

ARCHAEOLOGICAL HERITAGE IN ROMANIA.

LEGISLATION, ACTUAL STATUS, TRENDS

We do not inherit the Earth from our Ancestors; we borrow it from our Children

Native American Proverb

The present paper, without claiming to be the universal *panacea*, is intended to be, above all, a clear radiography of the real condition of the Romanian archaeological heritage, an analysis of the causes (factors) that generated this state, respectively an amount of potential proposals for primary measures that are required in such cases.

The paper is structured in 5 chapters, after the *Introduction* (Chapter 1), followed by the presentation of the *main fields of scientific activity, projects and publications* (Chapter 2) throughout the entire period of activity in the field of research, valorization and protection of the cultural heritage . This is a brief and recapitulative presentation of the main field research, reports, publications, grants and projects that I participated in during my university career, and my personal contribution to the development of the field.

The third chapter, *the Romanian Archaeological Heritage Legislation*, is the presentation into the theme of the paper, with the instruments used in the field. After presenting the main normative acts, it is the turn of the presentation of the *performers* responsible for applying and respecting it> the law enforcement structures and the cultural public institutions. The chapter that provides the original data and represents the center of the work is the following: *The present state of the archaeological heritage in Romania*. A special attention is accorded to the vulnerabilities that lead to the destruction of archaeological sites. There are presented some *case law* in the field of archaeological heritage protection and jurisprudence. Finally, an important subject is raised by the metal detector poacher's problem in Romania

Finally, the last chapter of the paper is dedicated to *Trends in the Protection of the Archaeological Heritage in Romania* (Chapter 5), in which it enjoys special attention the role of education and good practices in the domain of the protection of cultural heritage.

The writing of the present paper was a great challenge, a texting of the experience accumulated both from the position of the archaeologist and of the judiciary actively concerned with the fate of the archaeological heritage. It is about the accumulation of 27 years of experience in archeology, 24 years of university teaching experience, and 13 years of law enforcement experience (more than 50 penal files in which I was involved).

Unfortunately, in the past 25 years, the archaeological heritage of Romania has been the constant victim of destruction, theft, illegal trafficking and, last but not least, the ignorance of the responsible public factors (institutions) for its protection. More than thousands artifacts stolen from the archaeological sites (*in situ*), have been trafficked on *the black market of antiquities*, some of them with a worthless patrimonial value. With regard to the difficult area of thefts from archaeological sites, recently, there have been successful operations leading to the dismantling of criminal groups by Romanian law enforcement agencies, the arrest of criminals and the recovery of several hundred archaeological objects destined for exportation or already being abroad. The bronze *tabulae* with the Constitution of *Municipium Troesmis* (Moesia Inferior), the dacian

golden spirals (brassards), mythological representations in bronze and iron, marble and metal sculptures, antique jewelries, great antique and medieval coin treasures, military equipment pieces, swords, knives, spears, signs of prestige, here are some of the recent recovered items, many of them already published, with the complete judicial and archaeological data about the circumstances of the *crimes*.

The cultural heritage legislative system is mainly inspired by the fundamental need to preserve the national cultural patrimony. It takes into account the damage derived from conduct which causes the decontextualization of cultural goods and the consequent harm that this causes the cultural patrimony of mankind. Misunderstandings can occur with other countries. Although it is true that under the legal systems of certain states it is not a crime to export Romanian cultural goods clandestinely, the clandestine exportation of their artistic patrimony is nearly always a criminal offence. Therefore, international assistance cannot be refused, as stipulated by the terms of reciprocity. Thus the issue of clandestine exportation is common to nearly all legal systems, given that nearly all States wish to preserve their cultural patrimony. But they forget to protect that of others. This in spite of the fact that the recent UNESCO Convention for the protection and the promotion of diversity in cultural expression, adopted in Paris on the 20th of October 2005, states that the activities, pertaining to both cultural goods and services, have a dual nature, both economic and cultural, in that they are vehicles of identity, of values, of feelings and thus should not be treated above all as only being endowed with commercial value. The above-mentioned Convention was adhered to by the European Council on the 2nd May 2006.

Romania is a signatory of most international conventions and treaties on the protection of archaeological heritage, the fight against illegal patrimony trafficking. Due to its geographical position, the remarkable archaeological potential, the lack of strong protection legislation, between 1989 and 2000 Romania became an "exporter" of archaeological patrimony.

In several criminal cases, highly publicized, some of the artifacts illegally exported have been, like we already mention above, recovered through international judicial assistance. But this it turned out to be a very difficult, expensive, long and not always positive approach. For these reasons, as a person deeply involved on the procedures, I think it is far more effective to combat the phenomenon at its *origins*, through the effective protection of archaeological sites.

The evolution of the last 20 years, since the issuance of the main laws on the protection of mobile and immobile heritage, shows, ironically, that the *weak link* is proving to be just the public sector, the state institutions. The constant pressure of some financial and economic interest groups, the lack of legal support from the Ministry of Culture, the under-financing, the mediocrity of the employees etc. Here are some of the reasons why the decentralized structures of the Ministry of Culture have just produced some *forms without substance*.

Resolving issues related to the protection and preservation of archaeological heritage starts from *education*, plus a radical change of *attitude* from public officials, specialists and heritage experts. Finally, a *change of the paradigm* under which society understands the true meaning of cultural heritage.