

**INTEGRATED MANAGEMENT OF TRANSBOUNDARY DNIESTER RIVER AND
CONSOLIDATING ROLE OF NGOs IN CONDITIONS
OF FROZEN CONFLICT**

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The Dniester River is a transboundary watercourse with a length of 1362 km and a basin area 72,100 km², starting in the Ukrainian Carpathians, streaming through Moldova and again through Ukraine near the Black Sea. About 8 M people populate its basin and another 3,5 M living outside the basin use its water for potable aims. In Soviet times the water basin was managed as a united system, but from 1991 Moldova and Ukraine have separately regarded their parts, which is not effective for sustainable river management. In 1994 an inter-governmental agreement between these two countries for the boundary waters was signed, but this treaty mostly regulates water use. The biological resources of Dniester as well as ecological systems have no joint management. This has happened because of multiple reasons, but mostly as a result of slow awareness and interest of decision makers in resolution of environmental issues, as well as the existing political tension, related to the Transdnestrian conflict. During last period the Dniester environmental problems have become even more acute (like spills of communal wastes dealing with the fact that, in several cases, purification installations of Moldovan towns are situated in Ukraine and Transdnestria), and seriously destabilized the situation in general. The input of Dniester to organic pollution of the NW Black Sea region is 1730 thousand tones per year, i.e. more than twice that of the larger Dnieper River [1].

From 1995 environmental NGOs of Moldova and Ukraine have been lobbying Dniester River interests to use its natural resources in a sustainable way. They organized several joint expeditions along the river by kayaks (Biotica Ecological Society, Courier of Peace) to raise public awareness, published numerous articles in newspapers and five books about the unfavorable ecological situation that has been created (pollution, poaching, hydro-construction, etc.), and organized several international conferences on water, health and biodiversity issues related to the Dniester [2, 3]. In 1999 they gathered the First NGO International Forum "Dniester-99", initiated by BIOTICA, where the 'Eco-TIRAS' International Association of the Dniester River Keepers was founded by 11 NGOs-founders (in present this non-profit association includes 48 NGOs-members from Moldova, Transdnestria and Ukraine). It was registered in January 2000 under Moldovan Law. In 1999 the NGOs drafted a Moldo-Ukrainian Convention on the Use of Water and Biological Resources and Conservation of Landscape and Biological Diversity of the Dniester River [Biotica] and proposed the text to both governments.

NGOs of Moldova and Ukraine initiated and organized two joint sessions of parliamentary committees in Moldova and Ukraine (1997, 1999) that dealt exclusively with the Dniester conservation issue. Both of these parliamentary meetings decided to support the idea of elaboration and signing a bilateral convention. In December 2000, in Odessa, Ukrainian NGO "Mama-86-Odessa" and "Eco-TIRAS" organized a special meeting of NGOs and decision-makers of Moldova, Transdnestria and Ukraine, where the convention draft was analyzed. The participants' appeal to the governments of both riparian states was adopted to

enforce the process of drafting, signature and ratification. Transdnestrian representatives also took part in the event.

Because the adoption and implementation of a bilateral agreement for the Dniester River looks as a key issue to resolve the whole problem of its sustainable use, we have to explain why the NGO community is so insistent on the signing and ratification of the Dniester agreement. These are NGOs' arguments:

