

# **CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN THE REPUBLIC OF MOLDOVA**



# Imprint

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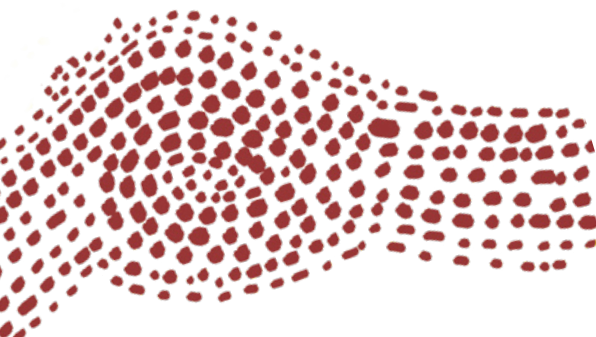
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# 1 Summary

The dependence on Ukrainian and Russian energy supplies, refugee movements caused by the war on Ukraine and the threat of the frozen conflict over the breakaway Republic of Transnistria currently impact the Republic of Moldova heavily. On a positive note it can be assumed that the perspective it gained with candidate status to the European Union can create momentum for stabilisation and a socially just transition. For such a transition the Republic of Moldova has set ambitious targets for reducing its Greenhouse gas emissions (GHG) by up to 70 % by 2030 compared to 1990 levels. The political environment to steer this complex transition is highly dynamic but also quite fragile. One aspect of the just transition is how accessible and transparent political processes for climate mitigation, climate adaptation and economic development are. This report assesses the civic space in climate policies in depth and systematically. For this it uses an evaluation scheme to analyse the general environment, legal prerequisites, governance structures and capacities and also participation processes.

Highlights from the results show, that the Republic of Moldova has transposed the provisions of the Aarhus Convention into the Law on Environmental Protection and related laws e.g. on Environmental Impact Assessment and Strategic Environmental Assessments. In general, this creates a favourable legal framework for participation also in climate policies. But in practice the publication of environmental information and about participation procedures as well as the formats themselves in many cases do not meet the criteria of the Aarhus Convention. Further the country does not fulfil its reporting obligations under the convention which is symbolic of the administrative overload. The level of safety for environmental defenders and free speech of activists is satisfactory. Environmental Activists do not report about worrying levels of harassment or civil persecution. The work of environmental activists is rather obstructed by a low capacity of the administration to carry out effective participation processes and publish information about strategies, plans and projects in the making.

The Republic Moldova established a National Commission on Climate Change as a mechanism for coordinating activities in the field of climate change, consisting of 17 members of central and local public authorities and of educational and scientific institutions, of nongovernmental organizations and the private sector. Unfortunately, in practice the Commission had only organized one meeting since 2020 yet. Environmental Organisations report that the coordination at the subordinated institutions level (both national and local) remains poor, with non-systematic information between the authorities to the public and outdated websites with scarce information on their activities.

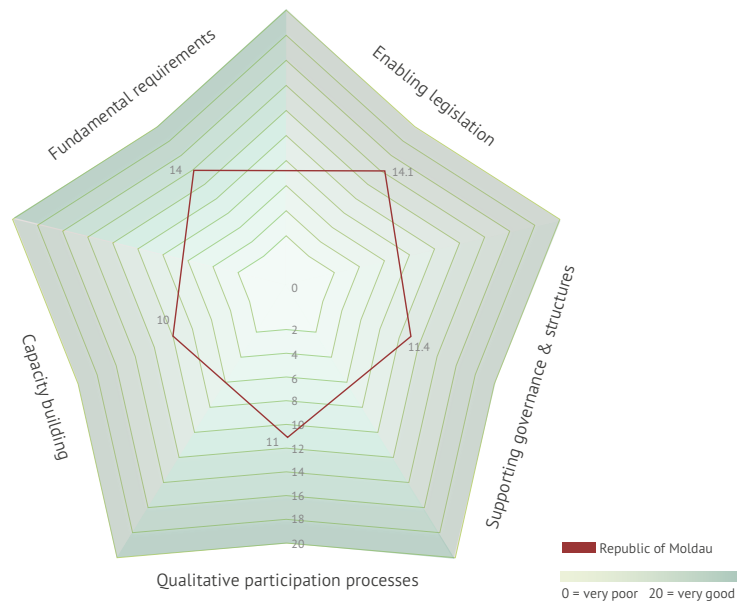


# 2 Introduction

The Republic of Moldova is committed to reduce its GHG emissions by 70 percent by 2030 compared to the level of the reference year 1990. The reduction commitment could be even increased to 88% below 1990 level, provided tht external support is obtained, including in the form of financial resources at low costs, technology transfer and technical cooperation. These ambitious targets will only be reached by cooperation of all relevant stakeholders and with effective strategies and plans in place to reach it. Civil society actors play a crucial role in climate policy development and implementation because they act as advocates and spokespersons for nature, driven by the desire to protect the environment and maintain healthy living conditions for human beings.

