

MOLDOVA

Archaeological Heritage Management and Looting of Antiquities

Illegal archaeology is a phenomenon common for the majority of countries in transition, discussed at the most prestigious international forums, like the EAC symposium in Strasbourg 2009. The conclusions include the concern of the situation and requests addressed to state institutions to get actively involved in the protection of archaeological heritage and in the combat of illegal use of metal detectors.

In the Republic of Moldova the phenomenon of illegal archaeology is also present and has acquired lately a mass character. However, state bodies do not even want to discuss this problem and nothing is done to prevent it (Olaru 2009).

Legal framework

In the Republic of Moldova, the legislation concerning the protection of cultural heritage is very general. Only few laws deal either separately or jointly with certain elements of the heritage and include: *The Law on the Protection of Monuments*¹, *The Law of the Republic of Moldova on Culture*², *The Law of the Republic of Moldova on Archives*³, and the *Law on Museums*⁴. Other legal requirements are addressed in the Civil Code⁵, Criminal Code⁶, Customs Code⁷, Administrative Violations Code⁸, Tax Code⁹, Land Code¹⁰, Forest Code¹¹, Underground Resource Code¹², etc. Archaeological heritage and movable and immovable heritage are not treated separately. Moldovan national laws address values, reservations and memorial parks, graves and cemeteries, archaeological and architectural monuments, and landscapes. State institutions have been created to protect this heritage¹³. The decisions of state bodies regarding the protection, recording, study, evaluation, conservation, and restoration of monuments are extended to all individuals and legal entities¹⁴.

The Moldovan legislation states that historical monuments, archaeological artifacts, and the treasures that may be discovered therein are protected¹⁵. Individuals and state institutions which discover archaeological remains that may be defined of heritage value have to stop work and inform the local authority as well as the Ministry of Culture in writing within 48 hours in order to protect and preserve them¹⁶. The landowner on whose estate archaeological remains are found is obliged to ensure their integrity and, if needed, to permit research and preservation activities, including the case of human remains¹⁷. At the same time, state institutions have to organise conservation and restoration works¹⁸ and to compensate the landowner with equivalent property or money for the damage done or for land taken into the public domain¹⁹.

Unfortunately, the liability for the violation of legal provisions receives little enforcement and the application of sanctions is rare. The national law contains a number of provisions concerning illegal actions leading to damages or destruction of historic monuments: Individuals and legal entities that have damaged a monument or its protected area shall restore both the monument and its protected area to its initial state and if this is not possible they have to provide compensation for the damage; even any officials and employees responsible for such damage are materially liable as per law²⁰. At the

same time, the *Criminal Code of the Republic of Moldova* provides special penalties for the deliberate destruction or damage of historical or cultural monuments or natural sites.

Archaeological heritage management

The preservation and use of the national cultural heritage is established by the Government in agreement with the Parliament and in accordance with the laws of the Republic of Moldova²¹. The Ministry of Culture is the official national body responsible for the listing, preservation and evaluation of monuments.

The Moldovan legislation requires special authorisation for any kind of archaeological investigation. The Archaeology Commission



Unauthorised person with metal detector



Chisinau, the Garcorix restaurant

of the Ministry of Culture is authorised to analyse projects of archaeological research and to recommend to the Ministry of Culture the issuing of permits (to qualified archaeologists). The permit for archaeological investigations is the legal document aimed to prevent illegal excavations and meant to compel the holder to use the methods and techniques suitable for scientific investigation. After excavations, every researcher is obliged to present a written report to the Archaeology Commission, including a detailed documenta-

tion (plans, figures, photos, and other illustrations) and to publish the results of excavation as soon as possible, at least within five years after the excavation. In most cases, this rule does not work, because “reputable archaeologists” maintain some kind of “monopoly” on the publication of results.

The use of modern methods and tools is welcome: The European Convention pays special attention to the way in which metal detectors and other types of detectors (ultra-sound and radar machines) are used in archaeological research and requires prior authorisation according to the national laws²². This obligation relates to domestic law, based on the need to establish control over individuals and the way in which such equipment is used – to prevent vandalism. This is very important for Moldova, as well, since in recent years there have been dozens of cases where unauthorised persons (treasure hunters) have used metal detectors illegally for the purpose of discovering archaeological objects and especially coins at Orheiul Vechi, Costesti²³, etc. In recent years, I witnessed at least two cases of illegal use of metal detectors. First, in the middle of the day, on 8 September 2007 an international (Moldo-Italian) team was looking for cultural goods in the centre of the medieval citadel Orheiul Vechi without any permission. The second case took place on 21 September 2009: at 7.30 a. m., a person with a metal detector was searching in the Santana de Mures area, Černjahov Culture [Fig. 1], guarded by a policeman across the Chisinau–Orhei motorway. Thus, we can state that instead of being hindered by the police, amateurs of illegal archaeology are protected by the employees of the Ministry of Internal Affairs. These cases violate different laws and codes. Yet, the local and central authorities have not undertaken a single step towards stopping or at least preventing such acts of barbarism.

The Moldovan Law for the Protection of Monuments (1993) does not include stipulations regarding the use of metal detectors, and probably this situation gives the right to the members of the “Forum of Treasure Hunting from Moldova” to affirm on their web page: “We do not violate the legislation of the Republic of Moldova, we help to learn more about our history and fill the shelves of our museums.”²⁴ But, they should not forget that Moldovan legislation prohibits any intervention in soil strata without authorisation and all persons who violate the law have to be penalised. In this situation, the Government of the Republic of Moldova has to take urgent steps in interdicting the unauthorised use of metal detectors and in assuring the application of penal regulations in cases of damage and destruction of historical and cultural monuments.

