

# ICOMOS

INTERNATIONAL COUNCIL ON MONUMENTS AND SITES  
CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES  
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS  
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

Our Ref. GB/AS/1552rev-Add.Inf\_1

Charenton-le-Pont, 6 February 2020

H. E. Mr Adrian Cioroianu  
Permanent Delegation of Romania to UNESCO  
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## World Heritage List 2020 – Additional Information **Roşia Montană Mining Landscape (Romania)**

Dear Ambassador,

ICOMOS is currently assessing the revised nomination of “Roşia Montană Mining Landscape” as a World Heritage site.

In order to help with our overall evaluation process, we would be grateful to receive further information to augment what has already been submitted in the revised Nomination Dossier.

Therefore, we would be pleased if the State Party could consider the following points and kindly provide additional information:

### **Large scale Mining**

In its first evaluation that was presented to the World Heritage Committee in 2018, ICOMOS recommended that the Roşia Montană Mining Landscape should be inscribed on the World Heritage list but also inscribed on the World Heritage list in Danger due to the threat to the property from the potential resumption of large-scale, industrial gold mining.

ICOMOS would welcome some clarity on the current position with regard to large-scale mining concessions in the nominated property and, in particular, on the following changes since the nomination was first submitted:

- Although extraction within the proposed property was halted by the Romanian courts in 2014, and the mining licence for Roşia Montană Gold Corporation (RMGC) expired in 2019, it is now reported in the Press that the mineral resources agency, ANRM, has granted an addendum to the RMGC concession license for gold exploitation for a further five years. If this is correct, could details be provided on the purpose of this extension and what implications it has for the court ruling and mining in the proposed nominated property?
- It is reported that early in 2018 the Romanian government proposed a draft new Mining Law which would make it easier to grant new permits for the Roşia Montană mine previously denied by national authorities or the courts through, amongst other things, proposing the elimination of approval of production mining licenses by the Government. Is this a correct interpretation of the proposed new law, which we appreciate has not yet been approved? And if so, what implications could there be for mining in the proposed nominated property?

### **Sustainable development and mining**

The draft Management plan that has been submitted with the supplementary information to support the referred back nomination includes details on possible sustainable development scenarios.

It is stated that while large-scale state supported mining is unlikely to be promoted, and as there are difficulties with both tourism only and no-mining only approaches, a preferred way forward could involve small-scale mining alongside tourism as a means of promoting local development that takes into account both

conservation and environmental obligations. It is also suggested that such a development scenario could support the UNESCO Policy for integrated sustainable development within the World Heritage Convention. We would welcome further details on where such small-scale mining might be being considered. Would this be within the proposed nominated property, within the proposed buffer zone, or in the wider setting? Would any proposed mining be on land owned by the State, or by RMGC, or by private owners? And would such mining be part of current concession licenses?

#### **Draft Management plan**

The Draft Management plan that has been submitted includes dates for setting up various aspects of the management structure. We would welcome clarification on whether these dates have been met or will be met. They are as follows:

- First common meetings with all the responsible authorities: 1<sup>st</sup> trimester 2018.
- The adoption of a protocol concluded between the local, county, central authorities and the local community, specifying the responsibilities of each party; And  
The adoption of an action plan comprising the actions, the responsible institutions, the obligations the deadlines for implementation and the allocated funds: Estimated term: 4<sup>th</sup> trimester 2018
- The Partnership will be helped by the National Institute of Heritage by creating a Technical support team. Also, consolidating its budget within financial aids from public and local authorities, grants and donations, admission fees is considered as priority action. Estimated term: 3<sup>rd</sup> trimester 2018
- The second step (2021) is to obtain the public utility recognition for the Partnership.  
Information and public consultation: first meeting: 3<sup>rd</sup> trimester 2018; continuous process till the RMMP approval.
- Approval process The finalisation of the RMMP, including the information and consultation process inputs and conclusions, will precede the approval phase: Estimated term: December 2018
- Endorsements of the other administrative bodies will be obtained, facilitated by their involvement in the decision process: Estimated term: 1<sup>st</sup> trimester 2019.

ICOMOS appreciates that the timeframe for providing this additional information is short. Brief responses are required at this stage, and can be discussed further with the State Party if needed during the ICOMOS World Heritage Panel process.

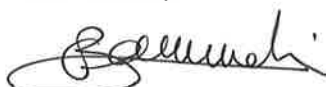
We look forward to your responses to these points, which will be of great help in our evaluation process.

We would be grateful if you could provide **ICOMOS** and **the UNESCO World Heritage Centre** with the above information by **Friday 21 February 2020 at the latest**.

Please note that the State Party shall submit two copies of the additional information to the UNESCO World Heritage Centre so that it can be formally registered as part of the Nomination Dossier.

We thank you in advance for your kind cooperation.

Yours faithfully,



Gwenaëlle Bourdin  
Director  
ICOMOS Evaluation Unit

Copy to           Ministry of Culture  
                          UNESCO World Heritage Centre

Roşia Montană

*Mining Landscape (Romania)*

Response to the

ICOMOS additional information request

GB/AS/1552rev-Add.Inf\_1

received on February the 6<sup>th</sup> 2020

February 2020

# 1. Large scale mining

## **a. purpose of the extension of the mining licence (2019) and potential implications on the court ruling and on mining in the proposed nominated property**

In its first request, ICOMOS refers to “changes [made] since the nomination was first submitted”. Please note that Romania’s decision to resubmit the file for consideration is not based on new circumstances, and, most notably the arbitration against Gabriel Resources is still pending. The referred back nomination contemplates a potential outcome of the arbitration proceedings, pursuant to which RMGC’s rights under the license would no longer be enforceable.