1. The endangered status of Dniester ecosystems demonstrates the necessity of fast and coordinated measures to prevent the river's continued degradation;
2. The new status of Moldova and Ukraine as independent states has led to the loss of an appropriate river basin management approach. The legal framework is necessary to restore sustainable management of this international watercourse.
3. Currently a legal framework for the whole river basin management is absent. The existing inter-governmental agreement on joint use and protection of the transboundary waters from November 23, 1994, cannot guarantee sustainable management for several reasons. First of all, this Agreement covers too little: only the transboundary parts of the river itself, i.e., less than 15% of the river. Secondly, this Agreement is not focused for proper integrated management of the Dniester: it is related not only to the Dniester River, but also to Danube tributaries in Ukraine and lakes of the Danube basin. Thirdly, it regulates only water use, and not the protection of other natural resources, such as biological and landscape resources. At the same time, water protection and use problems have a lot of specificity. Due to this, many agreements exist between riparian countries, sharing transboundary waters based on this approach and other treaties for the same watercourses on the basis of basin approach. Of course, the agreement of 1994 is a necessary and useful legal document as a first step, though it cannot be effectively used for the protection of the Dniester River.
4. The current practice of co-operation between Moldova and Ukraine consist largely of two bodies, one concerned with water allocation and the other linked with economics: (a) a joint commission with members from 'Apele Moldovei' State Concern (the water agency of Moldova) and the Water Committee of Ukraine on the Dniester River, and (b) the joint commission on economic co-operation of Moldova and Ukraine. Such an approach demonstrates that the protection and sustainable use of resources other than water are not priorities for the Commission, and the lack of actions to protect ecosystems and biodiversity combined with non-transparent decision making is leading to the progressive degradation of the river's ecosystems. Moreover, the representatives of these bodies have a coordinated policy to claim that the environmental situation of the Dniester River is even better, and that the Novodnestrovsk hydropower station plays amelioration and purification roles because water downstream is 'more clean and transparent'. Of course, such arguments are influencing decision makers, who are not specialists in this field. However, fish cannot spawn because of lower temperatures, the river bottom is covered with higher plants because of high water turbidity and organic pollution, and the microclimate along the river has changed, delaying agricultural plants vegetation.
5. The clauses of many multilateral conventions support special inter-state river basin agreements about sharing natural resources. Multilateral conventions have some limitations because they cannot take into consideration the specificity of concrete natural resources, as well as specific watercourses. The Helsinki (1992) Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Art. 9) makes such specific agreements the duty of Parties (Art. 9), so Moldova and Ukraine have to sign such a treaty in accordance with the Helsinki Convention.

The draft of the Agreement reached under OSCE and UN ECE leadership is intended also to carry out obligations of Moldova and Ukraine to implement conventions on transboundary waters (Helsinki, 1992), on biodiversity (Rio, 1992), on migratory species (Bonn, 1979), on wetlands of international importance (Ramsar, 1971), on conservation of the European nature (Berne, 1979), as well as of PEBLDS (Sofia, 1995).

6. The Dniester River basin needs an international agreement on its management. The existing draft proposal initially was named as a “convention” because the drafters mostly used the European approach and experience of the Conventions for the Oder, Elbe, Rhine, and Danube. The position asserted by some that the term “convention” relates only to multi-lateral agreements seems incorrect. As it was commented by the UN Committee on International Law while drafting the Vienna Convention on international treaties (1961), there is no clear difference between words “treaty”, “convention”, “agreement”, “pact”, etc. That is why the Vienna Convention uses the general term “international treaty” (Art. 1), but it does not contain norms, which determine other terms, proposing states to use them as they wish. Bilateral conventions are also a usual practice of numerous states, including Moldova and Ukraine. The use of the term “convention” for the agreement on the Dniester River is simply a good way to demonstrate a European attitude for both riparian countries. But the name of a ‘type’ of a document is not a key issue and therefore ‘agreement’ or ‘treaty’ could also be used.
7. The specific role of Transdnistria is reflected in the draft of the Agreement, because the draft allows the presence of regional authorities in the Mixed Commission for the convention. Until the present time this way of taking into account the specific interests of this region has been fruitful.
8. The international practice has a rich experience in international treaties related to specific rivers and establishing specific bodies aiming to coordinate the policy of riparian states concerning watercourses. Secretariats of Elbe and Odra conventions can be good examples of activity of such organs for the future.
9. A Bilateral Agreement on the Dniester River will also be a good tool for attraction of technical assistance to resolve concrete problems in the Dniester River basin. For example, the Mekong Convention between four states attracted during a short period more than \$ 15 million. Because the draft of the Dniester Agreement in many aspects corresponds to the European Water Directive, the EU can be one of the potential donors for its implementation, as well as the GEF, with methodological assistance of the UNECE [4].

Public participation is a key tool to harmonize the interests of different stakeholders. Capacity building is an important component for their involvement to the process. Because NGOs in Transdnistria were seriously underdeveloped, Biotica and later Eco-TIRAS realized projects to help local activists establish eco-NGOs in this specific region. As a result, about twenty self-created NGOs were established in four cities of Transdnistria as well as in villages. Five resource centers are founded on the basis of the most experienced NGOs. In parallel NGOs initiated the transboundary cooperation of civil organizations and local authorities in the lower Dniester [Stefan Voda (Moldova), Slobodzea (Transdnistria), and Beliaevsky (Ukraine)]. The joint Transboundary Committee for Environmental Co-operation in the Lower Dniester was established by local authorities and NGOs in 2000 as a result of a joint seminar organized by Biotica with UNDP-Moldova support.

