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# MODELS OF CONTENTION AND PARTICIPATION OF CIVIL SOCIETY IN ROȘIA MONTANĂ ENVIRONMENTAL CONFLICT

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## ABSTRACT

*The most substantial environmental mobilization in post-communist Romania is represented by Save Roșia Montană, a movement that opposes the biggest European open pit, cyanide-based gold and silver extraction project proposed by Gabriel Resources Ltd., a multi-national mining company based in Toronto. Over the last 12 years, it has become the most significant Romanian environmental conflict, with a significant national and international impact.*

*This paper is an exploratory investigation into models of contention and participation of civil society in the Roșia Montană environmental conflict.*

## KEYWORDS

- environmental movement
- social activism
- cyanide mining
- astroturfing

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Mining activities have generated environmental and civil rights conflicts all over the world. People have lost their lives in their struggle to protect their lands, and natural resources their lives, families, and communities depend on – a struggle for environmental and ecological justice.

In post-communist Romania, the most substantial environmental mobilization is represented by *Salvați Roșia Montană* movement (Save Roșia Montană, SRM), a movement that opposes a massive surface (open cast), cyanide-leaching gold and silver extraction project proposed by Roșia Montană Gold Corporation (RMGC), a subsidiary of Gabriel Resources Ltd., a multi-national junior mining company based in Toronto. Over the years, it has become the most important and complex Romanian environmental conflict, with a significant cross-border and international dimension.

The actors that have disputed the intentions of Gabriel Resources to open the European largest gold and silver mine in Romania, are numerous, and extremely diverse. Among them are local people from Roșia Montană and its vicinities, local, national and international NGO and coalitions of NGOs, informal groups, professional associations, trade unions, universities and other types of academic bodies, student organizations, Churches, sports supporters, artists, public intellectuals, and individual citizens. This variety of actors, with a complex network of relationships among them has the constituency of a social movement. It is important to say that this movement is by no means (ideologically) homogenous.

The opposition first manifested locally, when the disagreement of the local people took the form of a grass-roots NIMBY resistance (not in my back yard). The first reaction was mostly against the relocation and resettlement plan: the prospect of physically displacing an entire community of almost 1000 household was frightening and unacceptable for many locals<sup>1</sup>. In 2000, 300 families from Roșia Montană and 100 more from neighboring village Bucium established the first organization: Alburnus Maior (the Roman name of Roșia Montană). At first, it was ineffective, because the subsistence farmers and former miners from RoșiaMin (the company that exploited in a small surface pit until 2006) who formed its core knew little about campaigning. This situation changed when Stephanie Danielle Roth, a Swiss-French environmental activist joined them. Roth was in Romania to participate in another successful campaign to block the construction of Dracula Land, a theme park that was to include a golf course and several hotels. The project would have deforested an oak forest reserve next to the Sighisoara citadel<sup>2</sup>.

On 22 July 2002, Alburnus Maior organized a public meeting in Roșia Montană with the participation of 350 local people and 34 representatives of national and international NGOs. The meeting resulted in a declaration of the NGOs against the mining project, against the exploitation in an massive open pit, against the use of cyanide, and against forced displacement of the community<sup>3</sup>.

Stephanie Roth helped Alburnus Maior develop a strategy of action that consisted mainly in challenging any documents issued by the state institutions at Gabriel's request. The goal of this strategy was to ensure that all documents were complying with the Romanian and European Union environmental, mining and heritage preservation regulations, and to insist on the public dissemination on any documentation that the state institution attempted to keep secret. The premise on this strategy, and one of the main messages of Alburnus Maior over time is that all existing laws are applied properly, the gold mining project will never commence. This principle has a corollary: in its attempt to start the mining activities, Gabriel Resources would have to push for a political decision that could supersede the technical and legal problems; it will seek changes in legislation, or illegally obtained permits. This strategy implied a series of tactics: strategic litigation, watchdog information

1 Interview with Ramona Dumnicioiu, 25 November 2012.

2 Idem.

3 Interview with Sorin Jurca (data 29 November 2012)

and participation in decision-making, communication and advocacy, and protests (street protests or more discursive forms of protest on social media platforms).

Alburnus Maior has also proposed and developed the Save Roşia Montană slogan, and designed the half green – half red leaf campaign logo that over time will be used by all movement's actors.

Alburnus Maior has been maintaining a central position in the movement, but not necessarily a position of leadership. Its primacy in the movement is justified considering that its constituency represents the local people in Roşia Montană. However, the core of Save Roşia Montană movement consists in a number of environmental organizations that have, at times, worked closely with Alburnus Maior: Greenpeace Romania, ReGeneration, the Independent Centre for the Development of Environmental Resources (ICDER), Roşia Montană Cultural Foundation, Terra Mileniul III, and Architecture. Restoration. Archeology Association (ARA).

The year 2002 represented the birth of the opposition movement. A number of other institutions have developed a critical position towards the gold mining project even from the early developments. In August 2002, Daniel Daianu, former Minister of Finances, together with other 82 faculty members of the Bucharest University of Economic Studies (ASE) addressed a letter to the President Ion Iliescu, stating that the project is an economic failure and could cause an environmental disaster. Few months earlier, George Stoian, a student at ASE has requested in an audience the leadership of ASE to get involved in the problem of Roşia Montană<sup>4</sup>.

In August 2002, the Hungarian Minister of Environment and Water Management, answering an interpellation made by 20 Hungarian NGOs made the first step in activating the Espoo Convention. On 31 October, 14 representatives of the Romano Catholic, Unitarian and Calvin Churches expressed their concerns about the environmental and social impact of the gold mining project, and announced that will not sell any properties they have (Church, cemeteries, terrain). In November, Prof. Dr. Geza Alföldy, wrote a protest letter to Razvan Theodorescu, the Minister of Culture. In the following years 1083 Romanian archaeologists have joined the protest letter. In the same month, 14 members of the Romanian Academy wrote a protest letter addressed to Adrian Năstase, the Prime Minister regarding the environmental impact of the mine. By the end of the year, 400 of the most eminent Romanian archeologist and historians have written to Ion Iliescu, the Romanian President, explaining why Roşia Montană is such a concern, and why the mining activities would destroy this unique place.

In the following year, the Romanian Orthodox Church (BOR) joins the other Churches and states that it opposes the RMGC project and expressed the hope that

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4 ASE, 'Salvati Roşia Montană' [Save Roşia Montană], web section, <http://www.ase.ro/rosia%5Fmontana/> (retrieved 16 May 2013)

Roșia Montană will remain untouched in its holiness, purity and beauty. Among all clerics, Bartolomeu Anania remained over years the most prominent voice against the mining project<sup>5</sup>.