In this study, the civic space for participation of Civil Society Organisations (CSOs) in the Republic of Moldova working on climate issues has been analysed. The environment, legal prerequisites for activism and participation as well as framework conditions for climate-related participation have been investigated. Furthermore the study looks at participatory practices e.g. in policy processes related to the planning and implementation of climate protection and climate change adaptation policies and strategies.

Figure 1: Assessment of the civic space for participation in climate policies in the republic of Moldova (scaled to a maximum of 20 points per criterion)



### 3 Methodology

The study uses the concept of the ,participation handprint‘ and the associated standardised assessment scheme (Donges et al., 2020) to assess the general conditions of participation in the Republic of Moldova. The assessment scheme comprises 5 criteria with 25 indicators. The indicators have different scoring options and an associated scoring system, where some indicators have more weight than others. In total, a maximum score of 59 points can be achieved.

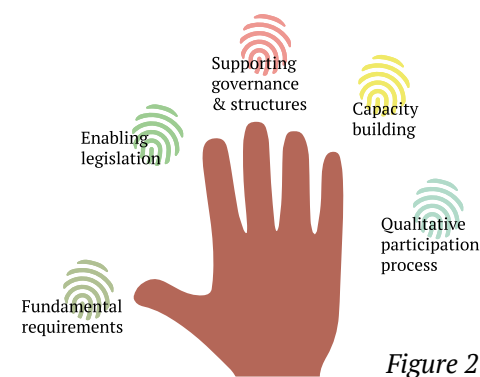
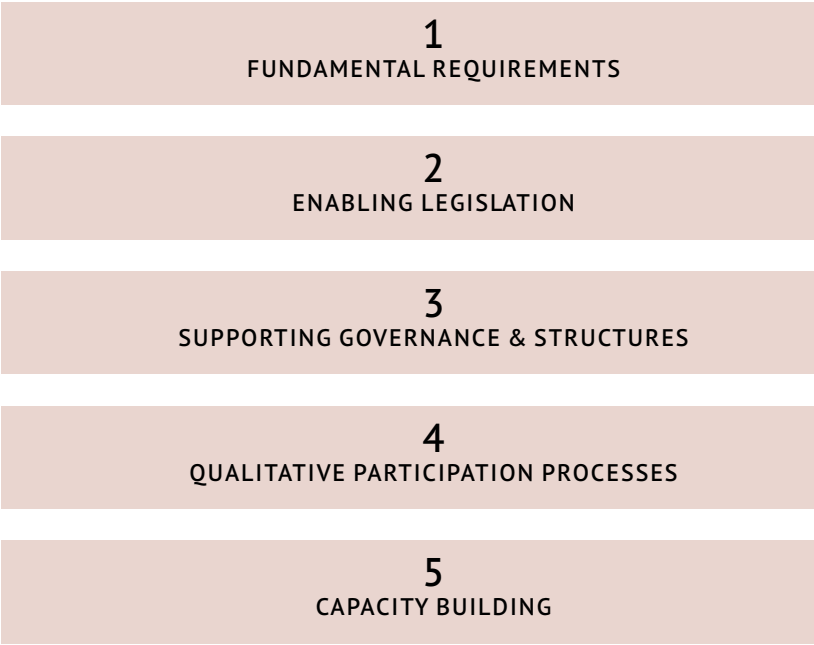
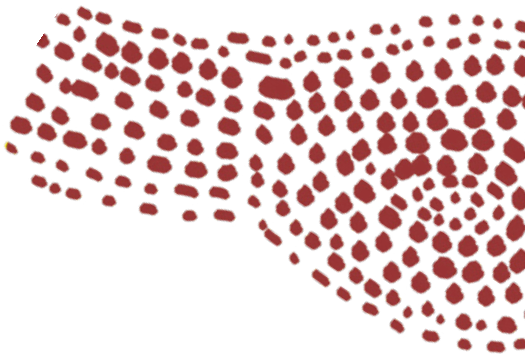
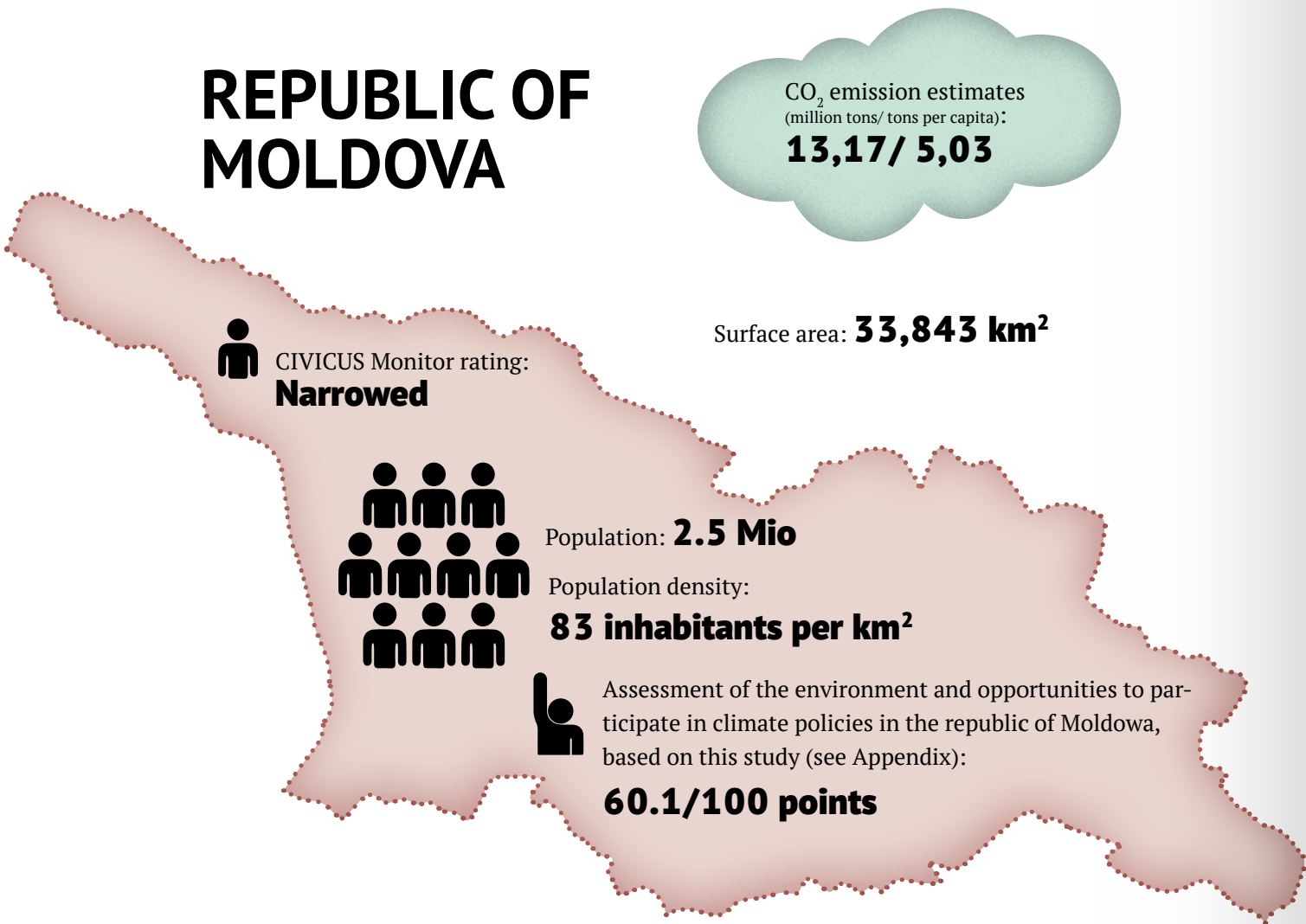