The establishing of the Eco-TIRAS network has already demonstrated its effectiveness. In 2001 this network, having joint web list, coordinated the fight against the

construction of a highway crossing wetlands of international importance. During three days more than sixty signatures of NGOs to the presidents of Moldova and Ukraine were collected against construction already started. The campaign in mass media and physical protests gave results: the construction was stopped and a political solution of the issue to avoid this construction was found, which permits the saving of wetlands and funds, as well as to prevent worsening of relations between two neighbor riparian states [5].

In general, environmental interrelations between Moldova and Ukraine have many features related to OSCE interests and agendas. Some activities, like the Conferences in Transdnisterian city of Bendery on commemoration of 125 and 130 years of the famous naturalist Leo Berg, born here as well as publishing of a commemorative books, were already supported by the OSCE-Moldova [realized by Biotica, Moldova, and City Ecoclub 'Ecopolis' – Bendery, Transdnistria in 2001 and by 'Eco-TIRAS' and a Leo Berg Foundation in 2006] [6, 7].

Finally, NGOs proposed the creation of the first national park in Moldova, "The Lower Dniester," on the border with Ukraine, with support of the GEF/World Bank. The aim of Middle Size GEF project was to preserve Lower Dniester wetlands and its biodiversity. The area of the future national park covers more than 50.000 ha of Moldova. Despite of a huge local support, regrettably, Moldovan national authorities did not express enough political will to establish a park, despite all the preparation work being done [8]. This reluctance creates serious obstacles towards sustainable development of this rural area and transboundary cooperation. Two Ramsar sites are recognized along the Dniester River in Moldova thanks to cooperation of the Biotica Ecological Society and the Ministry of Environment.

These efforts became a reason for OSCE and UNECE to start the project to promote the river basin management for Dniester. During 2004-2005 working groups of Moldova and Ukraine which included experts from the ministries of environment and national water agencies as well as NGOs drafted the reports which aimed to shape a common vision of two riparian countries on measures to be taken to establish sustainable river basin management. As it is noted in a final report, "The majority of existing environmental issues are clearly transboundary in nature, and coordinated effort of Ukraine and Moldova is required in order to address them effectively. The scale of existing transboundary issues, particularly those that relate to the conservation of biological resources and their diversity, and the recognition of the fact that they can only be resolved through coordinated approach of riparian countries towards the management of their shared water resources, as well as international commitments of the countries to various environmental conventions – these are the factors that demonstrate the urgent need for overall strengthening of international cooperation in the Basin, with particular focus on the upgrading the legal framework, institutional mechanisms and basin management system." [1].

The OSCE/UNECE Project states that the priority environmental issues existing in the Dniester Basin are:

- Harmful effects of waters: water erosion, river bank degradation, disastrous floods degradation in the upper part of the Basin;
- Inadequate water quality, especially in the locations of potable water intakes;
- Inadequate sanitary, ecological, and hydrological state of smaller river catchments in the Basin;
- Depletion and deficit of Basin's water resources;
- Eutrophication;
- Reduction/loss of biological diversity of the Basin's aquatic ecosystems;

- Decrease in biological stocks.

As it is noted in project outcomes, it has provided an excellent precedent for effective cooperation between NGOs, governmental bodies and international organisations. The major environmental NGOs - “Eco-TIRAS” (Moldova), “MAMA-86” (Ukraine) and “Ecospectrum” (Transnistrian Region) - have been involved in the project from its very early stage. The Public Participation Section of the present report was disseminated among environmental NGOs in Moldova and Ukraine. The draft Report itself was published on the website maintained by the “Eco-TIRAS Association, and other NGOs were invited to provide their comments and recommendations. More than 150 comments and proposals came from Terra-Nostra, Ecotox, Biotica, Mama-86, Curierul Pacii, Ormax, Natural Heritage and many other NGOs were analysed. Also, the Report was discussed at the four roundtable meetings held in Moldova and Ukraine. The major proportion of comments and recommendations, received from environmental NGOs in Moldova and Ukraine, have been included into the final version of the report.” Evidently such a successful approach of public participation while drafting inter-state documents should be useful for further cooperation in the river basin [1].

