

## Silence is Golden

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*A mine is a hole in the ground owned by a liar – Mark Twain*

In the financial heart of cities like Frankfurt, New York and Toronto you can sometimes see electronic symbols running across the sides of buildings or blinking on financial TV screens. They show the share price of company stock traded daily by the hour. Few know what they stand for and fewer still know what's behind them. Among them you can find GBU.TO<sup>1</sup>. It stands for a company called *Gabriel Resources*.<sup>2</sup>

This is about what's behind this stock symbol and company. It tells a story about a plan to develop Europe's largest open-cast gold/silver mine in and around Rosia Montana,<sup>3</sup> a small town in northern Romania. It tells about greed, destruction and cyanide. Mostly it tells about a bunch of remarkable locals, who came together to fight for a place they call home. Their spirit inspired an entire country to join their cause. Last but not least, it tells how they succeeded; against enormous odds. For now.

### Gold mining in Rosia Montana

First some historical context. Transylvania is more than a beautiful region, it is also resource-rich. Rosia Montana's gold has been mined since Dacian<sup>4</sup> times. Related to the Thracians, they were conquered by emperor Traian (98 AD – 117 AD) as depicted on his column in Rome. To build his legacy he set about getting the gold to Italy. Since dynamite hadn't been invented, the Romans heated the outer rock with large fires and once hot, ice cold water was thrown on the stone to break it. Then the miners would hammer trapezoid-shaped shafts to follow the gold veins deep into the mountains. To help them, they brought people from Dalmatia whom they had subdued shortly before. Hence sacrificial stones have been unearthed commissioned by a dalmatian family in hope that their *domus* working at the mine would come out alive. It was in these mining shafts that buying-and-selling contracts chiseled on waxen tablets were unearthed. They served Theodor Mommsen write on Roman law and on the law of obligations which in turn shaped Germany's civil code. The Romans stayed for a short time but left a rich heritage that ranges from mine shafts<sup>5</sup> and underground worlds to cemeteries and fortifications above the ground.

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<sup>1</sup> <https://finance.yahoo.com/quote/gbu.to?ltr=1>

<sup>2</sup> <http://www.gabrielresources.com/site/index.aspx>

<sup>3</sup> [http://mmediu.ro/new/wp-content/uploads/2014/01/amplasare\\_harta.pdf](http://mmediu.ro/new/wp-content/uploads/2014/01/amplasare_harta.pdf)

<sup>4</sup> <https://en.wikipedia.org/wiki/Dacians>

<sup>5</sup> <https://medium.com/eastern-chronicles/the-roman-galleries-of-ro%C5%9Fia-montan%C4%83-4864d11342ac#.lra8qqtha>

Throughout the ages that heritage has been built on. In the 18th century the Hapsburg Empress Maria-Theresia visited the area at a time when most local families owned a mine shaft, handed down through generations. The empress supported the construction of artificial lakes to power large wooden wheels grinding the rock to extract the gold. When walking through Rosia Montana's narrow streets today, one can still see large 18<sup>th</sup> century town-like houses with facades richly decorated with baroque ornaments in a quaint *naive* style. Next to it a large archway leads into a courtyard; large enough for the wheel and horse-driven carts bearing rock or hay to pass.

The town's economic activities shaped its architecture and landscape but it's people also shaped its history. Bloody wars were often the norm with so much to fight over, but they threw up a number of local heroes. Heroes like Avram Iancu. During the revolutionary times of 1848 he fought for what became known as *Tara Motilor* (the land of the Motii) and Rosia Montana is at the heart of it. Hiding in close-by Bucium he was eventually betrayed to the Hungarian Army and imprisoned. His fighting spirit and stubbornness are still alive in the *Motii* – those who inhabit the area.

After the first World War Transylvania became part of Romania and remained so. In 1970 a small state-owned mine was opened at Rosia Montana, providing employment for the inhabitants. After 1990 those still in power started to carve up the country's assets to sell them to the most advantageous buyers.<sup>6</sup>

Enters stage Mr. Frank Vasile Timis,<sup>7</sup> Gabriel Resources' founder. Romanian by origin he emigrated to Australia<sup>8</sup> in the eighties where he was known for a large enough appetite for heroin to convict him twice for possessing the stuff with intent to supply.<sup>9</sup> In 1996 he returned to Romania<sup>10</sup> to secure the lease for not only Romania's but one of Europe's largest gold fields. Frank has also been known for a dominant preference to form limited companies; acquire mining rights; throw in a feasibility study and convince everybody that he owns a gold, petrol or diamond mine.<sup>11</sup> While some of his ventures were profitable others weren't.<sup>12</sup> In 2003 one of his companies called Regal Petroleum claimed to have discovered a large oil field in Greece. It turned out to be as good as dry; costing the LSE<sup>13</sup> and shareholders heavy losses<sup>14,15</sup>. Frank Timis was not fined<sup>16</sup> and free to develop his next projects.<sup>17</sup>

In 1997 news reached Rosia Montana that this investor was flying in to speak to local politicians. As the helicopter landed and as talks went on behind closed doors, a group of locals waited outside to hear what was going on. They knew only too well that their homes sat right on top of a gold mine. A single politician

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<sup>6</sup> <http://www.hotnews.ro/stiri-arhiva-1236814-aurul-petrolul-ardelenii-tender-talpes-timis.htm>

<sup>7</sup> [https://en.wikipedia.org/wiki/Frank\\_Timi%C8%99](https://en.wikipedia.org/wiki/Frank_Timi%C8%99)

<sup>8</sup> <http://www.independent.co.uk/news/business/analysis-and-features/business-analysis-regal-boss-from-penniless-refugee-to-buccaneering-entrepreneur-493268.html>

<sup>9</sup> <http://romaniarising.com/archive-frank-timis-and-rosia-montanas-gold/>