Since 2004, the Romanian Academy has become a constant and important actor against the mining project in Roșia Montană. On 16 July 2004, during a general assembly, the Academy adopted a declaration that underlines the fact that the mining project proposed by Gabriel Resources it is not in the interest of national economy that can justify the associated risks, therefore recommends its rejection. The resolution also calls for the evaluation of alternative development solutions based on the principle of sustainable development<sup>6</sup>. In response to an aggressive advertising and communication campaign implemented by RMGC, the Romanian Academy adopted a new Declaration on 27 February 2006. The Academy concluded that “no one can ignore the numerous individual and collective protests from civil society, scientific, religious, cultural institutions from the country and abroad. One cannot overlook the resistance and the grievances expressed by parts of the local population who are directly affected by this project and at risk of loosing their properties and having to abandon their community. The Romanian Academy is calling all competent authorities (Presidential administration, Parliament, Government, Justice) to carefully analyze the mine proposal; to involve non-biased specialists from the country, abroad and specialized European institutions before approving such extremely controversial and dangerous project. The Romanian Academy is simply trying to prevent an environmental and cultural disaster that would propel unacceptable consequences”<sup>7</sup>

Among the most notable actors that have been continuously and consistently involved in the dismissal of gold mining project in Roșia Montană we can list Romanian Academy, International Council on Monuments and Sites (ICOMOS) Romania, Romanian Orthodox Church (Patriarhia Romana, Mitropolia Clujului, Albei, Crisanei si Maramuresului; Arhiepiscopia Vadului, Feleacului si Clujului), Roman Catholic Church (Roman Catholic Archdiocese of Alba Iulia), Hungarian Historical Churches (Catholic, Reformed, and Unitarian), Babes-Bolyai University, Cluj-Napoca, Bucharest University of Economic Studies (ASE), Non-Governmental Organizations (Alburnus Maior Roșia Montană, Fundatia Culturala Roșia Montană, PATRIR - Peace Action, Training and Research Institute of Romania, Greenpeace Romania, ReGeneration, Terra IIIrd Millenium , World Wide Fund for Nature WWF Romania, Open Society Foundation Romania, Ad Astra Association – Romanian

5 [http://adevarul.ro/news/societate/mitropolitul-bartolomeu-anania-apara-rosia-montana-1\\_50ac-2cb57c42d5a6638582fa/index.html](http://adevarul.ro/news/societate/mitropolitul-bartolomeu-anania-apara-rosia-montana-1_50ac-2cb57c42d5a6638582fa/index.html) (retrieved 18 May 2013); <http://www.gandul.info/stiri/mitropolitul-clujului-ii-cere-ministrului-mediului-sa-salveze-rosia-montana-860752> (retrieved 18 May 2013)

6 Academia Romana, ‘Declaratia in legatura cu proiectul de exploatare miniera de la Roșia Montană’ [Declaration on Rosia Montana mining project], 2004, [http://www.academiaromana.ro/rosia\\_montana/pag\\_rm04\\_decl.htm](http://www.academiaromana.ro/rosia_montana/pag_rm04_decl.htm) (retrieved 18 May 2013)

7 Academia Romana, ‘Declaratia in legatura cu proiectul de exploatare miniera de la Roșia Montană’ [Declaration on Rosia Montana mining project], 2006, [http://www.academiaromana.ro/rosia\\_montana/pag\\_rm06\\_decl0227.htm](http://www.academiaromana.ro/rosia_montana/pag_rm06_decl0227.htm) (retrieved 18 May 2013)

Scientific Community), Informal Groups (Mindbomb and Tinerii Maniosi both from Cluj-Napoca), coalitions of environmental organizations: Coaliția Pentru Mediu (Environmental Coalition) and Coaliția România Fără Cianuri (Cyanide Free Romania Coalition); International and transnational organization (Friends of the Earth Europe Belgium, CEE Bankwatch Network Czech Republic, National Ecological Center of Ukraine, Golos Pryrody Ukraine, Friends of the Earth-CEPA Slovakia, Greenpeace CEE Austria, National Society of Conservationists / Friends of the Earth Hungary, WWF Magyarország Hungary). Other type of actors involved: sport clubs and sport supporters, Trade Unions in various domains such as health and education, cultural institutions, notable artists, film directors (eg. Alexandru Tomescu, Stradivarius violinist), Mass-Media publications, freelance journalists and bloggers.

However, the list is not exhaustive. More recently, or occasionally over time, other actors too have raised their concern regarding the opportunity of the project and its possible negative social and environmental impact. For example, more recently, a group of 33 Christian, conservative, and nationalist NGOs, have demanded the immediate dismissal of the mining project, a total ban on cyanide use in mining operation and the inclusion of Roșia Montană in UNESCO World Heritage<sup>8</sup> (the demands of the recent street protests under the slogan *United, we Save Roșia Montană*).

### **The main battleground: The Environmental Impact Assessment**

Still continuing today, the Environmental Impact Assessment (EIA) procedure represents the most significant part of the Roșia Montană environmental conflict spanning for almost 9 years, and mobilizing an important number of actors: companies; local governments; consultants, experts, and academic bodies; local, national and international NGOs; a variety of state institutions; international and European institutions; governments (Romanian, Hungarian); courts; local businesses; community leaders and opinion makers (Churches); investors, financial and insurance institutions; politicians and political parties; media and the general public<sup>9</sup>. Creating the most opportunities for contention, the EIA procedure, the actors involved, their strategies and claims need a closer investigation.

The EIA is one of the most important tools employed in contemporary environmental management, and a legal requirement (Morgan 1998; Glasson, Therivel and Chadwick 2005). It is a procedure that ensures that the environmental implications of decisions are taken into account before the decisions are made. Environmental assessment can be undertaken for individual projects, such as a dam, motorway, airport or factory, on the basis of Directive 2011/92/EU (known as ‘Environmental Impact Assessment’ – EIA Directive) or for public plans or projects on the basis of Directive 2001/42/EC (known as ‘Strategic Environmental

8 <http://roncea.ro/2013/09/16/nationalisti-pentru-rosia-montana-vor-reusi-33-de-ong-uri-crestine-din-romania-sa-preia-revolutia-din-piata-de-la-cele-27-de-ong-uri-ale-ungariei/> (retrieved 18 May 2013)

9 RMGC, ‘Roșia Montană Project’s EIA’s Public Consultation and Disclosure Plan’, [http://en.rmgc.ro/Content/uploads/eia-en/public\\_consultation\\_disclosure-plan.pdf](http://en.rmgc.ro/Content/uploads/eia-en/public_consultation_disclosure-plan.pdf) (retrieved 20 May 2013)

Assessment' – SEA Directive). The common principle of both Directives is to ensure that plans, and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorization. Consultation with the public is a key feature of environmental assessment procedures. Environmental assessment is a procedure that ensures that the environmental implications of decisions are taken into account before the decisions are made. "The Directives on Environmental Assessment aim to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects, plans and programmes with a view to reduce their environmental impact. They ensure public participation in decision-making and thereby strengthen the quality of decisions".<sup>10</sup>

The official launch of the EIA Procedure for gold mine proposal took place in December 2004, when Roșia Montană Gold Corporation (RMGC) submitted the so-called 'Project Presentation Report' (PPR) together with a request for an environmental accord for the Roșia Montană gold mine proposal to the environmental authorities, particularly to the Environmental Protection Agency Alba (APM Alba)<sup>11</sup>.

Prior to the inception of the EIA procedure, approximately 120 NGOs and individuals officially registered at the regional Environmental Protection Agency to take place in the public consultations during the EIA procedure. According to Romania's relevant legislation (Ordin Nr. 860/2002<sup>12</sup>, OG 918/2002 and the EIA Directive), one does not need to have territorial affinity to be a party in an EIA procedure, therefore the list contained interested parties from all over the world. Shortly after the submission of the PPR, several announcements were published in the Romanian media and on the environmental authorities' websites. However the environmental authorities failed to notify any of the consulted parties. Despite this omission, roughly seven thousand people and organizations such as Alburnus Maior subsequently sent contestations, comments, and observations on the PPR to the Ministry of Environment<sup>13</sup>.