The request further refers to “extraction within the proposed property was halted by the Romanian courts in 2014”. Although there has been a significant number of court cases brought before the Romanian courts over the years in relation with various permits, urban certificates, archaeological discharge certificates, etc, which RMGC required to proceed with the Roşia Montana Mining Project, there was no court decision which halted the proposed project in 2014.

The 5-year extension of the mining licence in 2019 has been approved, at the demand of RMGC, in full accordance with the Mining Law which provides for an extension where the relevant conditions are met. Although RMGC has to date failed to meet all the requirements under Romanian law to obtain the environmental permit, there was no justification under Romanian law to refuse the requested extension of the mining licence.

The rights under a mining licence can only be exercised if the mining project complies with Romanian legislation in all concerned fields – heritage, environment, mining etc. This is a long and complex process.

## **b. draft Mining Law project (2018) and what implications could there be for mining in the proposed nominated property**

A draft project for the revision of the existing Mining Law was proposed in 2018 by the former Government and was soon afterwards dropped: it was not submitted to the Romanian Parliament nor was published for public consultation as required by Law in Romania. Therefore, there is no possible implication whatsoever for mining in the proposed nominated property.

## 2.

### **Sustainable development and mining**

#### **(i.e. potential small-scale mining alongside tourism)**

The draft Roşia Montană Management Plan (RMMP) considers – only as a hypothetical future scenario – small-scale mining that “may be taken into account for touristic/demonstrative purposes, as a development alternative, together with agriculture and forestry activities, local crafts and sustainable tourism”. Just like any other provision of the management plan, this one too is aiming at addressing the wider range of heritage layers of the property, by activating the intangible one - the invaluable local knowledge on mining and the local mining tradition. It is about heritage, and not about industrial mining that the management plan speaks. This idea might be considered for implementation, in connection with the mining museum, as a tourist product and heritage interpretation tool through antique gallery reconstruction, the use of modern galleries sections and/or through reproducing associated traditional mining processes (washing, stamping, smelting etc.) in connection with the hydro technical system and the mining and agro-pastoral landscape.

#### **a. location of potential small-scale mining (within the property, within the proposed buffer zone, or in the wider setting)**

For the time being, the provisions of the management plan in this respect are generic, intended to identify, subject to the outcome of the arbitration, potential future action, upon implementation. Therefore, no specific location was provisioned yet. If such a scenario will occur as feasible in the future, it will not be considered without a Heritage Impact Assessment and without being presented and discussed beforehand – under Article 172 of the Operational Guidelines – with the UNESCO World Heritage Centre and ICOMOS.

#### **b. ownership of the land on which such small-scale mining activities might be proposed**

The proposed OUV encompasses land owned by the State, by RMGC and by other private owners. Subject to further detailed consideration and the rights of any license holders, no mining – at any scale – will be allowed where it may pose any risk, whatsoever, to proposed OUV. There are however, many kilometres of modern mining tunnels and chambers (within the nominated property; but separated spatially, both horizontally and vertically) that are not part of proposed OUV and where small-scale mining (i.e. cultural heritage interpretation and activation) could contribute to: the re-employment of skilled former miners; the safety and conservation of underground Roman workings; the interpretation and development of the underground visitor experience; and lastly revenue

from recovered fine precious metals and from geological material to primarily service visitor and educational purposes. Any proposal will be subject to a Heritage Impact Assessment (HIA).

### **c. connection of such activities with the current concession licenses**

As previously stated, the references to small-scale mining are to be read as cultural heritage interpretation. Therefore, they have no connection to the current mining licence.

## **3. Draft Management Plan**

### **Clarifications on the proposed dates for various measures and activities in the draft management plan (2018 version)**

The submitted draft Roşia Montană Management Plan (RMMP) contains a calendar that has been scheduled according to the previous nomination procedure i.e. following the then potential inscription date of July 2018. At that time, in the event of a successful inscription and immediate placement on the List of World Heritage in-danger, such an event was anticipated to be a trigger for action – including international cooperation – and an accelerator of the proposed management mechanisms. All scheduled dates for the measures and activities of the RMMP mentioned in your letter were, therefore, succeeding the date of the potential inscription.

An updated version of the draft RMMP is currently being prepared and the respective calendar is being updated (2018 becomes 2020, 2019 becomes 2021 and so on) but also in accordance with various evolutions that were presented in the Progress Report on the measures required to ensure the protection and management of the potential OUV of the property, as identified by ICOMOS, submitted the 31<sup>st</sup> of January 2020. A synthetic list of these measures required to ensure the protection and management of the potential OUV of the property was announced publicly by the Minister of Culture the same day.

However, some of the steps outlined in the calendar could only be implemented in circumstances in which the rights under the mining license are no longer enforceable. The nomination procedure is pursued, as the arbitration is still pending, in order to allow Romania to increase the pool of potential funding for the conservation and enhancement of the cultural heritage of Roşia Montană (e.g. national and EU funding for cultural heritage) and to harness the potential of international assistance and cooperation that is opened by WH listing.

Recently, the continuous efforts of the civil society to preserve the heritage of the site brought a new result, that is the release of a “Guide for interventions in

Roșia Montană (architecture and traditional crafts)”<sup>1</sup>. Its public launch coincided with the occasion of the celebration of 1889 years since the first mention of Alburnus Maior, in a written document (a wax tablet) on the 6<sup>th</sup> of February 131 AD. Such documentation is instrumental for the architectural heritage protection and community involvement in Roșia Montană and will be integrated into the RMMP.

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<sup>1</sup> <https://www.adoptaocasa.ro/noutati/ghid-de-interventie>