

CURRENT STATUS OF TRANSBOUNDARY COOPERATION ON DNIESTER RIVER BASIN BETWEEN MOLDOVA AND UKRAINE

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Dniester is a transboundary river shared by Moldova and Ukraine. Its basin belongs to the Black Sea and occupies 71,100 km², with a total river length 1362 km. The basin population is 7,74 mln. Currently the inter-state water cooperation between Moldova and Ukraine is regulating by the inter-governmental agreement on border waters from 1994 and manages by governmental Plenipotentiaries. The content of inter-governmental agreement is typical for those signed in 1990th on the territory of the CIS.

Being signed in time when the Helsinki Water Convention already existed the agreement from 1994 did not satisfied the water cooperation needs from the beginning:

1. The agreement fails to take a basin approach to the regulated watercourses, and the work of the inter-State agencies responsible for each watercourse has not made tangible progress or has achieved only agreements in principle;
2. Other governmental agencies in particular in environment and hydro-energetic power ministries, regional authorities and public representatives have not participated with the right to vote; the result was the absence of an integrated approach and a failure to take the interests of all water users into account. The natural result of this situation is that no progress has been made towards improvement of the Dniester's environmental status over the 18 years since the signature of the Agreement.
3. The decision-making structure – the annual meetings of the Plenipotentiaries and its deputies (in practice all of them represent one agency) – it ineffective, they represent more own agency, then the state.
4. The need to consider environmental requirements and the preservation of ecosystems occupies a subsidiary position in the Agreement: it is barely stipulated and in fact almost nothing is done about it; for example, in both States poaching has assumed industrial proportions and fish resources have become more seriously undermined than ever.
5. There is no reflection in the Agreement of the need to extend protection of wetlands, which perform a multitude of important functions, including their role as providers of an inexpensive means of treatment of the water flowing into the sea. Both states find a difficult to protect their own wetlands in effective way.

The drafting o a new Dniester River basin agreement has started even in 1990th, but the issue of modernization of the inter-state cooperation for this river had a very secondary role for Ukraine. The situated started to change only in the result of involvement of international structures – OSCE and UNECE, and later – of the UNEP ENVSEC Programme. Currently a substantial progress has been reached in the spheres of water and health, basin GIS development, unification of approaches to Dniester waters monitoring, cooperation in biological water resources, information and involvement of public etc.

In present the inter-governmental coordination of a new treaty on cooperation in field of protection and sustainable development of the Dniester River basin between two governments is coming to the end. The important principle to include to the treaty draft is that no one type of the water uses could have a priority upon the others. In case of contradictions between water uses it should be solved taking into consideration the geographical, hydrographic, hydrologic, climatologic, ecological and demographic factors, as well as social-economic needs of contracting parties with the special attention to primary human needs and necessities of ecosystems in water. It means that ecosystem needs are equally evaluated with other water users' needs.

Currently both states finalize the national coordination of the text. Signed in accordance with the Article 9 of the Helsinki Water Convention of UNECE, where both states are parties, the treaty provides establishing of the river commission, where every state will be represented by the competent governmental agencies, regional authorities, scientists and NGOs.

Taking into consideration the thoroughness of multi-year drafting, the Dniester River basin treaty could be used as a model during drafting of other river basin agreements on the territory of NIS.