

MEDIATION - THE ONLY VIABLE SOLUTION TO RESOLVE THE CONFLICT IN ROSIA MONTANA

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ABSTRACT

In modern society, located in a continually growing population, one of the main problems is related to the exploitation of natural resources, a source of richness limited and usually non-renewable.

That is the exploitation of Rosia Montana, where an old gold mine continues to produce interest for what might be called "gold fever" in Romania.

But, unlike the ancient and medieval times, where such operations were encouraged as a development factor, today environmental protection and sustainable development theory says that such mining destroys the nature and the community are serious damage, even if part of the local community wants to work, further mining, considering it a way of life and a reliable source of income.

Thus we have two opposing positions camps: those who want to protect nature and those who want to exploit it, and in such a dilemma can not get out only with mediation

Mediation is the only one who can bring the same opponents at the negotiation table, in the presence of specialized environments, and fully impartial stranger to conflict, to find a common solution to resolve the conflict, thus brains "peace" sustainable, that can be subsequently implemented.

This study aims to review the advantages and the role that mediation can bring it into such a sensitive issue, as the Rosia Montana

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1. Introduction.

Rosia Montana is one of the oldest cities in Romania, documented before the conquest of Dacia by the Romans, as wax tablets found in the mines at Rosia and museums spread across Europe, considered by experts as a birth certificate the Romanian people.

Moreover waxed sheet no. XVIII, dated February 6 131, is known for the first time the name of the village of Alburnus Maior, here are the places where Dacia is extracted gold, making Rosia Montana as one of the oldest settlements in traditional precious metals operation in Europe hypothesis confirmed by tests carried out at Bochum (Germany) on the mining of Orlea, Carpen and Gauri.

All Rosia Montana territory hundreds of households are made in time with great toil, a historic building architecture and the age and various administrative buildings, economic, social and cultural, a unique mining museum with pieces held, memorial houses, an archaeological reserve and many other wonderful geological and vigorous roots of our history, but here is also rich resources, estimated by experts at about 330 tons of gold (the largest gold deposit in Europe) and 1,600 tons of silver (whose removal would bring a net profit of 915 million dollars), but nothing excludes the emergence of a third stakes: copper, at Rosia Montana there are the greatest career in Romania for copper surface porphyria belonging to the state.

It notes the importance of the village and the area as a nature reserve, protected by law, the pace of life to carry on as before in agriculture, animal husbandry and ecological tourism, and value precious metal deposits that are in these places and can their operation, although the environmental consequences arising from this.

This will be analyzed in a totally objective, the importance of precious metals deposit and benefits and damages caused by such exploitation in the community, in order to see how it is possible

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to resolve between two different lifestyles through mediation, the only way, in our opinion, which can lead to finding a viable solution for the entire community.

2. Precious metal deposit at Rosia Montana - costs and benefits.

The costs of precious metals deposits exploitation, designed for a 16-year operational period, in Rosia Montana amounts to a total investment of \$ 615 million (reported, it is true to a profit of \$ 915 million), which would bring direct benefits to the state \$ 583 million (taxes, fees, dividends, royalties and profit, given that the state owns 20% of RMGC (Rosia Montana Gold Corporation - the company that wants to do this operation, 80% owned by Canadian company Gabriel Resources and 20% of Romanian State by Minvest Deva).

Among the investment involved in such exploitation are displaced population (approximately 970 households in Rosia Montana and Corna, over 2000 people, who have already spent \$ 20 million to acquire 43% of them), demolition of buildings (including historical monuments), 8 churches (2 of them will be rebuilt in other locations) and moving some cemeteries.

It is also about building a pool and accumulation of waste (tailings pond with a storage capacity of 250 million tons of tailings, with a body of water spread over an area of less than 80 ha, 1200 ha of the total how is the actual operation) behind a dam 185 feet high waste rock which closes the valley of Corna, resulting in surface modification of biotopes of the site and land use categories in which the worst areas will be reduced irreversibly pastures and meadows from 60% currently to 22% and forests, from 18% to 5.6%, while increasing productive land area 13 times from 5% currently to 65%.

But it's not just about money in this operation, but also the implications it has on the local community and the environment, because the operation (which takes place in a populated area) involves the destruction of the Rosia Montana community, while the displacement and relocation of the population, leading to a loss of important social cohesion by destroying the local community, which has so far affected by depopulation Apuseni mountains, a sparsely populated area.