Given the size of the mining proposal and its potential trans-boundary impact, the Romanian environmental authorities notified potentially affected neighboring countries (Bulgaria, Hungary, Moldova, Serbia and Montenegro, and Ukraine) to participate in the EIA procedure as stipulated in the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention) on a trans-

10 European Commission, 'Environmental Assessment', <http://ec.europa.eu/environment/eia/> (retrieved 23 May 2013)

11 RMGC, 'Project Presentation Report. November 2004', [http://www.mmediu.ro/protectia\\_mediului/rosia\\_montana/pdf/PPR\\_ENG.pdf](http://www.mmediu.ro/protectia_mediului/rosia_montana/pdf/PPR_ENG.pdf) (retrieved 23 May 2013)

12 Ministerul Mediului, 'Ordinul Nr. 860/2002 pentru aprobarea Procedurii de evaluare a impactului asupra mediului si de emitere a acordului de mediu' [Ministry of Environment Order 860/2002 on approval of EIA procedure and environmental permit], [http://www.mmediu.ro/vechi/departament\\_mediu/evaluare\\_impact/ORD\\_860\\_2002.pdf](http://www.mmediu.ro/vechi/departament_mediu/evaluare_impact/ORD_860_2002.pdf) (retrieved 23 May 2013)

13 Alburnus Maior, [www.rosiamontana.org](http://www.rosiamontana.org) (retrieved 24 May 2013)

boundary EIA<sup>14</sup>. Of all countries notified, Hungary accepted the notification and thus became a party in the EIA procedure<sup>15</sup>.

Right after, Romanian authorities initiated the so-called scoping stage of the EIA procedure. Scoping is a step in the EIA process, it seeks to identify at an early stage, from all of a project's possible impacts and from all the alternatives that could be addressed, those that are crucial, significant issues (Glasson, Therivel and Chadwick 2005). Scoping is perhaps the most important stage of an EIA procedure, as it aims to point out the contents and extent of the environmental information to be submitted to the competent authority under the EIA procedure. In all forms of scoping, consultations with environmental authorities, other interested parties and the public is an important part of the process. Consultations should ensure that the impact, issues, concerns alternatives and mitigations, which interested parties believe should be considered in the EIA, are addressed.

The process carried out at the scoping stage has been strongly contested. Claiming that the scoping stage was conducted in absence of any public consultations, Alburnus Maior and other 36 non-governmental organizations submitted a contestation to the ministry for the Environment asking it to restart the scoping stage, this time ensuring public participation. The petition included a list of questions for the ministry to include in the official scoping list.

The Ministry of Environment ignored these questions and concerns; therefore Alburnus Maior subsequently initiated an official complaint at the United Nations Economic Commission for Europe Aarhus Compliance Committee<sup>16</sup>. By comparison, in Hungary the Ministry of Environment invited the public to submit questions for the scoping list and included them in a list that comprises roughly 60 questions. Hungary was the only country that has expressed the wish to participate in the procedure for the EIA and delivered proposals for the content requirements of the EIA study. These proposals were incorporated into the scoping document submitted by the authorities to RMGC<sup>17</sup>.

The result of the scoping procedure was a so-called scoping list. It comprises questions and standards the EIA report should address and meet. In May 2005, the Romanian authorities delivered to RMGC a scoping document outlining the requirements for the content of the EIA study. Along with presenting the legal framework under which the EIA should be executed, the scoping document

14 RMGC, 'Roşia Montană Project's EIA's Public Consultation and Disclosure Plan', [http://en.rmgc.ro/Content/uploads/eia-en/public\\_consultation\\_disclosure-plan.pdf](http://en.rmgc.ro/Content/uploads/eia-en/public_consultation_disclosure-plan.pdf) (retrieved 24 May 2013)

15 'The Hungarian Ministry of Environment's 60 requirements for Roşia Montană', [http://www.ngo.ro/site\\_item\\_full.shtml?x=22377](http://www.ngo.ro/site_item_full.shtml?x=22377) (retrieved 9 24 May 2013)

16 Alburnus Maior, 'Complaint to UNECE Aarhus Compliance Committee', <http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2005-15/communication/technical%20memorandum/RM%20AM%20EIA%20Contestation%20January%202005.pdf> (retrieved 25 May 2013)

17 RMGC, 'Roşia Montană Project's EIA's Public Consultation and Disclosure Plan', [http://en.rmgc.ro/Content/uploads/eia-en/public\\_consultation\\_disclosure-plan.pdf](http://en.rmgc.ro/Content/uploads/eia-en/public_consultation_disclosure-plan.pdf) (retrieved 25 May 2013)

reflected the comments made by the following public authorities and involved institutions<sup>18</sup>: Ministry of Environment and Waters Management: a) Directorate for the Management of Waste and Dangerous Chemicals, b) Directorate for the Biological Diversity Preservation and Bio-safety, c) Waters Department, d) Directorate of Developing and Implementing Environmental Economical Policies; Ministry of Economy and Commerce, Ministry of Transport, Constructions and Tourism, National Agency for Mineral Resources, Romanian Waters National Administration, Ministry of Administration and Interior, Ministry of Culture and Religious Affairs, and the Romanian Academy.

A year later, the EIA procedure has been suspended. In the presence of Stavros Dimas, the European Commissioner for the Environment, Romania's Minister for the Environment announced in April 2006 that the EIA procedure for the Roşia Montană gold mine proposal is suspended due to the suspension of RMGC's urban certificate 68/ 20.08.2004. In April 2006, RMGC obtained a new urban certificate from the Alba County Council, No. 78/ 26.04.2006. The new act contains significant modifications in comparison with the previous urban certificate and the PPR. The most important change is that no tailings pond and dam are proposed for construction. Several NGOs thus requested the ministry for the Environment to confirm that the new urban certificate is incompatible with RMGC's request for an environmental accord and to therefore reject it. 'Alburnus Maior' and the 'Centre for Legal Resources' subsequently initiated a legal procedure to oblige the ministry for the Environment to reject RMGC's request for an environmental accord.

On 15 May 2006, RMGC submitted the Environmental Impact Assessment Study Report for the "Roşia Montană Project" to the Ministry for the Environment. The ministry accepted the report and on 5 June 2006 announced the inception of the Public Consultation Procedure. Although the organizations central to the Save Roşia Montană movement considers the EIA procedure for the Roşia Montană mine proposal to be illegal, it duly analyzed the EIA report. This resulted in the drafting of an initial Contestation which any interested person was able to send to Romania's Minister for the Environment until 25 August 2006. On 6 August 2006 numerous Romanian NGOs and citizens wrote an Open Letter to their Minister for the Environment and the Minister for European Integration highlighting the fact that the consultations are not used to inform the public about the impact and risks associated with the mine development, but instead are a disingenuous public relations approach organized by RMGC<sup>19</sup>.

On 24 August 2006, Alburnus Maior released an independent expert analysis<sup>20</sup> of the Roşia Montană EIA report. It was hand-delivered to Romania's Ministry for

18 RMGC, 'Roşia Montană Project's EIA's Public Consultation and Disclosure Plan', [http://en.rmgc.ro/Content/uploads/eia-en/public\\_consultation\\_disclosure-plan.pdf](http://en.rmgc.ro/Content/uploads/eia-en/public_consultation_disclosure-plan.pdf) (retrieved 25 May 2013)

19 Alburnus Maior, 'Contestatie', [http://www.mmediu.ro/protectia\\_mediului/rosia\\_montana/03/Volume%2067.pdf](http://www.mmediu.ro/protectia_mediului/rosia_montana/03/Volume%2067.pdf) (retrieved 25 May 2013)

20 Alburnus Maior, 'Moran Report, Introduction to Moran Report', [http://www.mmediu.ro/protectia\\_mediului/rosia\\_montana/03/Volume%2067.pdf](http://www.mmediu.ro/protectia_mediului/rosia_montana/03/Volume%2067.pdf) (retrieved 26 May 2013)



the Environment as Alburnus Maior's official contestation on the same day. Relevant field trips by the experts for the analysis and visits to Roşia Montană commenced in late May 2006, although it should be noted that a significant number of the expert authors have been visiting Roşia Montană on a regular basis since at least 2003. Whilst numerous contributions were made on a pro-bono basis, grants made by the Staples Trust and Open Society Foundation (OSI) covered for the remaining studies<sup>21</sup>.

