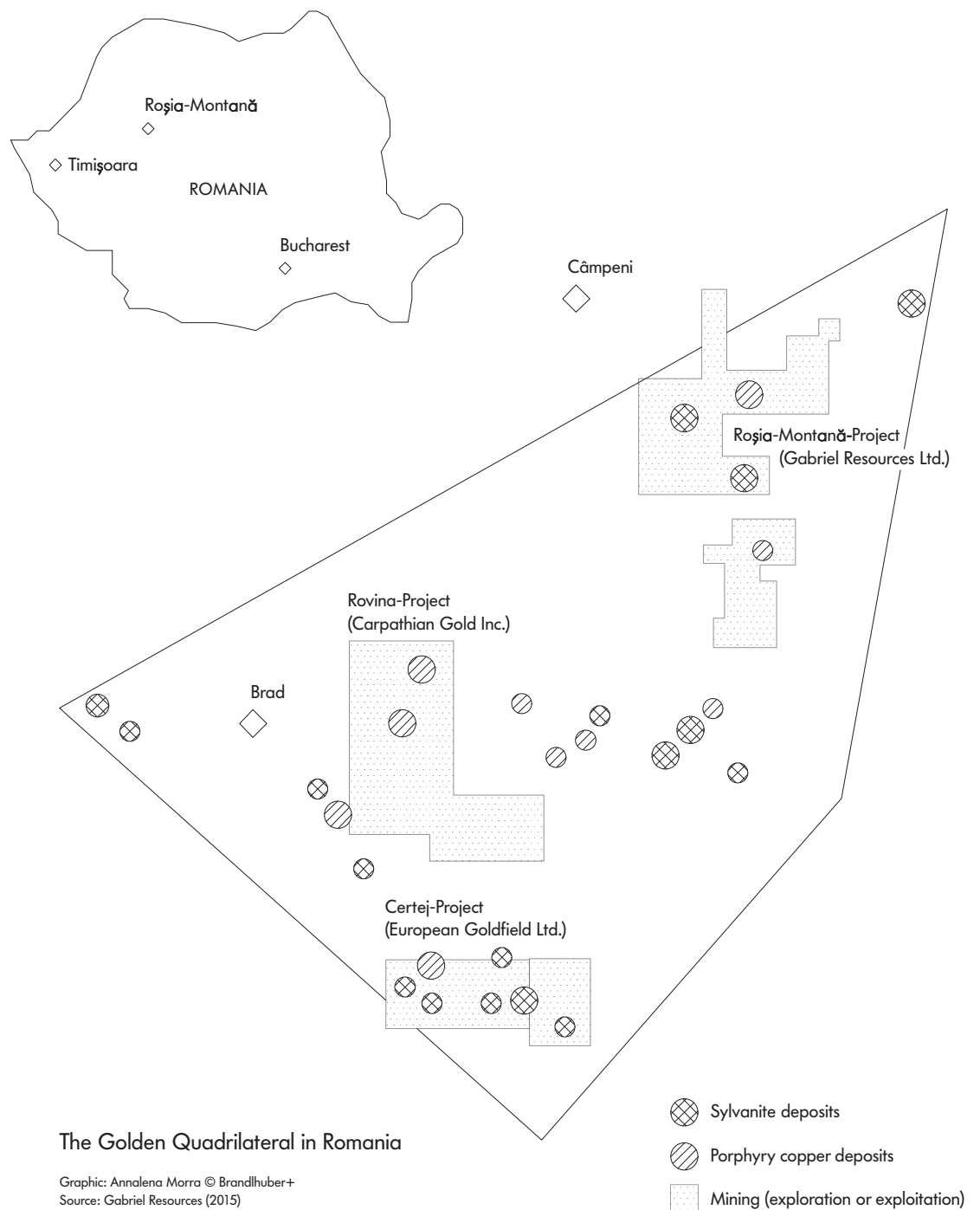
LAND GRABBING IN RURAL ROMANIA

Oana Bogdan



Billboard with „Save Roșia Montană” graffiti in Brussels.
The slogan became known internationally during the protests
in Romania. © Oana Bogdan