<sup>10</sup> <https://assets.documentcloud.org/documents/801245/cv-vft.pdf>

<sup>11</sup> <http://www.joanbaxter.ca/2013/08/30/billionaires-at-play-in-the-fields-of-the-poor-part-3-frank-timis/>

<sup>12</sup> <http://www.bloomberg.com/news/articles/2015-06-15/mining-tycoon-timis-faces-investor-anger-after-company-implodes>

<sup>13</sup> <http://www.thisismoney.co.uk/money/article-1228583/Regal-Petroleum-fined-600-000-LSE.html>

<sup>14</sup> <http://www.thetimes.co.uk/tto/business/industries/naturalresources/article2182161.ece>

<sup>15</sup> <http://www.smh.com.au/business/midas-touch-or-a-bit-too-much-20100304-plws.html>

<sup>16</sup> <http://www.wsj.com/articles/SB10001424052748704431804574541290942977888>

<sup>17</sup> <http://www.bloomberg.com/news/articles/2015-06-15/mining-tycoon-timis-faces-investor-anger-after-company-implodes>

came to speak to them. They were told that the scheme to extract the remaining gold would involve the development of a major mine and thus entail their resettlement.

#### Local resistance against the mine proposal

In 2000 the locals refusing to remain silent united to form *Alburnus Maior*, an NGO consisting of initially 350 families or local property owners opposing the mine on social, environmental, economic and heritage grounds. As their leader they elected Eugen David, a charismatic farmer. As he said at the time: *“My land guarantees my future and that of my children. I could be employed by a company and then be laid off after a year or two. My land cannot lay me off. If I work it, it will nourish me.”*<sup>18</sup>

Initially the NGO's focus was to influence local politics. By 2000 a new mayor was elected. He had strong support locally for speaking out against the mine and the relocation of the village. But not long after taking office in a volte-face his mind was changed. He was instrumental in helping pass a local resolution that designated the area a mono-industrial mining zone exclusively reserved for the mine proposal. It was a move that stopped any new investment incompatible with the mine from entering the local economy. It placed Rosia Montana at the mercy of the mine development. *Alburnus Maior* reached out for support.

They didn't have to go far. One valley, to be exact. Bucium, that other Motii strong-hold where Avram Iancu was betrayed is where Eugen David was born. Whilst visiting his family, he'd met Francoise Heidebroek, a Belgian economist based in Bucharest. She joined the *Alburnus Maior*' fight and contacted *Mining Watch*,<sup>19</sup> a Canadian NGO. In turn it released an online announcement<sup>20</sup> about the existence of local opposition to Gabriel Resources.

When at an initial stage, mining companies often prefer working in silence under the radar, with no one outside minding their business. It's often how local opposition and problems are kept local or 'manageable' in corporate terms. When useful, they like forming a joint venture with the host government as this support often gets complex administrative difficulties out of the way. Rosia Montana Gold Corporation<sup>21</sup> (RMGC) is a joint venture between Gabriel Resources (+80%) and the Romanian government (-20%). The Mining Watch press release lifted the lid not only on that arrangement but also on the opposition to their plans. It placed RMGC and Gabriel Resources on the radar. It broke that golden silence once and for all.

Firmly aiming to start pouring the first ingot of gold by 2004, RMGC moved ahead swiftly. Together with the relevant authorities a public consultation was organised in April 2002 to seal the change of urban plans and start the resettlement/relocation of the local population. They set a date and released a project map. It confirmed what *Alburnus Maior* had known all along: RMGC proposed relocating 974 households, including about 2,000 people. It planned to extract the gold and silver in and around Rosia Montana with a 13 Mt/a.

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<sup>18</sup> <http://www.vivid.ro/vivid74/pages74/diary74.htm>

<sup>19</sup> <http://miningwatch.ca/>

<sup>20</sup> <http://miningwatch.ca/news/2002/3/11/romanian-villagers-oppose-canadian-gold-mine-rosia-montana>

<sup>21</sup> <http://www.rmgc.ro/>

operation blasting the rock, crush it, and mix the ensuant gravel with water and cyanide. Cyanide, one of the most poisonous substances known, is the cheapest way to separate the gold from the ore. Roughly 500,000 tons of rock would be evacuated per week and between 13-15 million kilograms of cyanide used per year during a 16-year mine life. During the process roughly 130 kg of cyanide would be emitted into the air every single operating day. To store the resulting 200 million tones of cyanide-tainted waste-waters, RMGC proposed that Corna, an inhabited valley adjacent to Rosia Montana, should be turned into a large toxic waste dump of over 1 km in length and held together by a dam of a final height of 185 meters. In other words, Rosia Montana and Corna with its meadows, forests, homes, churches and cultural heritage would cease to exist as villages; being either blown-up or inundated by toxic waste.

Alburnus Maior reacted by organizing its first protest. They emptied their laundry cupboards for white sheets, bought paint and left for Bucium to set things up. They drew their first of numerous banners to follow. Using the local priest's 1930's typewriter they wrote their first press release to spread the word. It was faxed from the nearest post-office to all the contacts anybody had access to. As the day of the consultation dawned, Alburnus Maior and locals from Bucium arrived at the venue to find many locals and the media present. Those faxes had worked. The action was loud, colorful and targeted. Last but not least, Alburnus Maior took old, battered suitcases and confronted RMGC representatives and officials, saying that since they would never leave their lands, they could have theirs instead. The stunt brought laughter, chaos ensued and the consultation was over.

### Raising Resistance

To increase awareness and opposition Heidebroek next approached *Terra Milleniul III*<sup>22</sup>, a Romanian NGO which in July 2002 gathered 40 mainly environmental NGOs; including *Greenpeace CEE* to visit Rosia Montana and meet the locals. Together they formed an initiative known as *Save Rosia Montana!*<sup>23</sup> a fully fledged campaign to support *Alburnus Maior*.