The environmental protection agency subsequently changed its decision regarding the licensing procedure for the Urban Zonal Plan of the Roşia Montană Industrial Development Area, requesting the application of the so-called Strategic Environmental Assessment (SEA). This procedure is as complex and lengthy as the EIA procedure for the Roşia Montană project. It will include consultations with potentially affected neighboring countries as stipulated in the SEA Directive and the Espoo Convention<sup>22</sup>.

On 1 February 2007, Romania's ministry for the environment released the list that contains the comments and suggestions that resulted from the Roşia Montană public consultation procedure and written comments and suggestions sent by the public. The project titleholder, RMGC, had to address these questions in an Annex to the EIA report. Alburnus Maior and Greenpeace conducted an analysis that concludes that the list contains significant and serious logical, mathematical and procedural errors<sup>23</sup>.

On 1 March 2007 Romania's ministry for the Environment released the so-called Independent Group of International Experts (IGIE). This report was compiled for an Ad Hoc Committee on Roşia Montană, which in return was set up by the Hungarian and Romanian ministries for the Environment. Both ministries also released a common statement to explain the role of the IGIE report in the overall Roşia Montană environmental licensing procedure<sup>24</sup>. Alburnus Maior commissioned Dr. Robert Moran to conduct an independent expert assessment of the IGIE report.

In May 2007 the Ministry for the Environment published on their website – [www.mmediu.ro](http://www.mmediu.ro) – the answers given by Gabriel Resources to the concerns raised during the public consultation period. A total of 21425 people, organizations and municipalities from and abroad submitted comments, suggestions and contestations during this process. Gabriel Resources' replies are presented in the

21 The grants were exclusively used to pay the independent experts.

22 Alburnus Maior, 'EIA Chronology', [http://www.ngo.ro/img\\_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology\\_updateMarch09.pdf](http://www.ngo.ro/img_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology_updateMarch09.pdf) (retrieved 26 May 2013)

23 Alburnus Maior, *How not to conduct an EIA. Shortcomings in the Roşia Montană EIA Report Procedure*, 2007.

24 Grupul Independent al Expertilor Internaionali, 'Raport de evaluare: Studiu de evaluare a impactului asupra mediului pentru proiectul Roşia Montană' [Independent Group of International Experts, Evaluation Report], 2006, <http://www.rmgc.ro/Content/uploads/opiniile-expertilor/IGIE-report.pdf> (retrieved 26 May 2013)

form of a so-called ‘Annex to the EIA Report’ (Annex). After a careful analysis of the Annex, Alburnus Maior has published a collection of replies and opinions to it. These were submitted to the ministry for the Environment with a request to recommend the government to reject an environmental accord<sup>25</sup>.

Two months later, the Cluj Court House suspended urban certificate No. 78/26.04.2006 granted to RMGC by the Alba County Council to continue the EIA procedure. The suspension request which had been formulated by the Independent Centre for the Development of Environmental Resources (CIDRM), proved the urgency of the measure because of the irreversible damages that the administrative act would provoke. The suspension is valid until the final solution of the main court action introduced by CIDRM against the Alba County. CIDRM subsequently notified the ministry for the Environment about the courts decision in order for it to cease the EIA procedure while the suspension of the urban certificate is active.

The NGOs requested the ministry for the Environment to put a halt to the environmental licensing procedure. The notification shows amongst others that the new urban certificate (No. 105/27.07.2007) obtained in early August 2007 by RMGC from the Alba County Council and submitted to the ministry for the Environment is invalid because it is affected by the same measures of its preceding urban certificate held by RMGC and suspended by the Cluj Court<sup>26</sup>.

On 13 September 2007, Attila Korodi, the Minister of Environment announced that the entire authorization procedure for the Roşia Montană mining proposal has been halted for an unlimited period due to the fact that the urban certificate presented by RMGC is legally null. The reason for considering that the urban certificate is null is a recent change in Romania’s Administrative Litigation Law that stipulates that an act similar to a previous annulled one is suspended until the courts have issued a final judgment. The EIA procedure cannot continue in absence of a valid urban certificate<sup>27</sup>.

On 23 January 2008 the Alba Court of Appeal irrevocably judged that the July 2002 Roşia Montană Local Council decision that approved new urban Plans is illegal. The plan has turned Roşia Montană into a “mono-industrial” area, exclusively reserved mining activities.

On 6 February 2008 Romania’s Minister for the Environment, Attila Korodi and State Secretary Silviu Stoica declared that they had been taken to court by RMGC given that the company is unhappy about the institution’s decision to interrupt

25 Alburnus Maior, ‘EIA Chronology’, [http://www.ngo.ro/img\\_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology\\_updateMarch09.pdf](http://www.ngo.ro/img_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology_updateMarch09.pdf) (retrieved 26 May 2013)

26 Alburnus Maior, ‘EIA Chronology’, [http://www.ngo.ro/img\\_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology\\_updateMarch09.pdf](http://www.ngo.ro/img_upload/17ef04f0530a65b2f4e73d9a4b-5d99ea/EIAcronology_updateMarch09.pdf) (retrieved 26 May 2013)

27 <http://www.business24.ro/impact/stiri-impact/bbc-explicatiile-ministrului-mediului-attila-korodi-si-reactia-directorului-de-comunicare-al-companiei-rmgc-fata-de-decizia-de-suspendare-a-procesului-de-autorizare-a-proiectului-minier-de-la-rosia-montana-953184> (retrieved 26 May 2013)

the authorization procedure for their mine proposal. According to the action registered at the Bucharest Court of Appeal, RMGC wishes for the Roşia Montană EIA procedure to be resumed again, and claimed damages of 100000 Euro<sup>28</sup>.

On 7 February 2008, Alburnus Maior and the 'Independent Centre for the Development of Environmental Resources' (ICDER) issued a press release regarding RMGC's legal action against the Ministry for the Environment and announced that the two NGOs will intervene in the court case to support of the ministry's decision to halt the EIA procedure. During February 2008, numerous Romanian NGOs made statements declaring that they too would intervene in the court case that will be judged by the Bucharest Court of Appeal. In an open letter to the Minister for the Environment dated 18 February 2007, 17 Romanian environmental NGOs announced their support for the ministry's decision to halt the EIA procedure and declared that they would continue to use all legal and civic means to ensure that the authorization process for the Roşia Montană proposal fully respects all relevant legislation.

The EIA procedure is suspended until 2010. In September a RMGC press release announced that the Ministry of Environment through the Technical Analysis Committee is resumed the EIA procedure<sup>29</sup>. The Minister, Rovana Plumb invited the environmental NGOs to a meeting to discuss the project's documentation and the validity of urban and zoning plans submitted by RMGC<sup>30</sup>.