It is the beginning of 2017 and I am preparing to go live on Belgian TV to talk about the anti-corruption and pro-justice #rezist movement in Romania. It is my fourth invitation to appear on radio and TV following the attention that Belgian newspapers gave to my career shift into politics. On July 19, 2016, I was a 39-year-old architect, born in Romania and living in Belgium, who unexpectedly became Secretary of State in charge of cultural heritage at the Ministry of Culture for the temporary (one-year) technocratic Cioloș Government in Romania.



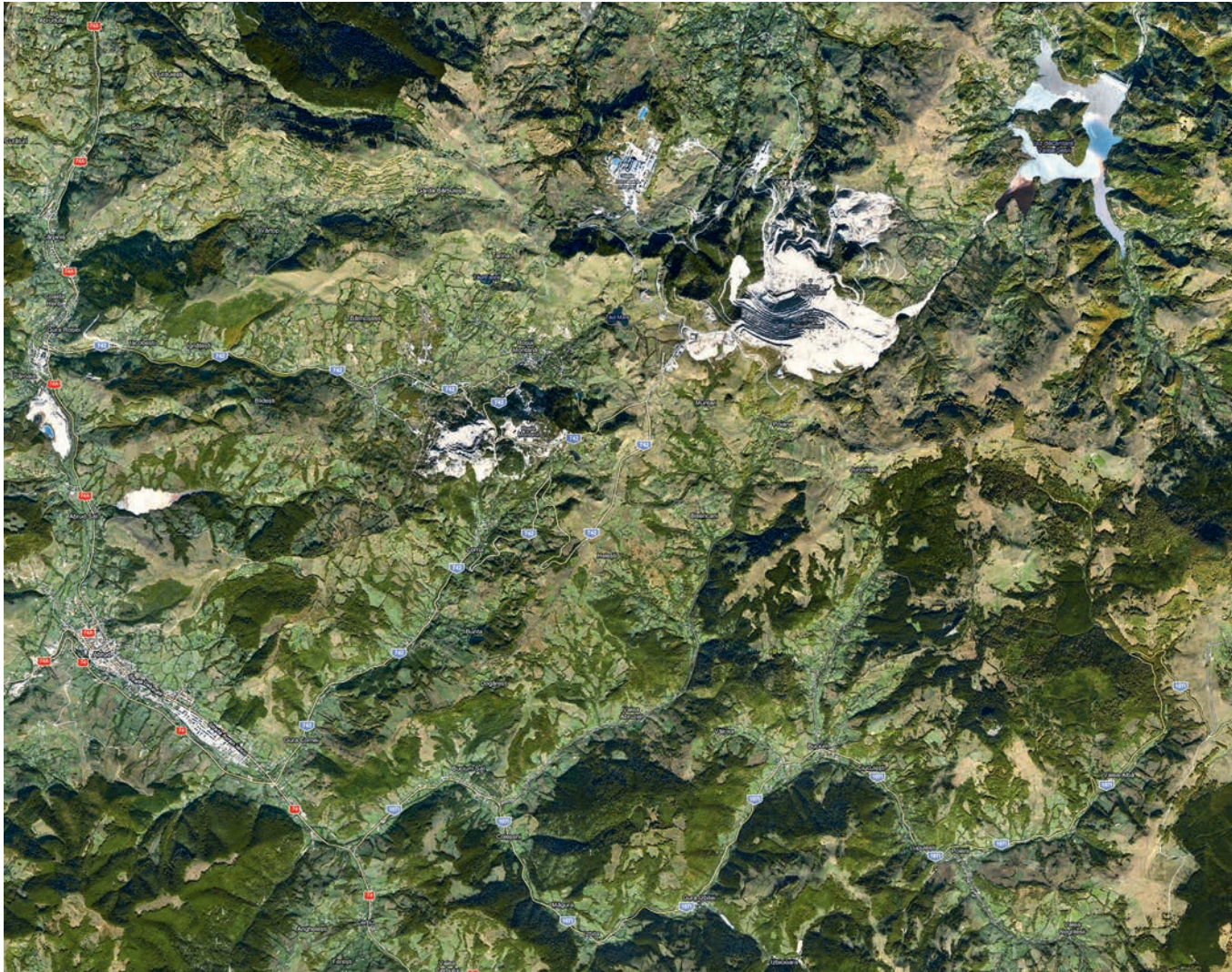
The Romanian civic movement #rezist is about both demanding higher governance standards and defending the independence of the judiciary. It is not a revolution, but part of a phenomenon that began years ago and culminated in 2013, when Romanian citizen mobilization challenged corrupt political-economic interests and undid a toxic gold mining project at Roșia Montană.