May occur and the implications for biodiversity, because mining at Rosia Montana in four open pits Cetatea, Carnic, Orlea and Jig, as presented, will lead to changes in forest composition by changing the age and species types forest (while the Rosia Montana area includes important habitats and species of fauna and flora that are protected under national and international legislation on the conservation of natural habitats and wild flora and fauna) and can lead to destruction of wetlands, which can be the effect of altering migration routes.

There are also issues that the operation of the surface will produce a serious disfigurement of the landscape and the proposed dam was built, it provides security in extreme situations, as demonstrated by the experience of several countries where serious accidents occurred in various mines. The presence of such a storage tank and dam in the immediate vicinity of Abrud is a big risk and there is no guarantee that an accident can not occur.

Another cause that must not forget is the fact that most environmental problems associated with mining is the generation of ARD, which can be active for decades, perhaps centuries, and will be stored in sterile whose dam, built after a model "upstream" offers no guarantee that will be resistant to earthquakes, and the conditions under which sustainable development has no chance without the existence of a quality environment².

Besides the feasibility study does not present risks of a landslide or earthquake, or standards that will meet the dam to prevent such risks, and sodium cyanide in the process and waste storage pond containing cyanide residue, produced by "neutralizing" (very toxic) and heavy metals are serious environmental problems under national legislation and EU.

² Daniela Marinescu, *Environmental law treaty* (Bucuresti: ALLBeck,2003), 37.

Be taken into account that the concentration of gold will be very close to the limit of profitability, so that the feasibility of operation will be highly sensitive to volatile price of gold and increasing investment costs, especially amid the privatization of many sectors in Romania is that of water, electricity or fuel, with possible disruption of Rosia Montana Gold Corporation work on mining before the deadline and without meeting its obligations, working with disastrous effects in an area that needs long-term economic solutions based on renewable resources, especially is the oldest documented mining settlement in Romania, which houses important archaeological remains, including Roman temples, fortified buildings, galleries and mining.

On the other hand a good part of the population expected to start mining work could have a stable job, in condition that Rosia Montana Gold Corporation promise to provide a number of jobs and continue the tradition of work in existing mining families of all generations, especially since the company Rosia Montana Gold Corporation has been extremely convincing with locals who have offered free mobile phones, especially the elderly in remote areas, "Goldu", as locals say to the Canadian company, becoming a kind of Republic of Montana Gold Corporation, which acts as a paternalistic state: buying property in the area, is the largest employer, largest consumer of resources and the largest investor.

More investment is seen as an opening to the outside of a closed community such as the Apuseni Mountains, which would attract new investment in infrastructure, construction, tourism and services, the possibility of building roads to link the of the other cities, facilitating an easier life for the local community, especially the Rosia Montana Gold Corporation plans talk of restoring the area after the operation.

3. Legal situation of Rosia Montana exploitation

Following the processes started by non-governmental environmental agreements for drilling had been suspended for 39 judicial drilling points, by irrevocable sentence, making it impossible for the moment, continuing the company's activities, even if it is a small part of 1,000 points of the drilling.

The situation of the urbanism certificate is not clear because the Ministry of Environment announced the impossibility of continuing the procedure of environmental impact assessment for the Rosia Montana project, after initially suspending the certificate by the court, and dismiss the appeal the company's suspension of the certificate, obtained by being required to issue any necessary authorizations RMGC activities

Problems are also archaeological discharge certificates, essential in an area with many historical relics from Roman times and without which it can issue construction permits for proposed surface mining, while the NGOs, who oppose project go to the courts for any new certificate obtained by RMGC.

But key to the whole equation is the Ministry of Environment and Forests has rejected environmental agreement at the end of the procedure involved analyzing the quality of the report on environmental impact assessment (EIA) done by RMGC, while the analysis includes public consultation (in Romania and abroad), the examination report by the numerous technical committees and obtaining the consent of several ministries and government agencies on specific issues (agriculture, health, transport, tourism or culture).

Especially as the officials are quite confused about this project, there are contradictory statements ranging from critical project as stated Codrut Seres, Minister of Economy and Commerce in the Journal of November 4, 2005: *"I do not think there is something more than post-communist views a mono-industrial town ravaged by the "new capitalist system." (...) The mines at Rosia Montana is as" up to acceptance.*

Problems are, also, outside Romania, Hungary, which fears the risk of pollution of the Tisza River Basin, categorically opposing project and threatening European Court of Justice for its realization.