Meanwhile, collectors meet every Saturday in a special place in Chisinau, the so-called “Birza” in the Restaurant Garcorix, V. Alecsandri Street no. 78 [Fig. 2] and do business without any restrictions. Usually one day before selling, registered users can see very interesting objects on the web page of the “Forum of Treasure Hunting from Moldova”, and on the day after, all of them disappear from this page.

A recently published article reveals that in the Republic of Moldova there are about 1500 owners of metal detectors and the most popular model of metal detector is Garret Ace 250 and costs about 250 euros (Gilan 2009, 109, 111). According to that article, hunters are specialised in different periods and goods, such as the Getian, Dacian, Sarmathian, and Roman period, Golden Hoard sites, but the most popular are sites of the 19th century and those of battle fields of the Second World War (Gilan 2009, 110). Before starting their excavations, some of the hunters do research in archives, studying documents, chronicles and maps.

As we can see, illegal archaeology is very well-organised and works in close partnership with “colleagues” from other countries, such as the Ukraine, Russia, etc.²⁵ In 2002, more than 20 organisa-

tions of treasure hunters from Russia, Ukraine and the Baltic States organised an international meeting (Diskussii 2002, 72).

Conclusion

The present legal framework of the Republic of Moldova in the field of archaeological heritage preservation is very general and does not really prohibit the use of metal detectors. Nevertheless, we hope that a new law in this field, at the moment under discussion in the Government, will be approved soon. At the same time, public awareness raising campaigns are necessary to emphasise the importance of protecting archaeological heritage and the dangers of illegal archaeology. It is also necessary to prohibit the illegal trade of antiquities and to establish control over the transportation of cultural goods.

However, we have to be realistic, because the problem lies not only in the lack of a legal framework. All decision-taking bodies and state bodies responsible for the preservation of cultural heritage should analyse the best practices²⁶ attained in other countries, and in partnership with experts from the field of archaeology, they should establish a specific strategy of fighting illegal archaeology and illegal trafficking of antiquities. And, last but not least, the Republic of Moldova should honour its International and European commitments in the field of preservation of cultural heritage and fight against illegal trafficking of antiquities.

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- ¹ *The Law on the Protection of Monuments*, no. 1530-XII, adopted by the parliament of the Republic of Moldova on 22 June 1993.
- ² *The Law of the Republic of Moldova on Culture*, MO, 5 August 1999, no. 83–86, p. I, art. 401.
- ³ *The Law of the Republic of Moldova on Archives*, 22 January 1992, no. 880–XII.
- ⁴ *The Law on Museums*, no. 1596–XV of 27. 12. 2002.
- ⁵ *Civil Code of the Republic of Moldova*, no. 1107-XV of 6. 06. 2002, MO no. 82–86, 22 June 2002.
- ⁶ *Criminal Code*, no. 985–XV of 18. 04. 2002, MO no. 128–129, 13 September 2002.
- ⁷ *Customs Code*, no. 1149-XIV of 20. 07. 2000, MO no. 160–162, 23 September 2000.
- ⁸ *Administrative Violations Code* of 29 March 1985.
- ⁹ *Tax Code*, no. 1163–XIII of 24. 04. 97, MO no. 62, 18 September 1997.
- ¹⁰ *Land Code*, no. 828–XII of 25. 12. 91, republished in MO no. 107, 4 September 2001.
- ¹¹ *Forests Code*, no. 887 of 21. 06. 96, MO no. 4–5, 16 January 1997.
- ¹² *Underground Resources Code*, no. 1511–XII of 15. 06. 93, MO no. 11, 30 November 1993.
- ¹³ Article 59, *The Land Code of the Republic of Moldova*, The Law of the Republic of Moldova No. 828–XII of 25 December 1991.
- ¹⁴ Article 6, *The Law on the Protection of Monuments*, no. 1530–XII, 22 June 1993.
- ¹⁵ Article 32, *The Land Code of the Republic of Moldova*, Law of the Republic of Moldova No. 828–XII of 25 December 1991.
- ¹⁶ Article 20, *The Law on the Protection of Monuments*.
- ¹⁷ Article 32, *The Land Code of the Republic of Moldova*.
- ¹⁸ Article 25 (2), *The Law on the Protection of Monuments*.
- ¹⁹ Article 32, *The Land Code of the Republic of Moldova*.
- ²⁰ *Ibidem*, Article 53.
- ²¹ Article 17 (1), *The Law of the Republic of Moldova on Culture*, in MO, 5 August 1999, no. 83–86, p. I, art. 401.
- ²² Article 3, iii, *The European Convention for the Protection of Archaeological Heritage (revised)*, La Valletta 1992.
- ²³ More than 20 000 coins and metal goods from Costesti, Golden Hoard period town, were illegally excavated and sold on the black market. Gilan 2009, 111.
- ²⁴ <http://moldovamap.ru/About.html> (last access 23. 01. 2010).
- ²⁵ On Moldovan web site of the Treasure hunters you could see the links of the „partners” Kladoiskatel’ – Ukraine www.detector.kiev.ua or <http://forum.violity.kiev.ua/index.php> (last access 25 January 2010). Russia <http://www.review-detector.ru/>
- ²⁶ See for example the experience of England and Wales: Bland 2008. Code of Practice for responsible Metal Detecting in England and Wales: www.finds.record.org (last access 24 January 2010). American Metal Detecting Association Online: <http://www.amdaonline.net/ncode.html> (last access 24 January 2010).