One morning in 2013, on my way to work in Brussels, I saw “Save Roșia Montană” spray-painted on a billboard. Since the Bronze Age, Roșia Montană has been the most active gold mining center in the so-called Auriferous Quadrilateral of the Apuseni Mountains, the western section of Romania’s Carpathians. All throughout Antiquity right up until modern times, families and small groups have mined there. In 1948, Communist nationalization led to industrial state-run mining, which ended at the beginning of the twenty-first century. Roșia Montană is therefore, one of the longest-lived traditional mining centers known today.

In 1995, the Canada-based company Gabriel Resources won a fake public tender to build the biggest open-pit gold mine in Europe. They planned to use cyanide extraction, an irreversible undertaking,

that would result in the destruction of four mountain peaks and several villages, including Roșia Montană. The mine was supposed to operate for 16 years, but the highly toxic cyanide-waste lake created in its wake would remain for generations to come, not to mention the danger of spills.

Although the corporation did not have full authorization to begin construction, Roșia Montană Gold Corporation, a company owned by Gabriel Resources and the Romanian state, started not only to buy land and houses in Roșia Montană to develop the mining project, but also houses and land beyond the exploitation area, with the aim of dissolving the community. However, more than 100 villagers whose homes were on the envisaged perimeter of the mine refused to leave at any price and created an NGO to fight for their rights. Supported by environmentalists, architects, and lawyers, the villagers’ NGO began battling the corporation and state authorities in the courts. Roșia Montană supporters used advocacy, legal actions, small protests, and petition-writing to promote an alternative future for Roșia Montană involving cultural tourism and biological farming.



Aerial view of Roșia Montană (left) and the Roșia Poieni copper mine (right). © 2010 Google / Digital Globe

In 2011 and 2013, the Romanian authorities proposed drafts for a new mining law, which would give private companies extraordinary powers regardless of national legislation, court rulings or public participation requirements, including the right to conduct expropriations, thus serving Gabriel Resources' interests. Given the long history of state expropriation during the communist era, this was too much for the older generation. Many young people were also concerned about the power private firms were being granted in Romania. So they took to the streets in Occupy-style protests in 2011 under the slogan "Save Roșia Montană." The 2013 U-turn of the Romanian authorities compounded the outrage and the protestors declared themselves against the project before the elections. Roșia Montană became a buzzword in the national news and even made international headlines.

That was the moment, in 2013, that I saw "Save Roșia Montană" spray-painted on a billboard in Brussels. It was the moment I realized that the protests had gathered so much support and mobilized so many people from so many countries because history is filled with

examples of land grabbing undertaken by greedy corporations and corrupt governments that have destroyed communities and ancestral human ties with the natural landscape. Under pressure from the local community and global environmentalists, the government at the time eventually blocked the mine. It took over a decade of intense grassroots organizing, and some of the biggest demonstrations in Romania's post-communist history to kill the bill and prevent the project from going ahead and remarkably, it was ordinary people who were able to stop this massively lucrative mining project.

