
Improving the Legislation on Preventive Archeology in Romania - an Urgent Requirement for the Protection of the Archaeological Heritage

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Résumé

This initiative was mainly launched as a result of the numerous signals from the archaeology specialists in Romania, who have encountered in their activities obvious difficulties in carrying out preventive archaeological research. Protecting and capitalizing on the archaeological heritage, in the context of a massive increase in the real estate development within protected areas, are jeopardized due to the lack of an adequate legislation framework. Ideally, such areas mandate measures of special protection, as well as firm coercive measures in case of non-compliance with the regulations. Moreover, in my personal experience, the archaeologists are forced to "dig" deeply into the reasons for the halt of a preventive archaeological research, of a infrastructure works project, for example, with no official or officious explanation whatsoever, while the sites identified and undergoing investigation are left unprotected and without any possibility of thorough research. We shall leave out the cases of destructive interventions occurring in such areas, which are protected by law, but are, in fact, forsaken by all decision-makers apart from the archaeologists.

We will present some cases that are illustrative, in our opinion, for the legislative gaps still present within the Romanian applicable legislation, as well several other examples of non-compliance with the legislation in force, by the beneficiaries, local or central authorities, and even by some colleagues archaeologists.

We come up with proposals to improve legislation, as well as with some solutions to optimize preventive archaeological processes, based on knowledge of models in use in other countries or regions of the world. Of course, each region, country or area within a country has its own particularities, but the main objective must be protection, preservation and capitalization of the archaeological heritage. And we believe that such desiderate is universally valid. Searching for the best methods is a mandate arising from a decisional chain that start, in our opinion, with the archaeologist him/herself.

Mots-Clés: preventive archaeology, Romania, legislation, new requirements, Protection of the Archaeological Heritage

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