Figure 2: The Participation Handprint



The information to apply the „participation handprint „ and the standardized evaluation scheme was obtained in different ways: through a literature and document review, reports and books published from 2000 onwards, and official documents that report on civil society participation in climate policy at the national level. 46 Interviews with 16 of representatives of the NGOs and 30 from academia were carried out from November 2022 to February 2023. The research team developed their analysis based on their local knowledge, contacts and experience in the country.





## 4 Republic of Moldova - Country Portrait

The Republic of Moldova is situated to the north, east and south borders with Ukraine and to the west with Romania separated by the Prut River. The population is 2.604 million inhabitants, its density is about 85,5 inhabitants/km<sup>2</sup>.<sup>1</sup> The Republic of Moldova is an independent, sovereign and indivisible state in conformity with Constitution of 1994 and declared its independence on 27 August 1991 as a result of the USSR disintegration.

Moldova is a small economy country, which for years has been constrained by serious structural weaknesses, including poor governance, low institutional capacity, a polarized society, as a result, a vulnerable political system. Real incomes per capita lag other countries in the region and emigration remains high, in particular among youth. In responding to challenges: (i) the economy in decline, even before 1991; (ii) negative dynamics in demographic processes; (iii) dependence on import for energy resources; (iv) rising energy prices, Moldova's progressive development is seen through advanced regional cooperation, including in overcoming climate change challenges.

In June 2022 the Republic of Moldova was granted EU candidate status.

The biggest environmental problems of the Republic of Moldova are: soil degradation, pollution of surface water, lack of sustainable waste management, as well as increased groundwater pollution caused by poor manure management in rural areas.

Moldova ranks among the most climate vulnerable countries in Europe and Central Asia based on a range of social and economic indicators and faces a number of adaptation challenges.<sup>2</sup>

The high vulnerability to both climate and external shocks, is the biggest economic challenge of the Republic of Moldova. The shock of climate change on agriculture is of strategic concern – agriculture is a major source of income in the country, where more than half the population lives in rural areas and about one - third of the labor force is employed in agriculture.

Thus Climate change adaptation and mitigation in the Republic of Moldova is considered essential for the protection of well-being and the achievement of continuous progress in sustainable development.