A campaign office was opened; manned by two activists. Their first actions involved removing immediate threats and enlarging the support base of the campaign to reflect not only the environmental but also the social, economic and heritage concerns. In autumn 2002 Alburnus Maior and groups such as *Friends of the Earth International*, *BothEnds*, *Urgewald* and *Bank Watch CEE*<sup>24</sup> convinced the World Bank's IFC or lender of last resort to keep away from Gabriel Resources' murky venture.<sup>25</sup> That hurdle removed<sup>26</sup>, Alburnus Maior and Bank Watch CEE mobilized NGOs from neighboring countries asking them to help trigger the ESPOO Convention on a transboundary EIA<sup>27</sup>; this due to the large amount of cyanide used and the area's proximity to waterways flowing across borders. There exists good reasons for such concern: in January

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<sup>22</sup> <http://terramileniultrei.ro/en/>

<sup>23</sup> <http://www.rosiamontana.org/?language=en>

<sup>24</sup> <http://miningwatch.ca/news/2002/10/10/world-bank-rejects-controversial-gold-mine-project-community-leaders-call-government>

<sup>25</sup> <http://news.bbc.co.uk/2/hi/business/2320669.stm>

<sup>26</sup> <http://www.brettonwoodsproject.org/2002/11/art-16109/>

<sup>27</sup> <http://www.unece.org/env/eia/welcome.html>

2000 a spill at a different gold operation in northern Romania<sup>28</sup> released some 100,000 tons of cyanide-laced wastewater into the *Tisza* and *Danube* rivers, killing 1,240 tons of fish and polluting the drinking water supply of 2.5 million people including Hungary. Also known as the *Aquatic Chernobyl* this incident still is alive in people's memories. In September 2003 *Greenpeace Hungary* organized an action<sup>29</sup> at the ministry for the environment's building in Budapest pressing for the triggering of the ESPOO Convention. The ministry was to respond affirmatively.

The country's most eminent scientific body is the Academy of Sciences. In March 2003 after inviting both RMGC representatives and *Alburnus Maior* and after conferring with its members, it positioned itself firmly against the mine proposal. Despite significant pressure, this institution reiterated its position on several occasions and became one of the most dynamic forces in showing the mine's true cost. Here an excerpt from its statement of 2006: *"The destruction of the Rosia Montana community – with a history of well over 2,000 years – by resettling the population, demolishing houses (including historical monuments) and churches, as well as resettling cemeteries, is unacceptable and is reminiscent of a period everybody thinks is over."*<sup>30</sup>

As already mentioned to develop the mine RMGC needed to secure all the property under the project footprint. This included a number of churches, cemeteries, parish buildings as well as forests and meadows owned by them. In October 2002 *Alburnus Maior* met with Catholic, Unitarian and Calvinist church representatives who subsequently announced that they would not surrender their properties. It was an important development but missed a crucial party: the country's Orthodox church. Pragmatic and powerful, it initially agreed to relinquish its properties in return for a satisfactory compensation. In 2003 after hosting one of his regular services, the local Orthodox priest from Corna read a statement and announced that soon he wouldn't be able to bury loved ones in the cemetery.<sup>31</sup> There was fury.<sup>32</sup> Via a web-based action<sup>33</sup> the Save Rosia Montana campaign encouraged citizens near and far to email the country's main orthodox priests. A few days prior to the church's annual synod meeting, *Alburnus Maior* and its members drove to Bucharest to seek refuge in the country's main orthodox church. They were joined by students, NGOs and friends but also by the secret police who barred them from entering the Church. The protesters simply sat down in the church yard, lit candles and waited through the entire night. In the morning church representatives tried once more to remove the crowd but because the protest had attracted journalists, it became too embarrassing. At its holy synod meeting two days later, the orthodox church released a declaration<sup>34</sup> stating that it would not be selling its properties at Rosia Montana.<sup>35</sup>

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<sup>28</sup> <https://www.theguardian.com/world/2000/feb/14/1>

<sup>29</sup> [http://media.greenpeace.org/C.aspx?VP3=SearchResult\\_VPage&STID=27MZIFLY0I\\_E](http://media.greenpeace.org/C.aspx?VP3=SearchResult_VPage&STID=27MZIFLY0I_E)

<sup>30</sup> [http://www.acad.ro/rosia\\_montana/declaratie060227-RM-eng.doc](http://www.acad.ro/rosia_montana/declaratie060227-RM-eng.doc)

<sup>31</sup> <http://www.romanians-de.org/modules.php?name=News&file=print&sid=338>

<sup>32</sup> <http://www.kath.net/news/4721>

<sup>33</sup> <http://miningwatch.ca/news/2003/10/25/creation-and-worship-are-not-sale>

<sup>34</sup> <http://romanians.bc.ca/node/1225>

<sup>35</sup> <http://miningwatch.ca/news/2003/11/12/romania-latest-gabriel-resource-rebel-orthodox-church>

Rosia Montana's cultural heritage has always been unique with much of it protected. To develop Europe's largest open-cast mine, thus meant un-protecting it. To do this a partnership between the RMGC and the ministry of culture was formed; tasking archaeologists, experts and students to investigate the site. When or if something was found small enough to be moved or incorporated in the project design, then the partners of the partnership show-cased it as a staunch commitment to Corporate Social Responsibility (CSR). However, when findings such as kilometers of Roman and medieval mine shafts lay in the square path of the mine project, then a golden silence ruled. In December 2002, 40 of the country's most eminent archaeologists and historians sent an open letter to the country's president Iliescu detailing Rosia Montana's importance and how the proposed mine would destroy this unique site.<sup>36</sup> Days later ICOMOS (UNESCO's archaeological consultant) passed a resolution against the mine development; a move reiterated at all its General Meetings to date.<sup>37</sup> Amongst the friends of Romania's rebellious archaeologists<sup>38</sup> was Géza Alföldy a classical scholar from the University of Heidelberg. Together they published an international call to save this unique site. It was signed by the faculty of France's Académie des Inscriptions et Belles Lettres, Italy's International Association of Classic Archeology as well as 1000 scholars.<sup>39</sup> Over the years, these efforts were further strengthened by organizations such as Pro Patrimonio<sup>40</sup> and ARA<sup>41</sup> which drew additional support and drove the work<sup>42</sup> for Rosia Montana to be granted UNESCO world heritage status.

