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## Archaeological Heritage Crimes in Romania and Moldova: A Comparative View

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### Introduction

The debates on archaeological heritage research, preservation and management have increased in recent years due to the impact of European standards such as Council of Europe Conventions and the European Union (EU) integration process (for example Coles and Olivier, 2001; Fairclough and Rippon, 2002; Pickard, 2002; Cleere, 2005; Willems and van den Dries, 2007; Kristiansen, 2008; Bloemers et al., 2010; Council of Europe, 2011). The Valletta Convention (the revised *European Convention on the Protection of Archaeological Heritage*, 1992), the International Council of Monuments and Sites (ICOMOS) Charter for the Protection and Management of the Archaeological Heritage (1990) and *The Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas* (2011) are playing important roles in this process of archaeological heritage preservation activities. The consolidated version of the Lisbon Treaty also makes cultural heritage an issue for the EU member states; '... It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced' (Article 3.3), and there is also the Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State.

Romania has been a full member of the EU since 2007 and Moldova intends to gain membership of the EU in due course. But, did the EU integration process change the situation in Romania in the field of archaeological heritage preservation? And how is Moldova, a former

Soviet Republic, as an aspirant country obliged to fulfil the requirements according to the EU partnership agreement? Since 1991, when Moldova became an independent country after the collapse of the USSR, it has tried to do a lot of things in order to develop a democratic society and to build a legal framework according to these intentions. Recent developments of the Moldovan government to gain membership of the EU obliged the country to fulfil the requirements according to the EU partnership agreement. However, the political, economic and social problems encountered during the last two decades are affecting the most sensitive areas – one of them being the preservation of cultural heritage – in general, particularly archaeological heritage.

Moldova and Romania have many common cultural and historical roots. The totalitarian policies gravely affected cultural heritage and national history in most of the socialist countries (Kohl and Fawcett, 1995). During this period, the state ideology encouraged the destruction of many historic buildings and religious artefacts. Even though the socialist system collapsed, regional military conflicts and ethnic and religious disagreements have now placed the remaining cultural heritage in danger. There is also the lack of an adequate legal framework that has the necessary mechanisms to assure heritage site protection. The unsuccessful economic reforms (particularly land privatization) have hindered the preservation of archaeological sites (Kreutzer, 2006).

Another important aspect of the project is discussing the phenomenon of illegal archaeology (looting and illegal export) which is common in the majority of countries (for example see Brodie, 2004; Brodie et al., 2001; Harding, 2011). This is why the subject is discussed at the most prestigious international forums, such as *Europae Archaeologiae Concilium* (EAC), the *European Archaeologists Association* (EAA), *European Heritage Network – HEREIN*, the *World Archaeological Congress* (WAC) and *ICOMOS*. During these discussions, experts in this field seek solutions to prevent this phenomenon.

In Romania and the Republic of Moldova, the phenomenon of illegal archaeology is also present and has seemingly increased in recent times. During recent years, cultural goods from Romania and Moldova have come to light in many countries. In this paper I will focus on a few examples from Romania and Moldova.

### **Romanian cases**

A case involving first century BC Dacian bracelets is very well-known. Between 1998 and 2001, 24 originally decorated golden spiral bracelets

were looted from Sarmisegetusa Regia, a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site, and traded via Serbia to Western European countries and to the USA (Constantinescu et al., 2010; Cojocaru, 2011; Yates, 2012). E. Oberländer-Târnoveanu, director of the National History Museum said, 'After the treasure of Pietroasele, which includes gold figurines weighing more than 19 kilos, this is the most important find made on Romanian territory' (AFP, 2011). After a long process, the Romanian prosecutors with active participation from INTERPOL successfully recovered parts of the treasure from US, Swiss and German collectors. First, just four bracelets were recovered by Romania in 2006 from a US collector after paying the sum of 800,000 RON (about 178,000 euros). One bracelet was returned in 2008 by the French government for free, 'after it was seized from a stand at the Grand Palais Biennale Exhibition in Paris from a vendor who could not produce ownership documentation' (Yates, 2012). In June 2007 a sixth bracelet was recovered by the Romanian border police in the possession of a member of a criminal gang. Three more bracelets were repatriated in August 2007 from collectors in Switzerland and the USA and a further three were returned from the USA in December 2008 (Constantinescu et al., 2010; Yates, 2012). In May 2011, 232 artefacts, including a gold bracelet, two iron shields and 229 gold and silver coins were repurchased by the Romanian state from Germany, for 302,000 euros (Cojocaru, 2011). So, up to 2011, 13 out of a supposed total number of 24 bracelets were recovered. During a press conference, A. Lazar, deputy prosecutor general of the Alba Iulia Court of Appeal's Prosecutor's Office, mentioned that 202 Koson silver coins were recovered, but evidence suggests these are part of the 2300 coins found in a certain area of the Sarmizegetusa Regia archaeological site. The 27 Lysimachos pieces are part of a 3600 piece gold hoard, weighing 30 kilos. However, we should 'think there is still work to be done until we get piece no. 24, as far as bracelets alone are concerned'. The next step is initiating an international hunt for the remaining items (Cojocaru, 2011). Twenty-eight Romanian citizens have so far been indicted for plundering the Sarmisegetusa site and 13 of them received prison sentences of between seven and 12 years in December 2009 (AFP, 2011; Yates, 2012).