<sup>1</sup> National Bureau of Statistics of the RM [https://statistica.gov.md/ro/statistic\\_indicator\\_details/25](https://statistica.gov.md/ro/statistic_indicator_details/25), last accessed: 23.06.2023.  
<sup>2</sup> Notre Dame Global Adaptation Index, <https://gain.nd.edu/our-work/country-index/>, last accessed: 23.06.2023.



## 4.1 National climate policy

The country's climate policy is based on the following policy documents: the National Development Strategy “European Moldova 2030”<sup>3</sup> sets out general priorities for climate change policy without some targets, leading to a fair transition to a climate-neutral and competitive economy by 2030; (ii) the Low Emission Development Strategy of the Republic of Moldova until 2030 (LEDS) and the Action Plan for its implementation the main political strategy in the area was approved in 2016 and sets for reducing GHG emissions by up to 64 % by 2030 compared to 1990 levels;<sup>4</sup> (iii) the Low Emission Development Program of the Republic of Moldova until 2030 (LEDP) sets more ambitious commitment by up to 70 % by 2030 compared to 1990 levels based on the updated NDC2 in 2020, which is not yet approved.

The National Climate Change Adaptation Strategy until 2030, in conformity with the updated NDC2 objectives, was elaborated with the support of the Project “Advancing Moldova’s National Climate Change Adaptation Planning”, but has not been approved yet.

Climate change mitigation policies and measures are reflected in the strategies, programs and action plans presented in the other relevant sectors, but many of them have been put in place for the time horizon until 2020 (e.g. Program for promoting “green” economy in the Republic of Moldova for the years 2018-2020; National Action Plan in the field of Renewable Energy for the years 2013-2020; and Soil Conservation and Soil Fertility Enhancement Program for the years 2011-2020) and also, have not been revised for setting a GHG emissions target in conformity with the updated NDC2 in 2020.

The main political strategy outlining all environmental policies is the Environmental Strategy for 2014-2023 and Action Plan for its implementation<sup>5</sup>. It also describes cross-sector commitment towards sustainable green growth. The strategy’s objective of GHG emissions reduction by at least 25% greenhouse gases from the energy sector; by 20% - those from the residential sector, industrial and agricultural sectors; use of 15% biofuels in the transport sector. The new Environmental Strategy with the revised objective of GHG emissions reduction in conformity with NDC2 was elaborated, but has not been approved yet.

The Republic of Moldova is committed to achieve more ambitious targets of reducing GHG emissions by 2030 in the updated NDC2 from 2020 ) than those included in the Intended Nationally Determined Contribution (INDC) from 2015. The updated unconditional target provides for a reduction of GHG emissions by up to 70% by 2030 compared to the level of the reference year 1990, instead of 64-67% undertaken in the INDC. Regarding the conditional target, instead of the 78% undertaken in the INDC, the reduction commitment expressed above could be increased to 88% as compared to the 1990 level, provided that external support is obtained, including in form of low-cost financial resources, technology transfer and cooperation, etc.

The biggest challenges for efficient strategic measures and their implementation are: a vulnerable political system, a polarized society, low productivity, demographic challenges, skills mismatches and high vulnerability to both climate and external shocks.<sup>6</sup>

<sup>3</sup> <https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6209/language/ro-RO/Default.aspx> last accessed: 23.06.2023.

<sup>4</sup> GD no. 1470 from 30.12.16. Official Gazette no. 85-91 from 24.03.17.

<sup>5</sup> GD no.301/2014.Official Gazette no.104-109 from 06.05.2014.[https://www.legis.md/cautare/getResults?doc\\_id=48131&lang=ro](https://www.legis.md/cautare/getResults?doc_id=48131&lang=ro) last accessed: 23.06.2023.

<sup>6</sup> Draft Moldova Country Strategy .2023-2028.<https://seenews.com/news/ebd-unveils-new-country-strategy-for-moldova-for-2023-2028-815573> last accessed: 23.06.2023.

The main barriers and constraints related to promoting the national action on climate change are the lack of institutional, technical and financial capacities. Also, there is still insufficient political will to prioritize the mechanisms of climate, environmental and energy at national level. For example the previous National Development Strategy (NDS) “Moldova 2020” revolved mainly around issues of economic development and was less focused on other policy areas.<sup>7</sup> The recently approved NDS “European Moldova 2030” (was approved by the Moldovan Government on 10 June 2020, but was annulled right after, leaving the country during two years without the policy document on development), being the main reference document for the sectorial strategies. A new process also with public participation was set up and was recently finished.

A National Energy and Climate Plan (NECP) is in the elaboration internal procedure at the Ministry of Energy and should be approved by the end of the 2023 year in conformity with the annual Action Plan of the mentioned Ministry.

<sup>7</sup> Government of Moldova: Report Mid-term evaluation of the National Development Strategy “Moldova 2020”

## 5 Climate-engaged civil society and its right to participate

### 5.1 Fundamental requirements

In Moldova, since 1992, the conflict between the two banks of the river Nistru is frozen, according to the Conflict Barometer<sup>8</sup> it can be called a non-violent crisis. This led to the formation of an opposition supported by Russia in the eastern highly industrialized territory (Transnistria), as a result Moldova de facto lost control over Transnistria. The war in Ukraine from February 24, 2022, directly impacts the Transnistria conflict settlement process, considering the stakeholders involved and poses a potential threat to the overall stability of the country and the region, in particular due to refugee inflow from Ukraine, seeking shelter on both banks of Nistru river.