Inside RMGC all was also not going according to plan. Whistle-blowers showed what was going on. When in April 2003 several executives who had only very recently joined the company left en-bloc<sup>43</sup>, evidence reached *Alburnus Maior* fast.<sup>44</sup> Then one day during summer 2003 the activists found a CD at their doorstep and when tuning into it, they were confronted by an unpublished report from archaeologists stating to have found unique findings of the sort that can not be moved into museums and providing the evidence. The document was leaked to the public. The country's police reacted immediately: Eugen David and the activists were summoned to Bucharest to be grilled under heavy light by good cops and bad cops; in vain.<sup>45</sup>

Among Gabriel Resources' supporters was the Canadian Government<sup>46</sup> led by the conservative Stephen Harper. Behind closed doors it was engaging with the Hungarian government about its own opposition to the mine; discouraging the UK's Prince of Wales (a frequent visitor to Romania) from interfering and spending considerable energy in following Alburnus Maior's moves while formulating set-answers should

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<sup>36</sup> <http://www.rosiamontana.org/content/scrisoare-deschisa-catre-presedintele-romaniei-ion-iliescu?language=ro>

<sup>37</sup> [http://www.icomos.org/risk/world\\_report/2006-2007/pdf/H@R\\_2006-2007\\_36\\_National\\_Report\\_Romania.pdf](http://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_36_National_Report_Romania.pdf)

<sup>38</sup> [http://www.vivid.ro/vivid68/pages68/rosia\\_montana68.htm](http://www.vivid.ro/vivid68/pages68/rosia_montana68.htm)

<sup>39</sup> <http://davidalanpaty.com/fundatia-culturala-rosia-montana/wp-content/uploads/2013/02/1038%20de%20oameni%20de%20C5%9Ftiin%C5%A3%C4%83%20PRO%20RO%C5%9EIA.pdf>

<sup>40</sup> <http://propatrimonio.org/>

<sup>41</sup> <http://www.simpara.ro/>

<sup>42</sup> <http://www.simpara.ro/rosia-montana-fundamantarea-valorii-universale-376.htm>

<sup>43</sup> <http://phx.corporate-ir.net/phoenix.zhtml?c=120269&p=irol-newsArticle&ID=798924&highlight=>

<sup>44</sup> <http://miningwatch.ca/news/2003/4/11/high-volatility-gabriel-resources-management-team>

<sup>45</sup> <http://www.cotaru.com/rosia-montana-vorsitzender-der-brgerinitiative-alburnus-major-von-polizei-vernommen/#.V8tDyJiLS1s>

<sup>46</sup> <http://theblacksea.eu/index.php?idT=88&idC=88&idRec=1159&recType=story>

inconvenient questions be raised. In 2004 Alburnus Maior organized a protest in front of the Canadian embassy in Bucharest to highlight its involvement and was met by Ambassador Raphael Girard. Nothing much apart from an empty statement resulted from the meeting but it is worth noting that one year on, Raphael Girard became a Director at Gabriel Resources.<sup>4748</sup>

The multitude of national and transnational actions<sup>4950</sup> to pressure decision-makers, stakeholders and shareholders<sup>5152</sup> from 2002-2004 raised additional opposition and public awareness but they did not succeed in stopping the mine proposal.

### Campaign catalysts

This was dramatic as in late spring 2002<sup>53</sup> RMGC had begun the process of relocating and resettling Rosia Montana's population. The money offered set brother against sister and neighbor against neighbor. Businesses closed down and with no new businesses allowed under the new town planning rules, Rosia Montana was quickly becoming impoverished. In neighboring towns such as Campeni, the local court was inundated with claims over property titles as relatives fought over each square meter that now had a price. Many families left town, at times overnight so as not to have to look into the eyes of friends and families who had chosen to stay on. Stories circulated that elderly people having reluctantly agreed to sell their homes would find it impossible to readjust, with some dying shortly afterward or others committing suicide. There was talk about RMGC giving preference to employing locals if they agreed to relocate or resettle. These were dark times.

Amongst the campaign's volunteers was a group of students from the town of Cluj-Napoca. They would bring provisions to the activists, become close friends and be a vital part of brainstorming; essential to test new campaign ideas. An annual festival, taking people to Rosia Montana so as to meet locals, experience the place, witness what was going on and become involved, had topped several of these meetings. In 2004 Fan-Fest<sup>54</sup> (*fan* means *hay* in Romanian) took off. Over the years tens-of-thousands would attend the annual event entirely run by volunteers; including the performers. Guided tours, expositions, workshops, NGO presentations and collective campaign brainstorming raised awareness and resistance. What visitors experienced was genuine.<sup>55</sup> Friendships were forged between guests and locals who were able to also make an income and realize that Rosia Montana rather than its gold is their most valuable asset. Ten years on it has become one of the country's most visited places.

The volunteers also brought news about an initiative called *Mindbomb*.<sup>56</sup> Once a year anonymous artists would design a series of six provocative posters about pressing but tabu social issues, print them in large

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<sup>47</sup> <http://www.centerragold.com/sites/default/files/news-releases/cg-08192010-en.pdf>

<sup>48</sup> <http://miningwatch.ca/news/2005/9/7/urgent-action-stop-canadian-government-supporting-rosia-montana-gold-mine>

<sup>49</sup> <http://miningwatch.ca/news/2003/11/10/european-protests-mount-around-canadian-gold-project-romania>

<sup>50</sup> <http://miningwatch.ca/news/2003/12/27/stopping-rosia-montana-gold-mine>

<sup>51</sup> [http://miningwatch.ca/sites/default/files/gbu\\_risk\\_assessment\\_0.pdf](http://miningwatch.ca/sites/default/files/gbu_risk_assessment_0.pdf)

<sup>52</sup> <http://miningwatch.ca/news/2003/6/13/controversial-romanian-gold-mine-plagued-troubles-canadian-company-involved>

<sup>53</sup> <http://en.rmhc.ro/rosia-montana-project/project-history.html>

<sup>54</sup> <http://www.fanfest.ro/>

<sup>55</sup> <https://www.youtube.com/watch?v=ODuzyiaTZUE>

<sup>56</sup> <https://www.facebook.com/MindBombProject/>



numbers and via an ingenious system of distribution, poster them in the streets of the country's main cities overnight for everyone to see the following morning. It was difficult to locate the mind-bombers but once found, a close friendship was forged. They developed the campaign's visual identity and understood the importance of sharp humor to provoke people's attention. Their posters dedicated to this cause were important changing the dynamics and at pointing out corrupted politicians.

