



“Eco-TIRAS”
International
Environmental
Association of River
Keepers

Asociația
Internațională
Ecologică
a Păstrătorilor Rîului
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November 23, 2007

To: Peter Thomson
Department Director
Europe and Eastern Asia Infrastructure and Energy

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World Bank Executive Director

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The World Bank mission for Ukraine, Belarus and Moldova

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**Via Faxes: +1-202-477-6391
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Re: World Bank support of construction of Dnestrovsk Hydro Accumulation Station

Dear Mr. Thomson,

Eco-TIRAS International Association of River Keepers is a registered in 2000 in Moldova umbrella association of 50 environmental NGOs of the Dniester River basin (situated in Moldova, including its Transdnestrian region), and Ukraine. Current letter expresses a common view of NGOs-members that shall be qualified in accordance with the UN ECE Aarhus Convention as interesting public.

In present time the World Bank still discusses the possibility to credit construction of Dnestrovsk Hydro Accumulation Station in Novodnestrovsk, Chernovtsy Oblast of Ukraine. In this respect, hoping that making of decision should be based on international law and precautionary principle, let me express the view of our Association on the problem, also covering the point of recent public hearings where I took part as NGO representative not being invited.

As it is stated by the UN ECE Espoo Convention (Appendix I, para 11), the construction of ‘large dams and reservoirs’ is a subject of the Convention. In accordance with Art. 2 (2), each Party (Ukraine is a Party of Espoo from 1999, but Moldova from 1994) shall take the necessary legal, administrative or other measures to implement the provisions of Espoo Convention, with respect to activities listed in Appendix I and establish procedures that permit public participation and preparation of the EIA in accordance with Appendix II. In current case such procedures were not established and realized.

In contrary with para 3 of Art. 2 of Espoo the EIA was not undertaken prior to a decision to authorize the proposed activities is taken and construction in fact is started without qualified EIA.

Ukraine (Party of impact origin) and the project owner until present time did not notified the affected Party – Moldova – on a proposed activity (violation of Art. 2, para 4, Art. 3, para 1). The mutual information about potentially dangerous activities and information of public are also provided by bilateral inter-governmental agreement on transboundary waters between Moldova and Ukraine (1994).

Ukraine did not gave the opportunity to public of affected country as well as affected country authorities to participate in EIA at the project level of the proposed activity (Art. 7, para 7, Art. 3, para 8). In March 2007 the Ministry of Foreign Affairs, after many useless appeals of the Ministry of Environment of Moldova to Ukrainian MoE, officially transmitted request on EIA to the MFA of Ukraine to provide Moldavian Party of the Espoo Convention with Environment Impact Assessment of the constructing Complex. There is no still reaction of Ukrainian side despite of 6 months has gone.

We attract your attention that the public hearings organizing in the period of construction can't substitute normal public participation in accordance with Espoo Convention. The persons invited to public hearings on September 2, 2006 in Novodnistrovsk in great majority represented enterprises of energetic sector of Ukraine, but NGOs in accordance with distributed list of invitees, where not invited at all. The only person invited from affected downstream country Moldova, was a head of local authorities on neighboring region of Moldova. It means that project owners do not recognize transboundary impact of the project to river downstream (Moldova and Odessa Oblast – nobody was invited from Moldovan government and from Odessa Oblast). The information on public hearing was not published or announced in affected Moldova and Odessa Oblast of Ukraine.

Having in mind that EIA was not available for these potentially affected regions and up to now is not in fact available via Internet, we have state the violation of Art. 2, para 6, because EIA paper copy available in the Novodnistrovsk office can't be studied distantly, especially from abroad, and existence of EIA became known only during public hearings (violation of Art. 3, para 8).

The project owners during public hearings did not recognized any negative effect of existing and planned activities to downstream ecosystems which put under question their readiness to provide measures to minimize the negative input, also by regulation of hydrological regime.

Dniester PSP's construction and operation cause numerous ecological and social risks. Water flow reduction in the lower Dniester course will lead to the damage of wetlands, protected by Ramsar Convention, its biodiversity, filtering role and carbon storage functions as well as to drinking water shortage in the Odessa region. There is a high risk of man-made catastrophe due to a high seismic activity and complicated geological conditions in the region of construction. Local people have been already experienced the problems of drinking water disappearance from the wells, destruction of the households and the roads, but they haven't succeeded to receive at least the compensation for those impacts.

On the basis on noted disadvantages hereby we ask the responsible body of the World Bank:

1. Do not recognize public hearings of September 2, 2006 as realized in accordance with the provisions of international treaties where Ukraine is a Party and to put the question about repeated public hearings with invitation of public and authorities of affected counties and regions.
2. The information about plans of construction with attraction of World Bank credit should be published in Moldova and Odessa oblast before public hearings.

3. To insist on provision of full access of general public to EIA documentation via Internet or nomination of a body responsible for distribution of paper copies on the request of public members.
4. To insist on official notification of affecting country Moldova about planned activity and coordination of EIA.
5. To realize international the international EIA based on complex evaluation of impact of the whole Complex as some reconstruction, especially related to lower dam (small hydro power station which has a dramatic impact on lower stream), was realized by Ukrainian side in post-Soviet period.
6. Because current activity of existing capacities already deeply suffered Dniester River downstream ecosystems including wetlands of international importance it should be recognized responsibility of hydro energy sector for that and EIA should contain effective measures provided for minimizing of negative impact ecosystems of whole Hydro Energetic Complex by at least improvement of hydrologic regime. Guarantees from Ukrainian side should be received that the Party will follow such mutually agreed measures.

Sincerely yours,



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