Widespread corruption that permeates central and local levels of government is one of the most pressing issues of public sector, which lead to lack of transparency effectiveness. Trust in public institutions is extremely low. The “Corruption Perceptions Index” for the public sector showed 64 points in Moldova for 2021.<sup>9</sup> In the Republic of Moldova the security of people who engage for environmental protection is generally at a good level.

According to the country report elaborated by the Promo-LEX Association, public authorities’ attitude toward Civil Society Organizations (CSOs) participation in decision-making improved, but there are still problems with transparency and inclusion, the authorities’ websites are not sufficiently informative.<sup>10</sup> The Democracy Index included in the Freedom House reports of 2020, shows a long term deteriorating trend in terms of the state of democracy, corruption, political rights and civil liberties.<sup>11</sup>

For the past 12 years, environmental issues have not been on the government agenda’s priority list and the main reference document for the country’s development strategies and subsequent policy/sectoral interventions as well as the previous National Development Strategy “Moldova 2020” marginalizes public role in development processes and environmental (human) rights at the expense of economic development.

Moldovan defenders of the environment have their hands tied by not having open access to information and restricted public participation. Requests for information are frequently ignored and when responded, answers are incomplete and the information provided is limited.

For ensuring a broad consultation process and dialogue between the Government, private sector and civil society was created the External Assistance Management Platform (AMP) with the aim of increasing transparency in the use of external assistance.<sup>12</sup>

8 Conflict Barometer by the Heidelberg Institute for International Conflict Research (HIIC)/2021. [https://hiik.de/wp-content/uploads/2022/10/CoBa\\_2021\\_03.pdf](https://hiik.de/wp-content/uploads/2022/10/CoBa_2021_03.pdf) accessed: 25 May 2023.

9 The scale has a range from 0 to 100, in which corruption raises, the higher the number is. With this result Moldova ranks 106th. So, compared to other countries it is slightly below average. Compared to the previous year, in 2021, the level of corruption decreased a bit. In the long term, it has also declined moderately in recent years. See: Transparency International: Corruption in Moldova. <https://www.worlddata.info/europe/moldova/corruption.php>; accessed 25 May 2023.

10 CSO METER Assessing the Civil Society Environment in the Eastern Partnership Countries country report, 2020. <https://promolex.md/wp-content/uploads/2022/05/CSO-Meter-Country-Update-2020-Moldova.pdf> accessed 23 May 2023.

11 Freedom House reports of 2020. <https://freedomhouse.org/country/moldova/nations-transit/2020>, last accessed: 23.06.2023.

12 External Assistance Management Platform. <http://amp.gov.md/portal/> last accessed: 23.06.2023.

## 5.2 Legal framework for participation

Moldova ratified the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) on 7 April 1999, becoming the first country to do so and also one to hold the first meeting of signatories in Chisinau between 19 and 21 April 1999.<sup>13</sup> In addition to the Aarhus Convention on 24 April 2013 Moldova ratified the PRTR Protocol that foresees to establish an integrated system of information about release and transfer of potentially hazardous substances and pollutants into air, water and soil.

The monitoring and compliance mechanism of the Aarhus Convention at the national level is low. In 2021, the Republic of Moldova submitted the report on the Aarhus Convention implementation, after failing to do so for the prior period.

The last Action Plan for the implementation of the Aarhus Convention for 2011-2015, was approved by Government in 2011. Since then, no policy document outlining a clear measure to implement the Aarhus Convention has been formally approved by the government. The Action Plan for the implementation of the Aarhus Convention is expected to be approved by the end of the 2023 year in conformity with the annual Action Plan of the Ministry of Environment.

The legal framework, which underlies the state policy on access to information, public participation and access to justice, includes the **Constitution of the Republic of Moldova**, approved by the Parliament on 28 July 1994, over 30 laws and a set of Government decisions that refer, directly or indirectly.

The **Law no. 1515-XII/1993 on environmental protection** – the main act regulates the legal basis for the access of information and the right to participate in consultations on normative and policy proposals aimed (directly or indirectly) at environmental protection and the use of natural resources and the right to consultation on construction, zoning, and urban planning and restoration projects with negative effects on the environment.

The provisions of the **Law no. 982-XIV/2000 on information**, are fully applicable also to access to information on environment and climate. The law sets up the main guarantees regarding the exercise of the constitutional right to information, type of information, deadline for responding to requests for information, promotes the right to seek judicial remedies in case of refusal or lack of respond. In conformity with provisions of the **Law no. 93/2017 on official statistics** regulates the dissemination of the statistical data provided to all categories of users free of charge and under equal conditions of access in terms of volume, quality and terms and data collected from legal persons or from individual entrepreneurs regarding the economic situation or the environment.