In tandem with these developments (in 2004) two Hungarian film-makers launched a 'New Eldorado'<sup>57</sup> movie documentary about Rosia Montana, its people, their struggle and the campaign.<sup>58</sup> It catapulted the story to a global audience, won international acclaim and broke ever more of that golden silence.

### The rule of Law

Then came a veritable *coup de force*: Alburnus Maior started challenging the authorities which were granting permits to RMGC in an irregular manner. The activists had been closely following the manifold permitting procedures; submitting requests of access to information and closely collaborating with investigative journalists. When in January 2004 the ministry for culture signed the archaeological discharge certificate<sup>59</sup> for *Carnic*, the mountain with the highest deposit of gold and thus strategic to the mine but where the archaeologists' leaked report claimed to have unearthed unique findings such as pre-Roman, Roman and medieval mine shafts, Alburnus Maior took the ministry for culture to court over its decision.<sup>60</sup> Over the years Alburnus Maior would initiate a multitude of court cases; including over the changes of the urbanism plans, the urbanism certificate, the environmental impact assessment procedure (EIA &SEA), further archaeological discharge certificates and a host more. The cases were prepared by Alburnus Maior's legal councilor who recruited lawyers agreeing to defend cases on a *pro-bono* basis. The impact of their work was strong: according to Gabriel Resources reports to their shareholders<sup>61</sup> these litigation activities posed the single most significant risk to their mine plans. For once they were right: from 2007 onwards<sup>62</sup> court verdicts and pending proceedings halted the permitting procedures and consequently, the mine development.

An environmental permit is granted following an Environmental Impact Assessment (EIA) procedure. It is vital for several reasons: subsequent permitting procedures are conditioned by it and so is lending. When in winter 2004 RMGC submitted an application for the permit, the ministry for the environment announced the inception of the EIA procedure. Roughly one hundred NGOs and citizens from Romania and beyond registered as consulted parties. In 2006 public consultations took place both in Romania and Hungary. However, it was the manner of conduct and the EIA report's content that were lacking.<sup>63</sup> Authors of the 3500-paged EIA report<sup>64</sup> complained that their relevant chapter had been edited beyond their original.<sup>65</sup> Locals wanting to attend consultations in and near Rosia Montana could only attend with their identity card being registered; leaving many people feeling intimidated. There was also heavy security present. In some

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<sup>57</sup> [https://www.youtube.com/watch?v=Y\\_OmmmibA8o](https://www.youtube.com/watch?v=Y_OmmmibA8o)

<sup>58</sup> [http://www.florafilm.hu/current\\_releases.html](http://www.florafilm.hu/current_releases.html)

<sup>59</sup> An archaeological discharge certificate is an administrative act abolishing the protection policy previously established over the land where archaeological heritage was discovered

<sup>60</sup> [http://www.icomos.org/risk/world\\_report/2006-2007/pdf/H@R\\_2006-2007\\_36\\_National\\_Report\\_Romania.pdf](http://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_36_National_Report_Romania.pdf)

<sup>61</sup> [http://www.sedar.com/search/search\\_form\\_pc\\_en.htm](http://www.sedar.com/search/search_form_pc_en.htm)

<sup>62</sup> [http://mmediu.ro/new/wp-content/uploads/2014/01/NOTE\\_Suspension.pdf](http://mmediu.ro/new/wp-content/uploads/2014/01/NOTE_Suspension.pdf)

<sup>63</sup> <http://www.ag-friedensforschung.de/regionen/Romania/gold2.html>

<sup>64</sup> <http://en.rmgc.ro/rosia-montana-project/environment/environmental-impact-assessment.html>

<sup>65</sup> [http://www.simpara.ro/01\\_scrisoare\\_mmdd\\_anexa.pdf](http://www.simpara.ro/01_scrisoare_mmdd_anexa.pdf)



places where the EIA report was supposed to be available for consultation, the opposite was the case.<sup>66</sup> There were claims that some of the consultations' moderators were not impartial and many who'd sometimes queued since early hours complained that they didn't receive answers to their questions. Their frustration was epitomized by the following quote: *"I would ask Mr. Aston [of RMGC] to stop saying that he will provide written answers, because we have not come here to receive written answers, but we have come to see how he answers in front of the public. We could have all sent written letters to the company or to the ministry and the consultations wouldn't have been organized any more. We have come here to receive verbal answers, here in this place."*<sup>67</sup> Approximately 21.000 submissions<sup>68</sup> were submitted to the authorities with roughly 90% of them arguing against the impact of the mine. 12 years on no environmental permit has been granted and this due to Alburnus Maior's litigation activities.<sup>69</sup>

Each of these moves put pressure to RMGC's mine and Gabriel Resources' share price. At several points in time it looked as if the proposal was history, but changes in shareholder ownership and subsequent cash-injections made them bounce back.<sup>70</sup> Frank Timis resigned in May 2003. By 2005 Gabriel's ownership had significantly changed and by 2009<sup>71</sup> its major shareholders<sup>72</sup> were the controversial miner Beny Steinmetz<sup>73</sup>, ueber-hedger John Paulson<sup>74</sup>, cat-loving Thomas Kaplan<sup>75</sup> and the ever present American miner Newmont.<sup>76</sup> With each round of the fight, RMGC became more aggressive.<sup>77</sup>

In December 2008 the country's supreme court passed a final judgment<sup>78</sup> annulling the archeological discharge of Carnic, the mountain so crucial to Gabriel Resources' mine but a the same time uniquely important from from a heritage point of view. Trying to sidestep the irrevocable judgment, RMGC made some minor changes to the pit size and resubmitted it as new request. RMGC's partner, the Ministry for Culture, duly endorsed the new submission. And Alburnus Maior took the matter to back the courts.