In 2008, a mixed team of Romanian and Bulgarian citizens were arrested while carrying out an illegal excavation of the Tropaeum Traiani fortress, Adamclisi, Constanța County. They discovered various ceramic fragments and coins. The Bulgarian citizens left Romania, but the Romanian citizens were given penalties of between one-and-a-half and

two years' imprisonment suspended for illegal use of metal detectors and illegal excavation (Dobre, 2012).

During Spring 2011 as a result of the actions of Călărași County police, a hoard of 35 Dutch, Austro-Hungarian and Ottoman Empire coins from the eighteenth and nineteenth centuries was recovered. A man from Chiselet village discovered this hoard in his yard during agricultural activity and tried to sell it; the police officers reacted and confiscated it (Ciobanu, 2012).

In June 2013, as result of two years' work and based on the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, the Romanian government were repatriated 49 Koson coins from the USA. The coins were stolen from the Sarmisegetusa Regia site, probably after 2003, and discovered by prosecutors in 2011 (MNAIR, 2013). In July 2013, the Alba Iulia Court of Appeal's Prosecutor's Office was informed that another five Koson type coins and 14 Dacian artefacts from Sarmisegetusa Regia were recuperated from Germany. The press release pointed out that until that point the Romanian police had recovered 700 Koson coins from 25 kilos of treasure and other important archaeological goods. Among 14 silver artefacts from the first century BC is a stylized snake bracelet, pendants and earrings. This repatriation process was carried out according to the EU Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State and this is the first case of recovering cultural goods from a German auction by the Romanian government (Lungu, 2013).

As we can see during the last decade, the Romanian authorities recovered an important number of cultural goods from Western countries: 13 Dacian golden bracelets (12,633 kilos), more than 700 Koson coins, 30 golden Lysimachos coins issued in Callatis and Tomis, 73 other gold and bronze coins and a hoard of tools and weapons from Dacian fortresses (MNAIR, 2013). But the main problem for Romania is the efficiency of state bodies in fighting the illicit trade in antiquities. Prosecutor A. Lazar described this situation very well: '... until the spring of 2009, Romania had had, as all civilized countries, a specialized department, including 12 officers, within the General Police Inspectorate. At present, only one specialized officer was left among the General Police staff' (Cojocaru, 2011). Romania started to implement a very good practice in cultural heritage policing, but for unknown reasons the government recently changed the profile of this structure and now just a handful of people are doing visible work in Alba Iulia, Neamș, Călărași and Constanța counties.

## Moldovan cases

A spectacular case of illegal antiquities trade was discovered in 2006 by customs at Amsterdam Schiphol International Airport. A huge box containing 26 archaeological goods was sent from Chisinau International Airport to Amsterdam by UK diplomat James Armstrong. The estimated value of the goods was about 450,000 euros (Tentiuc and Popușoi, 2008, p. 49). The artefacts were from various periods (the Bronze Age, Greek and Roman times) and probably came from archaeological sites around the Black Sea. The Amsterdam case was under the authority of the Chisinau municipal prosecutor's office, but to date we do not know much about this case (Olaru, 2009). The Moldovan prosecutors have sent four requests to the UK and the USA foreign ministries who were not able to confirm the existence of such a diplomat, so it is clear that the trader used a false name. But how was it possible to avoid the Moldovan customs? All cultural goods have to have a special certificate issued by the Ministry of Culture. Prosecutors spoke with more than 20 employees of both airports, customs, the travel agent, etc. and they discovered that Mr James Armstrong left during his visit to Chisinau in 2005 on the street '31 August 1989', but they could not find any more information about his activity as a diplomat. So, after a long and unsuccessful search the investigation process was stopped. Based on the UNESCO Convention on Means of Prohibiting and Preventing the Illicit Import, Export and Transfer Ownership of Cultural Property (1970), UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) and as result of good cooperation between the Dutch and Moldovan state bodies, the goods were repatriated and are now with the National History of Moldova Museum. The museum experts cleaned them and presented them to the public as part of a special exhibition (see Figure 5.1).