### **The role of national and international environmental NGOs in banning cyanide use in gold mining**

Immediately after the cyanide spill in Baia Mare, international environmental organization (iNGOs) raised voices and demanded a ban on cyanide gold mining. At the time the EU released its own Report on the Esmeralda cyanide mining disaster in Baia Mare, Romania, an alliance consisting of the Hungarian office of Friends of Earth, the Mineral Policy Center in the USA and the Mineral Policy Institute in Australia called for the development of proper international standards for mining operations in EU and worldwide. According to Geoff Evans (Mineral Policy Institute Australia "mining companies need to be held accountable and international standards need to be put in place to prevent future catastrophes (...) the international records of Australian, Canadian, USA and British mining companies are atrocious". In his statement, Steve D'Esposito (Mineral Policy Center, USA) insisted on the environmental aspect of such mining practices: "the Esmeralda disaster is only one of numerous spills and ongoing day-to-day pollution problems

28 <http://www.green-report.ro/zia-de-cluj-ministrul-mediului-attila-korodi-hartuit-de-gold-corporation/> (retrieved 27 May 2013)

29 <http://www.business24.ro/impact/stiri-impact/rosia-montana-autoritatile-reiau-analiza-de-medi-1481373> (retrieved 27 May 2013)

30 WallStreet, 'Ministerul Mediului, Roşia Montană si analiza tehnica' [Ministry of Environment, Rosia Montana ad the technical assessment], 18 June 2012, <http://www.wall-street.ro/tag/analiza-tehnica+ministerul-mediului+rosia-montana.html> (retrieved 27 May 2013)

are unacceptable. The industry must learn that clean rivers and healthy ecosystems are more precious than gold”. However, in his statement, Jozsef Feiler (Friends of Earth, Hungary) also stressed the fact that the practices of international mining companies are also causing social problems, the livelihood of local communities depending on farming, and fisheries. “The concerns of impacted people in Hungary is raised, but the silence about the ongoing impact on local population around the mine site is a serious issue which is not addressed”<sup>31</sup>. The environmental and social problem cannot be detached; they are mutually enforcing. Furthermore, Jozsef Feiler underlined a double standard that has been practiced by international companies with the complicity of the state institution from the countries in which they operate: “The poor record Rumanian authorities goes hand in hand with the cynical and negligent approach of the Australian company using double-standards. Practices continue in Eastern Europe that would not be allowed in Australia”. By denouncing this double standard, the perspective of environmental and resources colonialism gets articulated probably for the first time, in the context of Eastern Europe: “Today, we call for and end to what amounts to an environmental double standard. There has to be an international effort to protect developing countries from mining practices that would not be allowed where these companies have their headquarters -- The U.S., Australia, Canada or Britain.”<sup>32</sup>.

This moment was however only the beginning of a long and complex struggle carried out by non-state actors such as international NGOs, national, local and grassroots organizations, social movements in order to put an end to the cyanide use in gold and silver mining. With the cyanide spill at Baia Mare, and the new prospects for opening a new mine in Roșia Montană, which will be by far the largest open-pit, cyanide leaching gold and silver mine in Europe and one of the largest in the world, Romania has become one of the major battlefield in this political struggle to limit the cyanide use in mining in Europe.

The most significant environmental movement in Romania has emerged and grown in response to the mining project proposed by Gabriel Resources, and its Romanian subsidiary Roșia Montană Gold Corporation. At the moment of its birth, the movement started as a grass-roots opposition of people living in Roșia Montană and the neighboring villages Corna, Carpinis, Tarina (inside the mining project’s direct impact area). The local opposition was initially less concerned with the technical details of the project or the extraction technology proposed. The main concern of the local people was related to the company’s plan to resettle and relocate about 974 households in the localities of Roșia Montană, Corna, and

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31 Mineral Policy Institute, ‘International mining environment groups call for worldwide mining law reforms’, 15 December 2000 <http://reliefweb.int/report/hungary/eu-releases-report-cyanide-disaster-international-mining-environment-groups-call> (retrieved 6 October 2013)

32 Mineral Policy Institute, ‘International mining environment groups call for worldwide mining law reforms’, 15 December 2000 <http://reliefweb.int/report/hungary/eu-releases-report-cyanide-disaster-international-mining-environment-groups-call> (retrieved 6 October 2013)

Gura Corneii<sup>33</sup>. *Alburnus Major* started as an association of about 300 families who generally oppose the mining project. Over time, the local resistance has grown to become *Save Roşia Montană (SRM)* the most ample environmental movement in post-communist Romania. As the opposition's struggled to stop RMGC's mining project, the issue of cyanide became one of the most dominant communication and political frames positioned by the *Save Roşia Montană* social movement organizations.

From the communication perspective, the issue of cyanide use could be easily framed in simple, powerful messages (*cyanide kills, cyanide is poison, cyanide is death*) easy to understand. Cyanide is a household name, is it commonly and widely known as a potent poison, therefore this popular notoriety of cyanide helped in the efforts to inform the public on the environmental risks posed by the project. As a consequence, *cyanide* has also become an important frame for collective actions such as petitioning, street protests, performances, flash-mobs.

From a political perspective, pushing for a total ban on cyanide use in gold and silver mining could be a definite barrier in commencing the mining operations. Attempts have been made in order to ban cyanide in gold mining at a national and European level.

In Romania, three attempts to propose a ban on cyanide use in gold and silver mining in Romania, have been strongly supported by environmental organizations. For a better cooperation among members of the civil society, in 2007 a group of NGO founded the *Free Cyanide Romania Coalition (Coalitia Romania fara cianuri)*. Consisting of several environmental NGOs such as Greenpeace CEE, the Independent Centre for the Development of Environmental Resources, the Partnership Foundation, Terra Millennium III, Otus, Focus Eco Center, Sun Valley, Green Transylvania, etc, the coalition has been established in order to support the legislative proposal submitted to Romania's parliament by Senators Peter Eckstein Kovacs (The Democratic Union of the Hungarians in Romania) and Gheorghe Funar (The Great Romania Party). It has been engaged in various activities such as communication, advocacy, petitions and letters campaign targeting the MPs, and other relevant institutions. Accusing the President of the Parliamentary Commission for Industry and Services Iulian Iancu (Social Democrat Party) for deliberately blocking the draft law by refusing to issue the final report needed for the debate and vote in the Chamber of Deputies, the coalition addressed numerous petitions and letters to the Commission, Ministry of Environment, and the leaders of Social Democrat Party<sup>34</sup>.

The coalition also commissioned a nationwide poll and found that 66% of respondents were in favor of a total ban on cyanide mining as opposed to only 8% of respondents who would not agree with such a law, and issued an analysis on

33 S.C. RMGC S.A., 'Management of Social Impact. Resettlement and Relocation Action Plan', Vol. 1. Main Report, [http://en.rmgc.ro/Content/uploads/RRAP\\_final.pdf](http://en.rmgc.ro/Content/uploads/RRAP_final.pdf) (retrieved 7 October 2013)

34 'Campania 'Romania fara Cianuri!' [Cyanide free Romania Campaign]', <http://www.centruldemediului/?apc=rt1n4&x=59&s=t> (retrieved 3 October 2013)

the economic impact of a complete ban of cyanide technologies in gold mining in Romania<sup>35</sup>.

The Save Roşia Montană (SRM) movement also played a central role in lobbying in favor of a decision of the European Parliament to pass a resolution calling the European Commission to put an unconditional ban on cyanide gold mining in Europe. The resolution has been introduced in 2010 by EPP Members Laszlo Tokes (Romania) and Janos Ader (Hungary), and signed by several deputies, including EPP members Richard Seeber, Theodoros Skylakakis and Zuzana Roithová; Socialists Daciana Sârbu and Csaba Sándor Tabajdi; ALDE MEP Chris Davies and GUE deputies Kartika Tamara Liotard, Sabine Wils, João Ferreira and Jirí Maštálka. Speaking after a debate on the issue at the last parliamentary plenary, EU commissioner Cecilia Malmström said the commission shared concerns about cyanide but came out against a ban.