General provisions related to attracting the public to the decision-making process, including environmental and climate issues, were introduced by the **Law no. 239-XVI/2008 on transparency in the decision-making process** that sets the requirements to ensure transparency in decision-making of all public authorities.

The **Law on Environmental Impact Assessment (EIA) no.86/2014** and the **Law on Strategic Environmental Assessment (SEA) no.11/2017** provide the regulations related to informing the public about procedures evaluating the environmental impacts of proposed plans, schemes, strategies and concepts prior to deciding on moving forward with it and participation in them

13 United Nations Economic Commission for Europe, First meeting of Signatories, not dated, available at. <https://unece.org/DAM/env/pp/firstmos.htm>. last accessed: 23.06.2023.

In accordance with the **Law no. 239-XVI/2008 on transparency in the decision-making process** (Article 6) citizens, registered associations and other interested parties have the right to:

- \_ a. participate in any stage of the decision-making process;
- \_ b. request and obtain information regarding the decision-making process, including to receive the draft decisions in accordance of provisions of the Law on access to information;
- \_ c. propose to the public authorities the initiation of the elaboration and adoption of decisions to the public authorities;
- \_ d. present to the public authorities' recommendations regarding the draft decisions.

The Environmental Agency, which is the authority responsible for organizing and ensuring the environmental decision-making process, approved Order no. 60 of December 05, 2019, that regulates the Internal Rules for ensuring transparency in the environmental decision-making process within the Agency and prescribes all actions for organizing, conducting and ensuring participation process, starting from the placement of the announcement on the organization of debates of the draft decision (Annex 2), an example of the summary of recommendations and results of consultations (Annex 3), announcement on the withdrawal of the draft decision from the drafting process (Annex 4), report on ensuring transparency in the decision-making process (Annex 5).

There are problems with the application of these provisions by the authorities responsible in practice. While the complexity of climate change risks is growing, the participation and information of the civil society become more sporadic and discourse and information appears superficial.

The Forum of Environmental NGOs is organized periodically with the scope to strengthen the cooperation of the associative environmental sector.

The National Commission on Climate Change was established by the GD no. 444/2020 as a mechanism for coordinating activities in the field of climate change, which consists of 17 members – 10 representatives of central and local public authorities and 7 representatives of educational and scientific institutions, of nongovernmental organizations and the private sector. Unfortunately, in practice the Commission had only organized one meeting yet, so it cannot be seen as a functioning mechanism to ensure the countries compliance with its targets. Further focus areas of the Commission should lay on on proactive information and engagement of citizens in climate protection and ensuring inter-institutional collaboration.

There are insufficient coordination and a lack of common communication points between stakeholders (ministries, institutions, local authorities, academia, and civil society organizations, etc.)

## 5.3 Governance structures

The **Ministry of Environment (MoE)** is the state authority responsible for development and promotion of environmental policies strategies and legislation, in particular addressing GHG emissions reduction and adaptation to climate change and is in charge of the implementation of international environment treaties to which the Republic of Moldova is a Party and ensure that the public is given early and effective opportunities to participate during these processes.

The State authority responsible for the development, promotion, public consultation and monitoring of policies strategies and legislation addressing security and energy efficiency, inclusive the achievement of the energy objectives and climate change mitigation is the **Ministry of Infrastructure and Regional Development (MoIRD)** and is in charge of the implementation of international treaties ratified by the Republic of Moldova.

As stated above the **National Commission on Climate Change** should provide the inter-institutional coordination for monitoring, reporting and verification, as well as facilitating the integration of climate change issues into national and sectoral programs and plans, and it aims to coordinate, at national level, the process of implementing UNFCCC provisions and other international treaties relevant in the field to which the Republic of Moldova is a party. As described above the institution currently is not filling its designated role.

**The Environmental Agency (EA)** is the institution responsible for implementation of environmental policy documents and legislation. It has been designated as the competent authority responsible for ensuring the operation of the National Monitoring and Reporting System (NMRS) on GHG emissions and other information relevant to climate change in accordance with **GD no. 1277/2018**. Thus it is responsible for operating and offering access to integrated environmental information systems (monitoring pollution, managing databases and special registers) but does not currently possess all the necessary tools to accurately operate due to the lack of hastily created and often uncertified subordinated institutions.

The **Public Institution “Environmental Projects Implementation Unit” (PI EPIU)** has the mission to support MoE and EA, in efficient implementation of financial and technical assistance projects, external and internal, in the field of protection of atmospheric air, ozone layer and climate change in accordance with the **GD no. 1249/2018**.

**The Environmental Inspectorate** supervises and controls compliance with environmental protection legislation. Before the Environment Agency was set up, it had dual control and approval powers, which is why it was considered rather non-transparent and highly corrupt.

In addition to the above-mentioned agencies directly involved in environmental (integrated) permitting and monitoring, there is a number of other subordinated agencies with wider environmental agenda. Due to the lack of tools and mechanisms to perform the functions, for which they were created, the subordinated agencies perform some or all of their functions by interim, hastily created institutions and processes.