It was clear to me then that Romania was on the verge of something big: the birth of Romanian Civil Society, of civic spirit, of connection to democratic values, of the conscience of a nation. For many younger generations who did not witness the revolution in 1989, the true Romanian revolution has come to be equated with Roșia Montană. This was summarized well by Mihai Mardarev, a 28-year-old architect and participant in the "Save Roșia Montană" movement: "After taking part in the protests and discussing the issues, the next normal step was to look for solutions that could bring change,

therefore many young people started to meet in groups to discuss civic involvement. I can say that a real civic sense in my generation was born with the protests against land grabbing in Roșia Montană. The initiatives that started then have done for Romania more than others did in the first 24 years after the fall of communism. And they continue to involve more and more people to bring real change in Romania.”

Before 2013 I did not want to know more about Romania beyond what I had gathered as a tutor during several study trips with my Belgian students and as a member of several architecture award committees in Romania. I was one of those emigrants who had left the country to study abroad without looking back. But in 2015, the successful civic movement triggered me to follow the suggestion of Șerban Sturdza, a dissident during Communism and one of the most respected Romanian architects and activists today, who said: “You were born in Sighișoara, an amazing UNESCO site with so many problems. You owe something to your birth town.” So, in parallel with my activity as an architect in Belgium, I helped to find a Chief Architect for Sighișoara and started to work on the creation of an NGO—Sighișoara 2029—which would bring a positive perspective for my own (and Dracula’s) home town in Transylvania.

In 2016, I accepted an invitation to join the technocratic, highly professional, temporary Cioloș Government. By becoming Secretary of State in charge of cultural heritage at the Ministry of Culture, I had to step out of the Sighișoara 2029 NGO and focus, among other things, on the submission of the Roșia Montană Mining Cultural Landscape for UNESCO’s World Heritage List.

During my mandate as Secretary of State in 2016, Roșia Montană was in the news again, this time due to a damages claim against Romania filed by Gabriel Resources, which took the fight to the World Bank’s international arbitration tribunal to seek a reported \$4.4 billion in compensation (which equates to two percent of Romania’s GDP) for the halted goldmine project in Roșia Montană. The Gabriel Resources vs. Romania case is a perfect example of what life is like for communities when corporations can sue countries: “Corporations are attempting to achieve by stealth—through secretly negotiated trade agreements—what they could not attain in an open political process.”¹

The \$1.5 billion project to build Europe’s largest gold mine created a lot of pressure from mining industry lobby groups against the UNESCO label as well as protests and petitions from civic society, who were in favor. At the same time there was an announcement by Minister for Culture Corina Șuteu to submit the application for admission onto UNESCO’s World Heritage List. The inclusion of the Roșia Montană Mining Cultural Landscape on the UNESCO List would have committed the state to value the site with the help of a management plan, which would open up the area for funding, job creation and the development of a sustainable economy. Eventually, towards the end of Corina Șuteu’s term, the Ministry of Culture did submit the file to UNESCO for evaluation in order to be included on the World Heritage List. This decision was a big achievement of civil society.

When the term ended, I participated in the Platforma Romania 100, an NGO founded by former members of the technocratic Cioloș Government—including myself—in order to continue the projects started under this government. At the end of August 2017, for exam-

ple, we campaigned once again against the Prime Minister’s threat to withdraw the Roșia Montană Mining Cultural Landscape file from the UNESCO World Heritage List.

The file was not withdrawn. However, on October 12, 2017, the Ministry of Economy brought a new mining law into public debate, which would resume the provisions of the mining laws from 2011 and 2013, this time extending them to the whole mining industry. Should this new law be adopted, the approval of gold mining projects such as Roșia Montană would be simplified thanks to an accelerated expropriation procedure, which would allow mining license holders to acquire ownership of land. So the story of land grabbing at Roșia Montană continues. Due to a lack of transparency in land acquisitions, it is very difficult to report precisely on the phenomenon of land grabbing in Romania, however, there are studies that show that large parts of the country’s arable land are under foreign control, with negative effects on both the workforce and the environment.