Then in 2010 Pro Patrimonio<sup>79</sup> a heritage NGO, was approached by the ministry for culture asking whether it could provide the funds for the ministry to commission a so-called 'statement of significance' to attest Carnic's importance once and for all. It was a new ministry and Pro Patrimonio agreed to support this move. The ministry commissioned three British archaeologists to write the statement. Once done the ministry did not publish the report but instead it vanished into thin air. In 2013 *ActiveWatch*<sup>80</sup> a human rights organization, leaked a possible explanation: a cooperation contract whereby in return for the ministry's

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<sup>66</sup> <http://www.unece.org/env/pp/compliance/C2005-15/communication/addInfo20070220.doc>

<sup>67</sup> Ibid.

<sup>68</sup> <https://www.indymedia.nl/nl/2007/02/42393.shtml>

<sup>69</sup> [http://mmediu.ro/new/wp-content/uploads/2014/01/NOTE\\_Suspension.pdf](http://mmediu.ro/new/wp-content/uploads/2014/01/NOTE_Suspension.pdf)

<sup>70</sup> <http://www.ag-friedensforschung.de/regionen/Romania/gold2.html>

<sup>71</sup> <http://www.wall-street.ro/articol/Companii/108575/Cine-sunt-miliardarii-din-spatele-Gabriel-Resources-care-baga-bani-in-Rosia-Montana.html>

<sup>72</sup> <https://saverosia.wordpress.com/2013/09/07/save-rosia-montana-who-is-behind-gabriel-resources/>

<sup>73</sup> <https://www.theguardian.com/business/2014/apr/09/guinea-strips-beny-steinmetz-bsg-resources-mining-contracts-corruption>

<sup>74</sup> <http://nymag.com/daily/intelligencer/2013/11/why-hedgie-john-paulson-faces-weekly-protests.html>

<sup>75</sup> [http://www.nbcnews.com/id/38883209/ns/business-us\\_business/t/meet-golds-evangelist/#.V8wVRpiLRxA](http://www.nbcnews.com/id/38883209/ns/business-us_business/t/meet-golds-evangelist/#.V8wVRpiLRxA)

<sup>76</sup>

[https://www.earthworksaction.org/media/detail/communities\\_urge\\_gold\\_miner\\_newmont\\_to\\_reform#.V8wWhJiLRxA](https://www.earthworksaction.org/media/detail/communities_urge_gold_miner_newmont_to_reform#.V8wWhJiLRxA)

<sup>77</sup> <https://www.indymedia.nl/nl/2007/02/42393.shtml>

<sup>78</sup> <http://www.rosiamontana.org/node/1427?language=en>

<sup>79</sup> <http://propatrimonio.org/>

<sup>80</sup> <http://www.activewatch.ro/en/home/>

support, RMGC would invest 70 million dollars in the conservation of Rosia Montana's patrimony and 70 million dollars in the conservation and restoration of patrimony in Romania!<sup>81</sup> Within a few weeks the missing statement of significance suddenly appeared out of the blue,<sup>82</sup> much to the chagrin of RMGC.<sup>83</sup> *“Roșia Montană is the most extensive and most significant underground Roman gold mining complex currently known anywhere. This alone is sufficient to give it outstanding international significance. That significance is increased by association with an above-ground landscape of settlements, cemeteries, shrines and ore-processing sites, together with the discovery of wax tablets providing insights into the mining communities and the nature of mine labor and organization.”* said the statement. These proofs supported Alburnus Maior's ongoing court case and in early 2014 a court suspended the juridical effects of Carnic's second archaeological discharge.<sup>84</sup>

### The media and the power of social media

From the early days the media had been essential in reporting campaign milestones to the public. To discourage such coverage, RMGC bought advertising space and used media partnerships to promote its views. By 2010 it ranked among the top spenders in advertisement having paid several million euros into the country's TV, radio, papers and blogger-sphere.<sup>85</sup> From 2006 there was hardly any national coverage about the campaign except for a few but notable publications such Formula AS<sup>86</sup>, the International Consortium of Investigative Journalists<sup>87</sup>, the online news-portal voxpublica<sup>88</sup> as well as occasional international coverage which boomeranged back into Romania's media.

Faced with an effective media embargo the Save Rosia Montana campaign planned an action that changed the course and set the rhythm for the future. On 7. November 2011 seven activists occupied<sup>89</sup> a landmark building situated in the main square of the town of Cluj-Napoca. In the early hours they climbed into the abandoned building of the former *Hotel Continental*. They barricaded themselves inside, so that nobody could enter. They made their way to the top to release a large banner on which was written: the Revolution begins with Rosia Montana! Via a megaphone they reached out to those in the streets below; explaining the reality at Rosia Montana and why it is not covered by the media. Folks walking by stopped and listened. Leaflets explaining the reasons for the occupation floated down. Many took pictures, instantly sharing them via social media. More and more people, students, pensioners and professionals arrived at the action and so did the media. The traffic came to a stand-still. The crowd started applauding the activists. By early afternoon the police managed to pass through the barricades and started with arrests.