Another attempt to introduce a resolution in the European Parliament took place at the beginning of 2008, and was initiated by MEP Csibi Magor together with Daciana Sarbu and Peter Olajos. One year earlier, in 2006, four Romanian MEPs (Daciana Sarbu, Adina Valean, Horia-Victor Toma, and Tiberiu Barbuletiu) presented the Declaration 85/2007 calling the European Commission to support the cyanide ban in Europe. The Declaration also supports the legislative initiative proposed by Gheorghe Funar and Peter Eckstein Kovacs to ban cyanide gold mining in Romania<sup>36</sup>.

In the attempt to make use of the multiple scales of regulations possible, national, international and European, Save Roşia Montană movement has developed close relationships with international environmental organization, and with similar movements from other countries: Kremnica nad zlato (Kremnica beyond gold) from Slovakia, and OXI στα χρυσωρυχεία Χαλκιδικής (Stop gold mine in Halkidiki), Greece. According to Ramona Dumninicioiu, a leader of Alburnus Maior, the Romanian movement has found a very close partner in Hungarian environmental collation. The ‘Cyanide-Free Hungary!’ coalition that campaigned for the total ban on cyanide mining consisted of several environmental NGOs, such as Protect the Future (Védegylet), Greenpeace Hungary, Friends of the Earth Hungary, and LMP – Hungary’s green party. It was joined by other 50 Hungarian NGOs and 13 NGOs based in the EU including several from Romania and Bulgaria. The bill which aimed at amending Hungary’s mining law, was promoted by five cross-party Members of Parliament (MPs) and the vote in plenary resulted in an unprecedented consensus: 365 votes for the cyanide ban and one vote against. Cooperation between

35 ‘Interzicerea cianurii in sectorul minier din Romania. Aspecte economice – o analiza realizata de Coalitia ‘Romania fara Cianuri [Cyanide Ban in mining sector. Economic aspects - Analysis by Free Cyanide Romania Coalition]’ [http://www.centruldemediu.ro/img\\_upload/ea26669302f1530f5dc171a51204a15b/punct\\_ve\\_dere\\_final.pdf](http://www.centruldemediu.ro/img_upload/ea26669302f1530f5dc171a51204a15b/punct_ve_dere_final.pdf) (retrieved 3 October 2013)

36 ‘The Independent Centre for the Development of Environmental Resources : The banning of cyanide becomes a European initiative’, 23 November 2007, <http://www.centruldemediu.ro/index.shtml?apc=es3n-&x=50&s=t> (retrieved 2 October 2013)

government and opposition is extremely rare, and such active and overwhelming support from the part of the MPs is virtually unprecedented in Hungary. It took the campaigners a mere two months to pass the bill. The commissioning of an omnibus opinion poll has been their sole expense. According to Javor Benedek, one of the campaigners and leader of LMP, the cyanide ban in Hungary is hopefully just the first step: "We wanted to show that banning cyanide in metal mining is possible even as an EU member state and even simple when there is a political will. At a time when concessions for gold and silver deposits have been issued in Hungary and the CEE region, this is a vital step to safeguarding environmental and human health. We hope that our neighbors will use this example as a precedent."<sup>37</sup>

It was again due to the lobby of Hungarian environmental NGOs that Hungary activated the Espoo Convention in 2003, and requested to be consulted in the assessment of Roșia Montană project. The United Nations Economic Commission for Europe Espoo (EIA) Convention set out obligations for the signatory Parties to assess the environmental impact of certain activities at an early stage of planning. It also stipulates a general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a major adverse environmental impact across borders<sup>38</sup>. More recently, in 2010, at the beginning of the Hungarian EU Presidency, Greenpeace Hungary requested the Hungarian Presidency to "include the cyanide ban discussion into its programme and put it in the Council's agenda" and "prepare and adopt Council Conclusions, in which EU countries clearly state their aim to ban cyanide mining"<sup>39</sup>.

### **Actors that support the mining project in Roșia Montană**

Starting with 2002, the promoter of the gold mining project, RMGC started to confront with an increasing opposition from the local community, various institutions, national and international NGOs, and the general public. In the following years this pressure gradually increased. Starting with year 2006, as the procedure of Environmental Impact Assessment (EIA Procedure) begun and required the involvement from an important number of stakeholders, RMGC has started to implement a campaign of communication and advocacy.

One result of this campaign is the establishment of the Roșia Montană Project Support Group (RMPSG). The Group is "an action committee with a well-defined goal: to promote, at a national and European level, all arguments demonstrating that the Roșia Montană Project is a necessity for Romania (...). The Support Group consists of organisations, institutions and people who intend jointly to take as

37 The Ecologist, 'Great victory against cyanide for gold mining', 8 January 2010 [http://www.theecologist.org/blogs\\_and\\_comments/commentators/other\\_comments/394395/great\\_victory\\_against\\_cyanide\\_for\\_gold\\_mining.html](http://www.theecologist.org/blogs_and_comments/commentators/other_comments/394395/great_victory_against_cyanide_for_gold_mining.html) (retrieved 3 October 2013)

38 UNECE, 'Introduction to Espoo Convention', <http://www.unece.org/env/cia/cia.html> (retrieved 3 October 2013)

39 Greenpeace, 'Our demands of the Hungarian EU Presidency', <http://www.greenpeace.org/eu-unit/Global/eu-unit/reports-briefings/2010/11/our-demands-of-the-hungarian-e.pdf> (retrieved 3 October 2013)

many steps as possible to communicate and inform public opinion, the political environment, opinion leaders and specialists in various fields. The project has faced opposition in the past, opposition supported by a false presentation of the situation in Roșia Montană, and by distorted information regarding this huge investment. The Support Group membership believes that public perceptions should be improved as soon as possible through the presentation of real data and information and will be making every effort to accomplish this in the days ahead<sup>40</sup>. The Groups consist of a number of institutions, organizations, and individuals who have signed a support protocol. Among the members as presented on the Group's website<sup>41</sup> we note:

University of Petroșani, University "1 Decembrie 1918" of Alba Iulia, The National Council of Small and Medium-sized Enterprises in Romania, The National Confederation of Trade Unions "Meridian", "Viitorul Mineritului" Trade Union, The Mining Employers Association in Romania, The Employers' Association in Constructions, Chemex Trade Union, LEADERS Foundation, The Magyar Cultural Association in Abrud, "Pro Roșia Montană" Association, "Munții Apuseni" Employers Association from Abrud, "Edu Caleidoscop" NGO, Youth Resource Center – CERT Apuseni, "Auraria Barza" Foundation from Brad, Millennium Center Association, "Pro Dreptatea" NGO (from Roșia Montană), "Cats & Dogs" Association in Abrud, "Partnership for Environment" Association in Roșia Montană, "Pro Europa" Roma Association in Roșia Montană, "Pro Europa" Roma Association in Zlatna.

The Group was officially launched at a conference in Bucharest on 22 June 2011, and the Press release titled "For the first time in Romania, *civil society* is mobilizing in support of a far-reaching industrial project" (my emphasis). With the intention of projecting the idea that such a Group is a genuine expression of grassroots support for the project, the same Press release quotes Ovidiu Nicolescu, the President of the National Council of private Small and Medium-sized Enterprises in Romania, and Eugen Furdui, the Mayor of Roșia Montană, both referencing a local community in Roșia Montană and Apuseni region that are in favor of the project, in opposition to "strangers who have never been to Roșia Montană that are deciding their fate"<sup>42</sup>.

Another important organization that has acted over the years as a promoter of the mining project is *Sindicatul Viitorul Mineritului* (SVM) - Future of Mining Trade Union. SVM has been established in 2003 to support and represent the right of mining community in Roșia Montană, and it has 220 members from the region. Since 2005, Cristian Albu is the President of SVM<sup>43</sup>.