The second stage of the OSCE/UNECE project (Dniester-II) started in the summer of 2006. It has the scope to develop the modern inter-state river basin agreement and provide mechanisms for its implementation. The draft which was elaborated in 2006 establishes clear mechanisms of multi-stakeholder approach and NGO involvement to decision making. In parallel it was also drafted a regulation on public participation in the inter-governmental agreement (1994). This draft should be approved at next meeting of governmental empowered representatives in 2007. During last period NGOs of both countries welcome openness of both state water agencies and environmental ministries towards public involvement to decision making. The other important feature of Dniester-II project is a creation of specialized groups of stakeholders involved to concretization of specific groups: information group, sanitary-epidemiologic group, fish resources group. In present both national water agencies demonstrated their openness towards public participation and involvement of other interesting parties to the decision making process.

In general, the river basin management issue is a good subject to attract Transdnistrian authorities to cooperation as the issue has a predominantly humanitarian nature.

Everything mentioned above demonstrates that the NGO community of the region is doing a lot to reach sustainability in the Dniester River Basin. Despite the serious importance surrounding the Transdnistrian conflict for European security, and the existence of a relatively well developed force of civil society, the use of the capacities of civil initiatives for this are very sporadic and almost not used by international organizations at all. At the same time, environmental cooperation is the best tool for regional integration, because from one side it is less political, and from the other – it has a serious public benefit.

It is very surprising that, in spite of the vital and primary role of the Dniester River for the life of the whole region, financial means to resolve its environmental problems, spent by the international community, were less than those spent on a smaller neighboring transboundary river – the Prut.

In a time when scientists, NGOs, progressive MPs and politicians in the region are speaking of the necessity to take into account the whole spectrum of natural resources when developing management plans for river resources, as well as basin approaches, we can see the continued domination of the opposite unsustainable way of using the river resources. This opposite way is characterized by monopolizing water use and limiting transboundary cooperation to only water-sharing. The same tendency exists also for the internal watercourses of Moldova. Protection of biodiversity, water ecosystem and landscape diversity are not taken into consideration. The strengthening of international involvement in the

development of national policies in the field of watercourses management in Moldova and Ukraine is necessary. The EU Water Directive example can be attractive in this case.

This is a reason to propose to the OSCE as well as the Environment and Security Program of the UNEP and OSCE to intensify environment-related activities in this zone.

Further activities should be concentrated on the strengthening of the eco-NGO community along the Dniester River, especially in Transdnistria, as well as community-based organizations in all three target parts. NGOs in Transdnistria are still slowly developed and do not have enough skills, techniques and resources to work efficiently. Furthermore, eco-NGOs in villages (CBOs) along the river in Moldova and Ukraine need further capacity building and networking. In Transdnistria, as well as in riparian zones of Moldova and Ukraine it can be an additional tool to develop democracy.

The realization of such a program is not expensive, but it is important for local communities and environment, and is also a good tool to:

- Develop further Dniester environment projects by community-based organizations in the area;
- Strengthen cooperation and joint actions of Moldovan, Ukrainian and Transdnistrian eco-NGOs in favor of Dniester River environment;
- Support cooperation of the NGO community with local authorities and via them – among local communities.

We see a strong need to periodically organize international conferences on the environmental problems of the Dniester River with participation of scientists, NGOs, decision makers of Moldova including the Transnistrian region, and Ukraine. In general, such conferences should demonstrate the strong necessity of implementation of sustainable approaches to river management. It has to promote:

- a) Better understanding by the main stakeholders of the importance of regional environmental cooperation and coordination;
- b) Strengthening of regional and cross-sectoral links;
- c) Completion of work on a bi-lateral agreement on Dniester and its implementation;
- d) Confidence-building in the region;
- e) Creation of a substrate for the development of regional environmental cooperation and solution of concrete problems;
- f) Democratization of the decision making process in river basin management issues.

The experience of the International Conference ‘Integrated Management of the Natural Resources in the Transboundary Dniester River Basin’ (Chisinau, September 2004) [9] demonstrates that multi-stakeholder meetings can significantly help to promote the inter-state cooperation process. These processes should be widely supported both by the general public and the authorities. The establishing of a Dniester Day, recently proposed by NGOs at a workshop organized in Chisinau in May 2006 by the German NGO ‘Ecologic’ and ‘Eco-TIRAS’ is based on the Rhine River experience of attracting wide public attention to river basin management should help in promoting the EU Water Framework Directive for the Dniester River basin. In this respect, and also to put the integrated water resource management approach in Moldova we published a brochure [10] on how is better involve public into everyday decision making on local, national and transboundary levels.

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