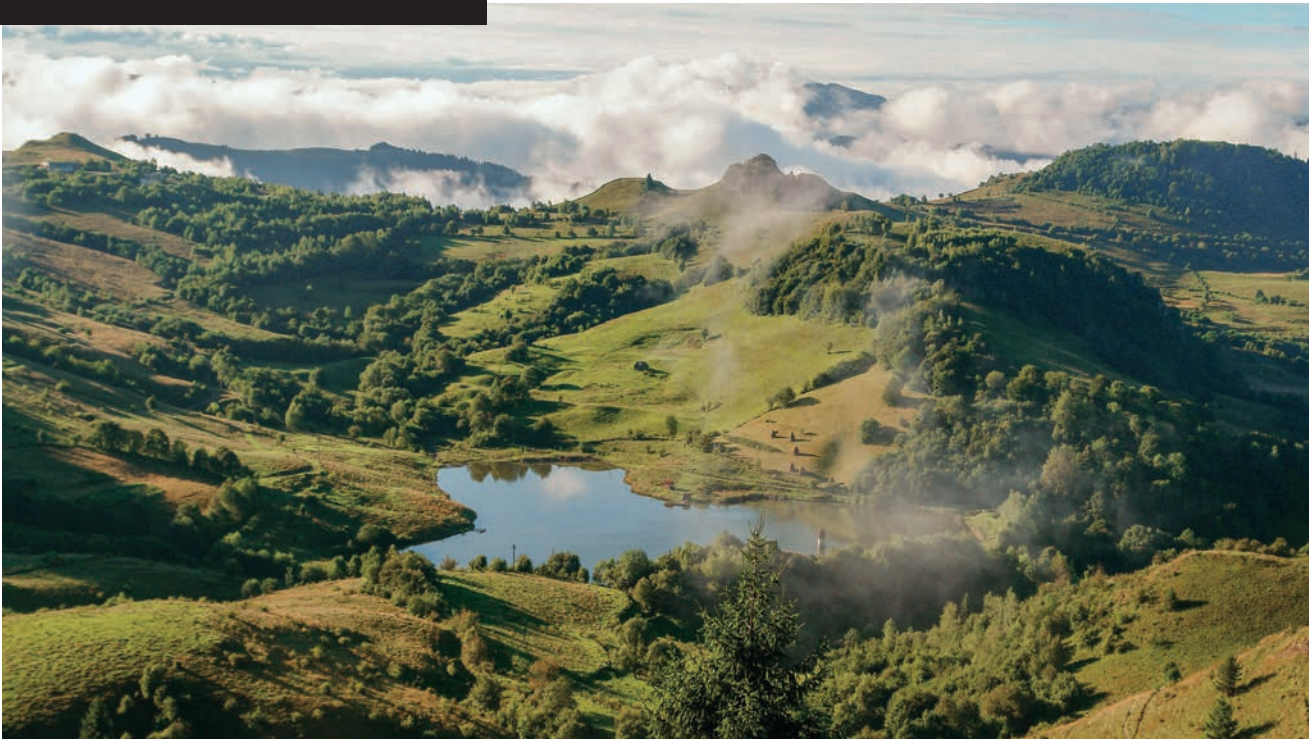
Roșia Montană is a symbol for defending the commons.

The example of Roșia Montană demonstrates, how communities could fight wild and ruthless globalization by claiming fundamental rights. The right to cultural heritage is just one of them. In fact, where there are no clear laws to prevent land grabbing, areas that have historical testimonies have a higher chance of being saved. The mining

project in Roșia Montană advanced even though the issue of land-ownership was not resolved and owners were not willing to sell their land. It could only be stopped because that land contains kilometers of ancient Roman mining works (galleries) and has been protected by the Romanian heritage law since 1992.