40 <http://sustinemrosiamontana.ro/en/about-us> (retrieved 9 May 2013)

41 <http://sustinemrosiamontana.ro/en/members> (retrieved 9 May 2013)

42 Roșia Montană Project Support Group, [Press release], June 2011. <http://sustinemrosiamontana.ro/en/news/for-the-first-time-in-romania-civil-society-is-mobilizing-in-support-of-a-far-reaching-industrial-project> (retrieved 10 May 2013)

43 Sindicatul Viitorul Mineritului, 'Despre noi [About Us]', <http://sindicatulmineritului.ro/despre-noi> (retrieved 10 May 2013)



Both the Support Group and SVM have been introduced as representing the local community, their interests, and their right and determination to work as miners for RMGC. Moreover, significant components of RMGC public relations, advertising, “corporate relations”, political campaigning have been carried out through these organizations. For example, a massive, aggressive, multi million Euros, mass-media advertising campaign (TV, Radio, print, online and outdoor) for Roșia Montană project has been officially organized by the SVM. In October 2013, the

National Audiovisual Council for Romania, after receiving thousand of complaints against the TV advertising of the Roșia Montană project, decided to ban the airing until the content and message is in accordance with audiovisual regulations. In response, SVM officially assumes the ownership of the advertising campaign and announced that it will attack the decision in court<sup>44</sup>. Trying to convey the idea that the TV ad campaign was indeed an enterprise of SVM, Dragoș Tanase, RMGC General Director, states: “I did not understand, from what have seen so far, on what grounds a trade union that fights for jobs is denied the right to advertising”<sup>45</sup>. According to the data from CAN, between 1 September and 6 October, a total of 722 ads have been aired by a number of 13 national public and private TV stations, which raises the question on how can a small trade union of 200 members can pay hundreds of thousands of Euros for TV advertising and to what end.

The advertising campaign featuring real local people from Roșia Montană was implemented in all media: TV, Radio, print, and online. The online campaign “A letter to Romania” is presented as “an initiative of people from Roșia Montană”. The online project is developed by SVM together with two local NGOs Pro Roșia Montană and Pro Dreptatea, and according to the data presented on the website, the “real stories of people from Roșia Montană” have been seen over 246 million times on TV and online<sup>46</sup>.

The Support Group and SVM also played an important role in another important event: the local Referendum organized in the Apuseni region on December the 9<sup>th</sup> 2012, an event that attracted a strong opposition and criticism from the Save Roșia Montană organizations and leaders. The Referendum was requested by the mayors of several small towns and villages in the Apuseni region (also members of the Support Group). Even before the Alba County Council (Consiliul Județean Alba) decided on this request, SRM movement expressed its

44 ‘SVM continua lupta pentru locuri de munca sic ere Curtii de Apel Bucuresti anularea imediata a deciziei CNA’, 16 October 2013, <http://sindicatulmineritului.ro/svm-cere-curtii-de-apel-bucuresti-anularea-imediata-a-deciziei-cna.html> (retrieved 10 May 2013)

45 Cotidianul, ‘Sindicatul minerilor de la Roșia Montană a plătit sute de mii de euro pe publicitate’, 15 September 2013 <http://www.cotidianul.ro/sindicatul-minerilor-de-la-rosia-montana-a-platit-sute-de-mii-de-euro-pe-publicitate-224532/> (retrieved 10 May 2013)

46 ‘Scrisoare catre Romania [Letter to Romania]’, <http://www.scrisoarecatreromania.ro/despre-noi/> (retrieved 11 May 2013)

opposition and main arguments<sup>47,48</sup> Prior to the Referendum, SVM, with support from local authorities, has implemented a strong information campaign aimed at influencing as many voters to participate in the Referendum and vote in favor of mining operations in Apuseni region<sup>49</sup>.

These two examples show that the mining company is advancing its interests through the interplay of a number of actors that could move the center of attention from the company to the local community. The company is rarely a visible actor in the public space, yet it is promoting its interest through different actors that have been repositioning the mining project as being in the interest of the local community, the region, the economy (regional and national), the cultural heritage, and the environment.

### **Astroturf lobby and the invention of “corporate civil society”**

The organizations that aim to advance the mining project in Roșia Montană can be described in terms of *interest groups*. The constituency, role, and impact of interest groups is an issue for political ecology. In the 1960s (Olson 1965) and 1970s (Stigler 1971, Peltzman 1976), the study of interest groups has become an important subfield within political economy. More recently, theorists have been tackling the issue of political pressure to focus more explicitly on specific strategies such as lobbying or campaign contribution (Baron 2001, Grossman and Helpman 2001). While initially the research did not distinguished companies from other special interest groups, Lyon and Maxwell (2004) argued that “in many lobbying situations, firms cannot convey unverifiable information credibly because their payoffs depend only on the policy imposed by decision-makers and not on the underlying state of the world” (Lyon and Maxwell 2004: 562). This scenario perfectly describes the situation of RMGC in relation to the state institutions, the decision-makers. In this particular case, the uncertainty of future business performance and probable negative environmental impact represents the unverifiable information. For this scenario, argue Lyon and Maxwell, the most prominent strategy to influence decision makers is the funding of astroturf campaigns (lobbying, or organizations). Astroturf lobbying is a term coined by Lyold Bentsen, a senator from Texas, to describe the artificial grassroots campaigns created by public relations (PR) firms. The term astroturfing is derived from AstroTurf, a brand of synthetic carpeting designed to look like natural grass. Astroturfing is a practice of masking a message (political, advertising, or public relations) to give the appearance of it coming from a disinterested, grassroots actor. It is meant to give the statements the credibility of

47 Alburnus Maior, ‘Referendumul pentru Roșia Montană - instrument politic cu miza electorală’, 23 October 2013, <http://www.rosiamontana.org/ro/stiri/referendumul-pentru-rosia-montana-instrument-politic-cu-miza-electoral> (retrieved 12 May 2013)

48 Mihai Gotiu, ‘Referendumul cianurii’, 8 December 2012, <http://voxpublica.realitatea.net/politica-societate/referendumul-cianurii-irelevant-pe-bani-publici-manipulativ-lipsit-total-de-transparenta-cu-cadouri-electorale-la-vedere-cu-amenintari-intimidari-ale-localnicilor-si-jurnalistilor-in-ce-tara-tr-88078.html> (retrieved 12 May 2013)

49 Sindicatul mineritului.ro, ‘Referendum’, <http://sindicatulmineritului.ro/referendum> (retrieved 12 May 2013)

an independent participant, or to shift the expression of the corporate interest to a different kind of interest that can have a more positive reception (e.g. jobs, income to support families, or even soft values such as environmental and nature protection, cultural heritage conservation, etc).

An evidence for astroturfing is not only the source of funding for the actors “produced” by an astroturfing strategy, but also the disparity in the resources deployed by these actors in comparison to their opposition (a more authentic, grass-roots, self-organized and managed, often decentralized and non-hierarchical movement). While the opponents of Roșia Montană gold mining project struggled to secure minimal funding for their activities, relied on volunteer work (even for highly specialized and qualified jobs such as legal assistance from qualified attorneys), small grants and public donations, the actors supporting the corporate interest were the beneficiaries not just of significant budgets, but also significant operational (managerial) support. An analysis of the communication style and messages channeled by the supporting actors at various times can show that they were always an integral part of an overall communication and PR strategy developed by Gabriel Resources, RMGC together with their experts and outsourced advertising, PR, and lobby companies.