The public authorities interact with the citizens through access to information, transparency processes, and complaints mechanisms. The Ministries make announcements on websites and organize public hearings during the promotion stage of the legislative act. Recently the process of active information of the citizens about the activities of the Ministries through online or mass media seems to have improved. For passive access to in-



formation this unfortunately is not the case: The authorities are generally very reluctant to provide information. Practice shows that about half of all requests for information are usually ignored.<sup>14</sup> The rest is returned incomplete or made conditional. The authorities often refuse requests submitted electronically if not signed, requiring to “comply with the requirements for electronic documents” to contain electronic signature (in the Moldovan context, however, this constitutes a significant obstacle at the local level).

There are some constraints in promoting of public consultation: (i) a relatively short period of time available for the consultation, (ii) public hearings on practically finalized document where there is little openness for change, (iii) the lack of information necessary in the process of the evaluation, as well as monitoring reports. The other point is that public usually proposes solutions which need political will and ambition for implementation. The government is not ready for such unpopular but necessary political decisions recommended by public.<sup>15</sup>

In this case, NGOs are producing their own recommendations, using mass-media (TV and newspapers) to popularize them and criticize government for reluctance to take effective action, outside the consultation.

The coordination at the subordinated institutions level (both national and local) remains poor, with non-systematic information between the authorities towards the public and outdated websites with scarce information on their activities.

5.4 Practice: Participation Processes

In accordance with the report of Freedom House on Measuring the transparency of public institutions in the Republic of Moldova, the scale of active transparency achieved a level of 12% from 30%, which is quite low.<sup>16</sup>

Participation starts with Access to Information. In climate mitigation action the collection and access of data is of special importance. In the Republic of Moldova some obstacles regarding access to information can be observed: Moldova has made some advances for transparency and Open Government from 2010 onwards: The open data platform was launched in 2011, after the Moldova joined the Open Government Partnership (OGP).<sup>17</sup> According to the Global Open Data Index of 2020, Moldova holds an impressive 19th place out of 187 countries.<sup>18</sup> But this is contrasted by availability of environmental information: some public databases exist, although the minority of the information is in electronic format. Further there is no interconnection between these databases. Online information tools do not exist or don’t work. For example the Information System “National Register of Emissions and Pollutants Transfer” (E PRTR)<sup>19</sup> should have started to publish from January 1, 2023, but isn’t accessible yet. In general, there is a large number of portals where environmental data and information is published but a lack of integration between national environmental, climate change, health, statistical and geospatial information systems can be detected. This seems due to limited and ineffective data exchange between institutions. Also the interoperability remains low. Information is provided by the Environmental

14 Freedom House 2021: Measuring the transparency of public institutions in the Republic of Moldova [https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova\\_Access-to-Info-Report\\_Rom-revised.pdf](https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova_Access-to-Info-Report_Rom-revised.pdf) accessed 25 May 2023.  
15 Freedom House 2021: Measuring the transparency of public institutions in the Republic of Moldova [https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova\\_Access-to-Info-Report\\_Rom-revised.pdf](https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova_Access-to-Info-Report_Rom-revised.pdf) accessed 25 May 2023.  
16 Freedom House 2021: Measuring the transparency of public institutions in the Republic of Moldova [https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova\\_Access-to-Info-Report\\_Rom-revised.pdf](https://freedomhouse.org/sites/default/files/2021-11/fh-Moldova_Access-to-Info-Report_Rom-revised.pdf), accessed 25 May 2023.  
17 The OGP is a multilateral initiative of governments and civil society in 69 countries supporting the principles of promoting transparency, empowering the public, ensuring accountability, and embracing technology and innovation. See: The Informational Governmental Platform, <https://date.gov.md/> accessed 25 May 2023.  
18 The Global Open Data Inventory, <https://odin.opendatawatch.com/Report/countryProfileUpdated/MDA?year=2020>  
19 Agenția de Mediu 2023: Press release: <https://am.gov.md/ro/content/aten%C8%9Bie-%C3%AEncep%C3%A2nd-cu-data-de-1-ianuarie-2023-raportarea-date-emisii-de-polu%C8%9Bi-se-realizeaz%C4%83> accessed: 25 May 2023.

Agency, which publishes information about own activities and indicators (air temperature, greenhouse gas emissions), reports, etc. on its website.<sup>20</sup> The Climate Change Office provides links to reports on climate change, and national information regarding the implementation of the climate change strategy. The website also describes the international framework for action on climate change that the Republic of Moldova is a member of.<sup>21</sup> The National Bureau of Statistics publishes statistical yearbooks, including one on the environment.<sup>22</sup> The authorities’ websites are not sufficiently informative.<sup>23</sup> For example in 2020 the National Report on the State of the Environment (SoER) 2020 was published, covering the period 2015-2018 and the previous was published in 2011 and covered the period 2007-2010. This five years lack of state of environment information is a signal of capacity needs of the environmental administration. As reported above, the State of the Environment Reports are published irregularly.

Concerning the Information proactively published by the authorities the following can be stated: In general, the results of the analysis of the web pages of public institutions at different levels of administration showed a low level of proactive transparency.