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<sup>81</sup> <http://www.activewatch.ro/Assets/Upload/files/Protocol%20de%20cooperare%20-%20INP-RMGC.pdf>

<sup>82</sup> [http://totb.ro/wp-content/uploads/2013/10/Rosia\\_Montana\\_MD.swf](http://totb.ro/wp-content/uploads/2013/10/Rosia_Montana_MD.swf)

<sup>83</sup>

[https://www.academia.edu/5475221/Response\\_to\\_D.\\_Jennings\\_A\\_Critical\\_Analysis\\_of\\_the\\_Report\\_Statement\\_of\\_Significance\\_C%3%A2rnic\\_Massif\\_Ro%C5%9Fia\\_Montanhttp://totb.ro/wp-content/uploads/2013/10/Rosia\\_Montana\\_MD.swf%C4%83\\_jud\\_Alba\\_Romania\\_by\\_A\\_Wilson\\_D\\_Mattingly\\_and\\_M\\_Dawson](https://www.academia.edu/5475221/Response_to_D._Jennings_A_Critical_Analysis_of_the_Report_Statement_of_Significance_C%3%A2rnic_Massif_Ro%C5%9Fia_Montanhttp://totb.ro/wp-content/uploads/2013/10/Rosia_Montana_MD.swf%C4%83_jud_Alba_Romania_by_A_Wilson_D_Mattingly_and_M_Dawson)

<sup>84</sup> <http://www.rosiamontana.org/node/1503?language=en>

<sup>85</sup> <http://www.nasul.tv/tacerea-televiziunilor-radiourilor-si-ziarelor-cumparata-de-rmgc-cu-milioane-de-dolari/>

<sup>86</sup> <http://www.formula-as.ro/>

<sup>87</sup> <https://www.icij.org/>

<sup>88</sup> <http://voxpublica.realitatea.net/gotiu>

<sup>89</sup> <https://centruldecultura.wordpress.com/2011/11/11/the-daily-recipe-of-a-gold-corporation-banning-news-and-chocking-protests/>

The occupants were fined and released a couple of hours later. By the evening there was a further protest drawing more people into the main square and for the subsequent week, every evening people and particularly students would join creative actions in solidarity for Rosia Montana. There were flashmobs or vigils, dances, games, poetry slams through which activists narrated what was going on at Rosia Montana and why the media isn't covering any of it. The event was a turning point for the campaign: it broke the media embargo while it made people realize that media embargoes exist. It reactivated public opinion to its support and it recruited many dedicated activists.

After fifteen years of activity and faced by an effervescent opposition but with no ingot of gold or silver in sight, RMGC and Gabriel Resources' shareholders grew impatient. The then Romanian prime minister, the Socialist-Democrat Victor Ponta was approached. During the quiet summer holidays of 2013 he released a bill ranking RMGC's proposal as one of national interest. Its aim was to be able to swiftly expropriate the locals refusing to leave, remove the need for any (further) permits and thus fast-track the mine. At the annual FanFest in August that bill and action were discussed during several meetings. Among them were activists from Bucharest who in 2012 had organized large-scale protests triggered by the introduction of a health reform legislation.<sup>90</sup> Soon after a new platform called *Uniti Salvam*<sup>91</sup> (United We Save) asked people to follow Eugen David's call<sup>92</sup> to take the protest against the bill to the streets. The first of such action took place in Bucharest on Sunday 1 September 2013. Just as was the case in 2007, at first there was hardly any media coverage. But it didn't matter: activists and citizens used social media. Once that coverage was everywhere, the media followed. Over the weeks and months to come, each Sunday<sup>93</sup>, protests would take place in cities across the country, with several thousands participating in Bucharest<sup>94,95,96</sup>, Cluj-Napoca<sup>97</sup>, Timisoara<sup>98</sup>, Iasi<sup>99</sup>, Campeni<sup>100,101</sup> and rallies regularly held across European cities<sup>102</sup> and beyond. The *Romanian Autumn*<sup>103</sup> became unique in its mix of creative<sup>104</sup> and effective<sup>105</sup> tactics to attain its strategic goal. To mobilize, those involved strongly relied on Facebook. Protesters used plastic bottles filled with a few coins to make noise and beat rhythms.<sup>106</sup> Popular football chants with adjusted texts were used to rally

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<sup>90</sup> [https://en.wikipedia.org/wiki/2012\\_Romanian\\_protests](https://en.wikipedia.org/wiki/2012_Romanian_protests)

<sup>91</sup> <http://www.simpara.ro/>

<sup>92</sup> <https://www.youtube.com/watch?v=P7vovci1lm8>

<sup>93</sup> <https://www.youtube.com/watch?v=obPcorM2wuM>

<sup>94</sup> <https://www.youtube.com/watch?v=sqJ-dYlpdQY>

<sup>95</sup> <https://www.youtube.com/watch?v=66qNEVzHAgw>

<sup>96</sup> <https://www.youtube.com/watch?v=5f-yKVZd9og&index=23&list=PL-qK9uDf0PnPIhqbWuKm5WTPkrmCqXHh>

<sup>97</sup> <https://www.youtube.com/watch?v=obPcorM2wuM>

<sup>98</sup> <https://www.youtube.com/watch?v=luUAMo6BIO0>

<sup>99</sup> <https://www.youtube.com/watch?v=ZoBKBH4SRNw>

<sup>100</sup> <https://www.youtube.com/watch?v=grm7GYKpu5A>

<sup>101</sup> <https://www.youtube.com/watch?v=TFKmh2M1dIc>

<sup>102</sup> <https://www.youtube.com/watch?v=qrZo6mK5ocI> <https://www.youtube.com/watch?v=nkhl-7gp8yQ>

<https://www.youtube.com/watch?v=EwoyNIH3274> <https://www.youtube.com/watch?v=F6DU-001e8s>

<sup>103</sup> [https://en.wikipedia.org/wiki/2013\\_Romanian\\_protests\\_against\\_the\\_Ro%C8%99ia\\_Montan%C4%83\\_Project](https://en.wikipedia.org/wiki/2013_Romanian_protests_against_the_Ro%C8%99ia_Montan%C4%83_Project)

