

**USE OF NEW PUBLIC PARTICIPATION
MECHANISM ESTABLISHED
BY THE PARLIAMENT OF MOLDOVA
AS A TOOL FOR PPSD**

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Two examples of impact to drafts of environmental legislation

1. Several drafts suffering biodiversity and landscapes
2. Drafting of National Biosafety Law

Strategic decisions proposed for adoption by the government of Moldova:

- Draft of amendment to the Law on Protected Zones of Rivers and Water Bodies (1995), which permitted as exemption construction of Tourist Complex 'Nistru' in the forest on the bank of Dubasari Reservoir of Dniester River, where currently any construction is prohibited by the law;
- Draft of amendment to the same law providing simplification of permitting process and twice minimizing of a size of river protective zones to permit economic activities;
- Draft of amendment to the Law on Fund of Natural Areas protected by the State (1998), which provided transfer of all most strictly protected areas from the category "scientific reserves" to the category "natural parks" with the official scope of tourism development, but really – for permission of economic activities and construction on these 0,5% most valuable national territories.

Methodology applied

- SEA procedures are not still developed in Moldova and despite the stipulation of the Law “On Environmental Expertise and EIA” (1996), that all law drafts related to environment should be a subject of the state and public ecological expertise, many drafts are presented by government to the parliament avoiding environmental evaluation of potential impact.
- In these conditions we as NGO used the procedural option recently adopted by the Parliament of Moldova in December 2005 and named “The Concept of Cooperation of Parliament with Civil Society” which provide internet access of public to drafts received by the Parliament, right to send comments by e-mail (at least during 15 days after publication) to the Committee on Environment of the Parliament and right to participate in the Committee sessions for NGO representatives who did comments to the draft. This Concept in details describes the procedures of public participation in decision making process of Parliament. Text in English
- [http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20\(english\).doc](http://www.parlament.md/download/news/civilsociety/Cooperation%20with%20civil%20society.%20Concept%20(english).doc) .
- Recently these procedures were included also into Parliamentary Rules.

The methodology of public and stakeholders involvement included (1):

- Articles in mass-media describing the governmental initiatives and their consequences to the nature and environment;
- Press-conferences with involvement of other ECOs for better attraction of public interest and formation of better shaped journalists views in mass-media;
- Interviews to newspapers, TV and radio;
- Collection of signatures of public under letters to the Parliament arguing why such drafts should be rejected and returned to the government for reviewing;
- Detailed analysis of drafts in letters with comments to the parliamentary Committee for Environment;

The methodology of public and stakeholders involvement included (2):

- Participation in the sessions of the Parliamentary Committee;
- Appeal to academics and attraction of attention of scientific community and especially national Academy of Sciences with invitation to express their views;
- Appeal to international community via web-lists of ESUSG-IUCN, Ramsar, E-Law and NIS web lists as well as letters to colleagues with the ask to write protesting letters with arguments to the Parliament, collection of reactions and their reflection in newspapers;
- Drafting and presentation of sustainable alternatives.

Biosafety Law

- Draft was presented in 2001 by Government to Parliament on the basis of EU Directive of 1990
- NGO proposed amendments to harmonize it with EU Directive 18/2001 which substituted Directive of 1990.
- Parliament not demonstrated attractiveness to proposed amendments
- NGOs wrote a letter to President and organized campaign in mass-media
- President returned adopted law to Parliament with NGO amendments
- Parliament introduced Presidential amendments to the law. Law was adopted with 9 months delay in right version.

Results achieved:

- The unsustainable decisions introduced by government to the Parliament until present were either returned to government or still not under discussion.
- The letters of foreign colleagues and academic community (more than 50), including MEPs and MEAs became especially effective creative creating the view of a wide international opposition.
- In some cases (proposal concerning transformation of scientific reserves to national parks) the proposed alternative has now support (individual approach to each case and substantial enlargement of territory of protected area with preservation of the status of nuclear strictly protected zone for current territory of scientific reserve whether it will be transformed to the national park).
- Biosafety Law (2001) is harmonized with EU Directive 18/2001

Lessons learned:

- In general, in conditions of no access to the drafts on the stage of their preparation in ministry or government (current drafts were proposed by Forestry Service and Ministry of Economy, but not by MoE) the methods of public involvement on the level of Parliament looks as effective.
- It is useful to use personal relations in public authorities to have access to drafts and supporting documentation on different stages of the process, where in some cases even Aarhus does not permit it.
- Foreign colleagues involvement and ECOs colleagues' solidarity in letters campaign is the important tool to reach success.
- In countries having Plan of Cooperation with the EU provisions of such plan as well as EU environmental legislation can be used as an argument.
- The procedure established by the Parliament looks perfect and can be shared within the region.

Among difficulties and risks we can note:

- Parliament is a last barrier for unsustainable decisions;
- Weak willingness of the majority of ECOs to visit parliamentary website and to participate in commenting of drafts;
- Passiveness and weakness of the MoE;
- Too much depends from the MPs' personal attitudes.
- Learning of NGOs on how use established by Parliament procedures are necessary;
- Procedures are necessary to be accepted also by government, ministries and local public authorities.

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