Roșia Montană is, in fact, a symbol for defending the commons. I believe it is high time that we redefine the idea of property altogether, and architects, as in this case, can be instrumental in the search for new ways to initiate a worldview change and aim for solidarity on a global level, born out of hope for a common future. For that reason, the next time I am on TV, I will launch a call for architects to engage with governance and politics.

¹ Joseph Stiglitz “Developing countries are right to resist restrictive trade agreements,” *The Guardian*, November 8, 2013, www.theguardian.com/business/2013/nov/08/trade-agreements-developing-countries-joseph-stiglitz (accessed February 2, 2018).



View from the Roșia Montană weather station in the Apuseni Mountains to the artificial lake Tăul Mare, which is part of the hydrotechnical system for the processing of gold ore. © Adrian Balteanu



A brief history of land grabbing in Romania

Land grabbing did not start with capitalism in Romania. After the personal union of 1859, when Moldavia and Wallachia became the United Principalities of Moldavia and Wallachia, the ruling prince Alexandru Ioan Cuza took one of the most courageous measures in Romania's modern history by secularizing the fortunes of the church and monasteries. This agrarian reform continued after 1918, when many men who fought in the war were given plots of land—until the communists

came to power and expropriated and nationalized it. Given the rather short duration of land-ownership, much of the Romanian population had not had the time to get used to property rights and their possible benefits. During the Communist regime, the state exercised the most extreme form of land grabbing, which resulted in the violation of many fundamental human rights. From 1949-1962, the Romanian Communist Party carried out the process of collectivization, which involved the confiscation of almost all private agricultural properties in the country and merging them into state-run agricultural farms. After a chaotic beginning, the collectivization process stagnated between 1953 and 1956, then resumed aggressively until General Secretary Gheorghe Gheorghiu-Dej announced the end of the collectivization programme in April 1962 (at this point, more than 90 percent of agricultural land has been collectivized). Many peasants, both poor and wealthier, opposed the process, which led to violent repressions, murders, deportations, imprisonments, and confiscations of the fortunes of those involved. In the mountains, however, there were still many non-cooperative areas. The so-called socialist farming system gradually entered a crisis whose effects continued to be felt after the Communist regime was removed, even while efforts have been made to rebuild private property in agriculture. After the fall of Communism in Romania, in 1989, the Land Act of 1991, with the resulting issue of four million title deeds, mostly bearing the names of all the

heirs to an estate, brought about excessive fragmentation of farmland. This means that any sale and purchase transaction requires the consent of all owners. The reform also resulted in the emergence of over 15 million parcels of land, half of which are less than two hectares in size. So the current fragmented land structure has been shaped by Romania's history of continuing social and political changes: collectivization during the communist regime, liberalization in the 1990s and joining the European Union in 2007 (since January 1, 2014, the acquisition of land by foreigners has been allowed in Romania, as part of the negotiation deals for the accession to the EU). This has created a marked division between small-scale family farms on the one hand (it has the highest number of farms in any EU country, the majority under two hectares), and large-scale agro-industry on the other (250,000 hectares owned by a single foreign large corporation, for example). There are many different factors that make Romanian land so desirable: high soil quality, low prices and weak legislation that facilitates land acquisitions by foreigners. EU subsidies under the Common Agricultural Policy attract foreign investors as well, since direct payments are granted on a per-hectare basis, favoring large-scale farming. Foreign investors involved in land acquisitions are not just agribusiness companies, but also banking institutions and private pension funds seeking assets with which to diversify their investment portfolios since the financial crisis of 2008.



The copper mine Roșia Poieni eats its way through the mountains. Still from the documentary *Roșia Montană – Dorf am Abgrund* by Fabian Daub, 2012