4. Local perception and the role of mediation in conflict resolution.

Civil society is divided, various NGOs and public institutions, including the Romanian Academy, intervening on both sides of the fence, including the vicious fight at slogans: the "*Let's Save Rosia Montana*", the new RMGC slogan from investors, at the opponents of the "Alburnus Maior" whose call is "*Save Rosia Montana*".

and most importantly and directly affected by the mining population is divided between those who want to work on the mines, hoping for a better life, even if they are aware that the environment that affected seriously and those who do not wish operation, wanting a traditional lifestyle based on domestic livestock, agriculture and why not, ecotourism.

Because the camps are about equal a clear solution seems to appear out of nowhere, so clearly needed, yet not a debate because debates have been enough but a mediation.

Mediation is a process in which a neutral person conflict, impartial mediator brings the parties has been designated to the negotiating table to determine their own to find a solution³ under his supervision.

It is also a major difference and face trial on Rosia Montana, where a foreign judge would give a solution at all, without being himself part of the community. In mediation community to find solutions that would be most convenient for the community, possibly with the assistance of recognized experts, such as those of the Romanian Academy.

Variants exist because man is a superior being who lives in the community so the community knows she must protect not only him as being single, keeping the memory of past generations, but also providing future generations⁴.

Under these conditions a mediation involving these factors, local community, local authorities and specialists recognized by the Romanian Academy, with Rosia Montana Gold Corporation has great chance of success, being able to weigh the benefits of mining - jobs, leaving them with financial stability, primarily for residents, invest in infrastructure: roads, hospitals, shops, the possibility of better communication with other communities and out of isolation, leading consequently to an increase in local community / birth with the disadvantages of this operation, namely: environmental destruction and the traditional life style, lack of guarantees that this project will be carried out and will be made all the works to redevelop the area, as if after starting operation RMGC bankrupt or refused operation will lag behind them a real ecological disaster, destruction of existing settlements and historical sites important to the history of Romania, the local community in the coming change component of many people working in foreign service for a longer or shorter period of time, concerns about way of life after operation will be closed, that the sources of income of local communities, given that various substances used in mining, damage soil, and thus agriculture and livestock, and destruction of historical sites, corroborated by traces of exploitation mining can scare potential tourists in the area.

More than a successful mediation in this matter would be of benefit for all local communities in Romania, because it would provide a way to solve their local problems, which can be translated and a responsibility of the parties involved in this problem is the mine from Rosia Montana, to be the initiators of a new era of dialogue and consensus in solving local problems.

³ Adina Oprea and Dragoş Marian Rădulescu, "Mediation (yet) start-ups," *Dezbateri Social-Economice* 1 (2012): 4.

⁴ Federico Mayor, *Memory of the future* (Bucuresti: Romanian Cultural Fundation,1995), 140.

Do not forget that just because the purpose of mediation is to help the parties find a favorable solution for everyone involved, so that no the court of law can achieve.

5. Conclusions

This study examined the tense situation at Rosia Montana where existing reserves of gold and silver have attracted the interest of foreign companies that want their operation, even there are the risk to destroy existing settlements, some important historical artifacts and the environment

To compensate the damage the company promises to create jobs in a poor area, investment in infrastructure, relocation and rebuilding villages destroyed area after operations cease.

But part of the community with environmental NGOs, do not want such changes and to try to preserve current life style and to save resources for future generations in mining for a sustainable development.

Court sentences obtained so far, debate and studies have made no evident majority camp and no viable solution so the single way to solve this problem remains appealing to mediation as only bringing two sides together with local authorities, representatives of Rosia Montana Gold Corporation and in the presence of specialists of the Romanian Academy can find a viable solution for everyone, making it a local problem-solving model for all communities in Romania.

More than that and studies by scientists should consider calling the opportunity to mediation as the only viable option the parties themselves negotiate their own interests and find solutions that can be applied and respected by the entire community especially.

References

- Daniela Marinescu, *Environmental law treaty*. Bucuresti: ALLBeck, 2003.
- Adina Oprea and Dragos Marian Radulescu, "Mediation (yet) start-ups," *Dezbateri Social-Economice* 1 (2012): 4-7.
- Federico Mayor, *Memory of the future*. Bucuresti: Romanian Cultural Fundation, 1995.