<sup>104</sup> <https://www.youtube.com/watch?v=u61VW3BSSTQ> <https://www.youtube.com/watch?v=CalZ06zJxUk>

<https://www.youtube.com/watch?v=eCHOjWIF2p4> <https://www.youtube.com/watch?v=mrskv7UXmdE>

<sup>105</sup> <https://www.youtube.com/watch?v=xBUHc1NpdF4>

<sup>106</sup> <https://www.youtube.com/watch?v=timL-h34zw0>

the crowds and clubs inside stadiums and outside.<sup>107</sup> Large flags with the Save Rosia Montana logo painted on swirled in the air at each and every protest. And most importantly, the slogan from the 2011 Occupy action – the Revolution begins with Rosia Montana! - was everywhere to be seen.<sup>108</sup> To fend off police, mothers with pushchairs<sup>109</sup> would form the first line of protest marches. Spaces were occupied at early night by impromptu concerts<sup>110</sup> and tango-dances<sup>111</sup> to mesmerize policemen, those passing by and to stop the traffic. A human chain was formed around the country's huge parliament building.<sup>112</sup> Flash-mobs with people wearing green or red clothes to form the Save Rosia Montana symbol happened in Bucharest and Brussels. Political-party-buildings were occupied<sup>113</sup> with activists demanding for the bill to be dropped. Bicycle actions stopped the traffic to make way for the thousands protesters calling on people watching from their windows to join them in the streets. They carried banners with messages, both powerful and humorous and therefore irresistible. The police was unable to fend off this united force and simply gave way; with a few notable exceptions. By November the Ponta government conceded defeat but the activists knew better: when a few months on the government tried pushing the bill via hiding it as an amendment to the country's mining law, the protesters were out in full force until that attempt, too was stopped once and for all.<sup>114</sup>

Victor Ponta did not win the presidential elections. Klaus Iohannis the former mayor of Sibiu was elected instead. He installed a technocrat transition government to start reforms and clamp down on corruption. It has been run by Dacian Ciolos, a former EU Commissioner, who acknowledged the significance of Romania's Autumn. In late 2016 Rosia Montana's nomination to be given World Heritage status will be submitted to UNESCO. Meanwhile however, Gabriel Resources is suing the Romanian government<sup>115</sup> via an investor-state-dispute-settlement (ISDS) with the former asking for damages rumored to be in the amount of \$4 billion<sup>116</sup> or roughly 2% of the country's annual GDP<sup>117</sup> for not being allowed to mine the gold.<sup>118</sup> The company is basing its arbitration on a free-trade agreement between Romania and Canada and the UK respectively.

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<sup>107</sup> [https://www.youtube.com/watch?v=Ylj\\_F0Hs5lw](https://www.youtube.com/watch?v=Ylj_F0Hs5lw) <https://www.youtube.com/watch?v=mFv6I-WwwgY>  
<https://www.youtube.com/watch?v=pNSakL9DjCE>

<sup>108</sup> <https://www.opendemocracy.net/can-europe-make-it/claudia-ciobanu/revolution-begins-with-rosia-montana>

<sup>109</sup> <https://www.youtube.com/watch?v=uODC8dN83rA>

<sup>110</sup> <https://www.youtube.com/watch?v=QuqadkvOVik>

<sup>111</sup> [https://www.youtube.com/watch?v=ZebvqnWL\\_QA](https://www.youtube.com/watch?v=ZebvqnWL_QA)

<sup>112</sup> <https://www.youtube.com/watch?v=TBj7YUe7dHg&index=22&list=PL-qK9uDf0PnPIhqkBwuKm5WTPkrnCqXHh>

<sup>113</sup> <https://www.youtube.com/watch?v=rYoYSrJm-OI>

<sup>114</sup> <http://www.robinwood.de/fileadmin/Redaktion/Dokumente/Magazin/2014-1/120-12-19-rosia-montana.pdf>

<sup>115</sup> <https://stop-ttip.org/blog/when-protecting-the-environment-gets-expensive/>

<sup>116</sup> <http://www.theglobeandmail.com/report-on-business/international-business/european-business/gabriel-resources-ceo-vows-to-sue-if-romania-kills-europes-biggest-gold-mine/article14240950/>

<http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/gabriel-may-seek-billions-in-arbitration-over-stalled-romanian-mine/article18341095/>

<sup>117</sup> <https://blog.campact.de/2016/08/schiedsgerichte-das-verlockende-geschaef-tuer-investoren/>

<sup>118</sup> <https://blog.campact.de/tag/juergen-maier/>

Since announcing the ISDS case, Gabriel's share ownership changed again; this time to reflect arbitration costs.<sup>119</sup> Covered with the financial capital to now carry through a costly ISDS case, it is entirely possible that in the end Gabriel will be able to pressure Romania's cash-struck government to reach a compromise that ultimately will see a go-ahead of a highly irregular mine.<sup>120</sup>

#### A happy ending?

Gold is a curse. This has been the story of villagers who decided to break free from it and how their example inspired an entire country to come to their support. But the story is far from being over; despite binding court sentences, evidence of corruption, expert assessments and unprecedented public opposition including from those whose property rights are guaranteed by the country's constitution.

As long as there exist people willing to buy shares in projects or funds that come with a high promises at a low price, and as long as people remain unrealistic about free-trade additives called ISDS or ICS, companies are left free to reap maximum profit and transfer the true costs to those affected who tend to be silenced-down. If you support such undertakings, think of Rosia Montana and whether it's really worth it.

**To support the 'Save Rosia Montana!' campaign, visit [www.rosiamontana.org/en](http://www.rosiamontana.org/en)**

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119 [http://www.gabrielresources.com/documents/GBU\\_closingofprivateplacement\\_140716\\_close\\_filing.pdf](http://www.gabrielresources.com/documents/GBU_closingofprivateplacement_140716_close_filing.pdf)

120 <http://www.reuters.com/article/us-romania-mine-idUSKBN13426G>