By all evidence, we can assert with a high degree of confidence that the organizations, networks, and campaigns that support the Roșia Montană mining project have been created as part of a astroturfing strategy implemented by RMGC in order to counteract the opposing interest group (the Save Roșia Montană movement), and to influence for a favorable decisions in the process of permitting and development of the mine. These organizations are not just mimicking a genuine civil society, but often go so far in mirroring the Save Roșia Montană (SRM) movement, that sometimes it comes close to resemble a grassroots environmental justice movement<sup>50</sup>.

The overall objective of this strategy was the obtaining of the Social License to Operate (SLO). The SLO refers to the acceptance within local communities and the general public of both mining companies and their projects<sup>51</sup>. Social acceptance is granted by all stakeholders that are or can be affected by mining projects (e.g. local communities, indigenous people) but also by other interest groups (such as local authorities, NGOs, groups of experts) (Boutilier and Thomson, 2009). It is important to mention the fact that SLO does not refer to a formal agreement or document, not that it has a permanent character. SLO is a dynamic process influenced by the company’s action, or stakeholders’ perceptions that may change over time for different reasons (Gunninham, Kagan, and Thornton, 2004).

The Social License has been defined as existing when a project has the ongoing approval within the local community and other stakeholders, ongoing approval or broad social acceptance and, most frequently, as ongoing acceptance.

<sup>50</sup> For a more detailed discussion on environmental justice and its three aspects please see Chapter 3.

<sup>51</sup> Miningfacts.org, ‘What is the social licence to operate’, <http://www.miningfacts.org/Communities/What-is-the-social-licence-to-operate/> (retrieved 13 May 2013)

At the level of an individual project the Social License is rooted in the beliefs, perceptions and opinions held by the local population and other stakeholders about the project. It is therefore granted by the community, and it is also intangible, unless effort is made to measure these beliefs, opinions and perceptions. Finally, it is dynamic and non-permanent because beliefs, opinions and perceptions are subject to change as new information is acquired. Hence the Social License has to be earned and then maintained.

The license is granted by “the community”. In most cases, it is more accurate to describe the granting entity as a “network of stakeholders” instead of a community. Calling it a *network* makes salient the participation of groups or organizations that might not be part of a geographic community. Calling them *stakeholders* means the network includes groups and organizations that are either affected by the operation or that can affect the operation<sup>52</sup>.

In the permitting phase of the mine, during the EIA procedure, the titleholder of the mining project, RMGC developed and implemented this strategy in order to obtain a Social License to Operate both at local and national level.

## Conclusions

The Roşia Montnă's project EIA procedure has generated unprecedented and ongoing public opposition towards to gold mining project. For example, the Project Presentation Report (PPR) which launched the EIA procedure in December 2004, triggered 7,000 contestations, the great majority of which were submitted by Romanian citizens. The subsequent EIA report itself triggered over 21,000 contestations against the gold mine project proposal, submitted by individuals, organizations, and municipalities from Romania and abroad.

Public interest in the Roşia Montană EIA report procedure has been high, with public consultation sessions lasting until 4 am (the example of the public consultation that took place in Cluj-Napoca). However, the concerned organization have constantly criticized the opacity and formalism of public consultations organized by the authorities. In the Complaint sent to the Aarhus Convention Compliance Committee, Alburnus Maior „Against this backdrop of public concern it is particularly disturbing that Romania's environmental authorities are making it difficult for the public to actively and effectively participate in decision making. (...) the Romanian Government seems to be heading in a diametrically opposite direction to the Aarhus Convention process and EU environmental legislation in relation to public involvement in decision making”<sup>53</sup>. The organization had documented very specific examples of lack of transparency of public institutions involved in the EIA procedure. One such case took place In January 2007, when the National Environmental Protection Agency (an institution under the direct

52 RMGC, 'Roşia Montană Project's EIA's Public Consultation and Disclosure Plan', [http://en.rmgc.ro/Content/uploads/eia-en/public\\_consultation\\_disclosure-plan.pdf](http://en.rmgc.ro/Content/uploads/eia-en/public_consultation_disclosure-plan.pdf) (retrieved 13 May 2013)

53 Alburnus Maior, *How not to conduct an EIA. Shortcomings in the Roşia Montană EIA Report Procedure*, 2007, p. 2.

control of the Ministry of Environment) wrote a letter to all local environmental protection agencies (EPAs), ordering that EIA reports should in the future not be made public in their entirety, and that only their conclusions should be released.<sup>54</sup>

From the legal standpoint, Romania has necessary legislation in place to ensure public participation in policy and decision-making. At the regulatory level, public participation is both allowed and encouraged. Laws have established the principles underlying and the terms under which such consultation takes place. In Romania, the legal framework is ensured by (among others) the Freedom of Information Act (FOIA), the Law 52/2003 regarding Transparency of Decision-making in Public Administration (known as the *sunshine law*).

In practice, however, and despite quite appropriate legislation, the number of consultations held and their level of effectiveness are rather poor, and by extension, so is the condition of participatory democracy in Romania. A study on public participation in Europe carried out by Resource Centre for Public Participation (CeRe 2012), concluded that most public participation initiatives, regardless of their form, come from NGOs<sup>55</sup>. Tarrow and Petrova (2007) argued that Romania – like other Central and Eastern European countries, display stronger transactional and relational activism – generated by NGOs, than activism generated by individuals and constituencies of citizens. Transactional activism is defined by established ties among organized non-state actors and between them and political parties, power-holders, and other institutions, including their donors. Tarrow and Petrova also argue that civil society in Central and Eastern Europe is more developed in terms of building relations with, and influencing state institutions than in broadening space for citizens' activism.

I believe the study of mobilization behind Save Roșia Montană shows that, at least for this phenomenon, the conclusions of Tarrow and Petrova are no longer valid. Lacking resources, and manifesting a strong distrust in the public institutions, and funding bodies, the grass-roots organizations that oppose the Roșia Montană mining project had to cultivate and to rely on non-institutionalized, individual citizens. With many occasions, they have managed to trigger massive responses from citizens in petitioning state institutions, writing and contacting their respective members of the Parliament, organize themselves for street protests unprecedented in scale and number of locations (in locations in Romania and abroad), channel their messages on Internet and social media platforms, or attract pro-bono expertise in various domains (from legal expertise to restoration of architectural patrimony).

In counterpart to this genuine civic mobilization and participation, the titleholder of the gold mine project deployed an *astroturfing* campaign meant to fabricate a social consensus either on behalf of the local community or the general public at large. As RMGC, despite the massive spending on communication, PR, advertising,

54 Romanian original Alba-Iulia EPA letter no 419/29.01.2007 [http://www.rosiamontana.ro/Aarhus2/letter\\_APM\\_EIA\\_confidentiality.jpg](http://www.rosiamontana.ro/Aarhus2/letter_APM_EIA_confidentiality.jpg) (retrieved on 28 May 2013)

55 CeRe, *Local Public Participation in Europe. Case Studies from Romania, Poland, Slovakia, and Belgium*, 2012.

sponsorships, was not able to secure the necessary Social License to Operate, it started to simulate it through the interplay of astroturfing organizations. The astroturfing practices have been highly criticized as they may vitiate democratic, decision-making processes, causing in turn a negative environmental impact. Environmental astroturfing is a recent, yet widespread phenomenon. Probably the most studied example is the climate change denial astroturfing that contributed - alongside other denial strategies and actors - to undermining efforts to develop domestic climate policies in countries like United States of America, Canada, and Australia. In this case, the actors have strived to undermine scientific evidence documenting the reality and seriousness of the climate change problem. Their success in discrediting and faking scientific practices, institutions and knowledge threatens our capacity to understand, monitor and limit the human-induced ecological disruptions at all levels, and it also “weakens an essential component of societal reflexivity when the need for the latter is greater than ever”<sup>56</sup> (Dunlap and McCright 2011:156)

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