Another case relating to the illegal antiquities trade originating from south-eastern and Eastern European countries was attested by Darmstadt Prosecution, Germany, in 2006. An antique store in Usingen sells many archaeological artefacts, including a few from Moldova without any documents (No.: 1-25-11; No. 3-3; No.: 1-25-20; No.: 1-25-23; No.: 1-25-8). The German police, through INTERPOL, requested the help of the Moldovan authorities (Darmstadt Prosecution case no. 531 Js 41777/06 and Usingen police case no. ST/0412735/2006), but without any success. In 2008 the Academy of Science of Moldova answered the Moldovan criminal police enquiry that such artefacts are not registered as part of the national heritage (Olaru, 2009). In November 2009, Gheorghe Postică, new Deputy-Minister of Culture, with the support



*Figure 5.1* L: Marble head of Hercules, Greek origin, unknown location. R: Marble head of female statue, Roman period, characteristic of the Middle East region, unknown location

Photo credits: V. Bubulici.

of Dr Alexandru Popa established contact with the German police and tried to recover the artefacts declared originally from Moldova and probably illegally excavated and traded abroad. In February 2011 the Moldovan Ministry of Foreign Affairs informed the Ministry of Culture that the German authorities decided to repatriate the Roman bowl with silver bust, second century AD, the value of which was estimated at 250,000 euros (Figure 5.2). But after a few days it was discovered that the Darmstadt prosecutors did not know anything about this transaction. To date it is not clear what information the Moldovan Ministry of Foreign Affairs gave to the Ministry of Culture, because nothing further has happened on this case. As far as is known, one artefact disappeared from the antique store and another was sent to the Getty Museum in Malibu, USA.

As a result of a misunderstanding between Moldovan state bodies and a lack of communication between German colleagues, this case has not been solved at the time of writing. I have the impression that the Moldovan police and prosecutors have little interest in such cases.



Figure 5.2 L: Roman bowl with silver bust, second century AD. R: A vessel with two handles, silver, plated (Skyphos), first century BC

Photo credits: Usingen police.

The Moldovan branch of the International Criminal Police Organization ICPO – INTERPOL – is very passive too. At the moment, it seems to me that we cannot say that all institutions working in the field of fighting illegal antiquities trade are supporting each other. As a result, metal detecting, illegal excavation and the antiquities trade is flourishing in the Republic of Moldova. It is possible that Moldovan authorities do not prioritise this type of crime, as it may not be a politically popular move.

So, as we can see from these cases, there is a network of dealers specializing in moving contraband archaeological goods from Eastern to Western European countries. This is a very profitable activity and compares with the illicit trade in drugs and weapons (Kersel, 2006, p. 188). All participants in such activities are culpable, but it is very rare that anyone involved in the illegal trade in archaeological goods is prosecuted. Most auction houses hide the name of vendors and beneficiaries, and these vendors sometimes employ agents to represent them. Auction houses can claim that they need to protect client confidentiality and are not obligated to reveal names, hence anonymity allows different people to be involved in this trade. The Antiquities Dealers Association (ADA) through its Code of Ethics says, ‘The members of ADA undertake not to purchase or sell objects until they have established to the best of their ability that such objects were not stolen from excavations, architectural monuments, public institutions or private property’ Article 2 (Brodie, 2006, p. 218). International Association of Dealers in Ancient Art (IADAA) recommended that the antiquities market and trade of cultural goods should be transparent and transactions should be public (Tubb and Brodie, 2001, p. 110), but the reality is otherwise. Most goods are traded in various ways, directly from dealers to beneficiaries,

via antique shops, auctions, web pages, etc. The most well-known Internet site is [www.ebay.com](http://www.ebay.com). Moldova has its own forum site, where many interesting comments on cultural goods can be seen: [www.oldstory.info](http://www.oldstory.info).

## Conclusion

The illegal trade in antiquities is a huge network in which many factors and people are involved (for example 'black archaeologists'/treasure hunters, dealers/vendors, beneficiaries and so on. For some of them this is a career, but for many others it is just a hobby, and these people come from diverse social and political backgrounds. In both Romania and Moldova the problem of heritage crime is part of a larger phenomenon and is the result of the political and economic situation in these countries. Most goods come from 'black archaeologists' who use metal detectors (Musteață, 2011). Comparing Moldova and Romania in the field of cultural heritage preservation and fighting the illegal trade of antiquities, the Romanian authorities are more active than Moldovan state bodies. During the last decade the Romanian government repatriated many cultural goods, including archaeological artefacts, and Moldova had just one case, and this one by happy occasion, as result of Amsterdam Schiphol Airport's customs policy. So the public authorities have to be more active in fighting illegal trade, site vandalism and other negative practices, because if we want to preserve the archaeological heritage for future generations, we have to implement complex strategies which should include political, legal, economic, cultural and educational aspects.

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