Information that is frequently published concerns organizational structure, legislative framework, activity reports, activity services, and procedure about requests for information, also different announcements of public consultation. However information that concerns public consultations results, project and financial support evaluations, financial accounting of the institutional activities, legislative implementation monitoring results and repairing actions after the transparency procedure violations is rarely published.

Even though the websites of the public authorities are trilingual (Romanian, Russian and English), the content is not translated either into English or Russian. There is different information presented depending on the language you choose. In addition, environmental reports are available only in pdf format, which can limit access to some vulnerable groups.

The general observation about Public participation processes in climate policy is, that there are occasional meetings of government bodies and selected NGOs, but no systematic approach of organizing consultations with the public or at least an invitation to all registered NGOs. The analysis of two rather elaborately organized participation processes taking place in the Republic of Moldova will be outlined in the following section. The public participation is usually organized at the national level before approving of the legislative acts or policy documents, in particular with climate related issues, before the presentation of the National Determined Contribution (NDC), or Biennial Update Report of the Republic of Moldova to UNFCCC.

The *National Development Strategy “European Moldova 2030”* was approved recently. The consultation process of it was organized with the support of the State Chancellery.<sup>24</sup>

The *Low Emission Development Program of the Republic of Moldova until 2030 (LEDP)* and the Action Plan for its implementation and the *Climate Change Adaptation Strategy* are currently in the process of public consultation. The consultation of the sectoral policy documents, for example, *LEDP* is held by the Ministry of Environment.

20 Environmental Agency of Moldova & State Hydrometeorological Service based on a Collaboration agreement <https://am.gov.md/ro/functii-vacante> accessed: 25 May 2023.  
21 Climate Change Office Moldova: [www.clima.md](http://www.clima.md), accessed: 25 May 2023  
22 National Bureau of Statistics of the RM - [https://statistica.gov.md/ro/statistic\\_indicator\\_details/24](https://statistica.gov.md/ro/statistic_indicator_details/24), accessed 24 May 2023  
23 CSO METER Assessing the Civil Society Environment in the Eastern Partnership Countries country report, 2020. <https://promolex.md/wp-content/uploads/2022/05/CSO-Meter-Country-Update-2020-Moldova.pdf> accessed 23 May 2023.  
24 Cancelaria de Stat 2023: <https://cancelaria.gov.md/ro/apc/moldova-2030>, accessed 25 May 2023.

During the consultation workshops at the national level were invited the target groups based on the role of institutions represented: (i) the central and local administrative authorities, (ii) civil society and academia workshops, (iii) development partners organizations, (iv) private sector.

The consultation process of the *National Development Strategy “European Moldova 2030”* consisted of four consultation workshops, which were organized for its presentation and discussion. During the public consultation the atmosphere has been kept constructive and open for comments, but the mechanism of taking into account the opinion of the representatives of the civil society remained non-transparent. The outcomes of the workshop and the list of recommendations and what was taken into consideration was not published.

The State Chancellery also worked with Online questionnaires which were intended for the general public, being placed and filled electronically on the Google Forms platform. The questionnaire was distributed both in a targeted way, to all the people who were invited to take part in workshops and those who participated in the launch meeting of the consultation, as well as to a list of stakeholders suggested by the UN Agencies. Further the general public was invited to participate in this online consultation through social networks.

With regard to the outlined processes there was no transparency about how public comments and opinions were taken into account in the decision-making process. Often, the time for public consultation is a shorter period than the 15 working day term regulated by the legislation.

Climate-related transparency is well regulated by the legislative framework, but the biggest problem is at all levels of monitoring the implementation. There is a lack of transparency on financial and monitoring implementation information climate action projects. Most often, the information that is published is organizational, including the organizational structure or the legislative framework, and rare regarding the most sensitive financial aspects (information on public procurement, asset management).

## 5.5 Capacity Building

As of January 1, 2021, young people aged 14-34 years make 26.2% of Moldova population. Young people face a lot of challenges, including low quality of education that does not provide them with the required skills for a successful integration in the labour market, lack of opportunities for self-awareness and life skills development as part of the formal education system.

While primary education generally performs well (the literacy rate is 99.4%), the state of Moldova’s deeply underfunded higher education system continues to be unsatisfactory. Although the country’s PISA results have improved since the previous round, Moldova ranked 50th out of 149 countries in 2018 in education.<sup>25</sup>

Based on the PISA assessment, demonstrated insufficient basic skills to integrate fully into professional and social life. Low performance in education can indicate a lack of efficiency and quality in education, inadequate curricula, outdated learning materials, and poorly trained teachers, which are some of the main barriers to improving education on

<sup>25</sup>State Chancellery 2023: National Development Strategy “European Moldova 2030”[https://www.imf.md/press/SND\\_MD2030\\_25\\_Jun\\_eng.pdf](https://www.imf.md/press/SND_MD2030_25_Jun_eng.pdf), accessed 25 May 2023.

climate change issues.<sup>26</sup> In primary, secondary and higher education the issue of climate change plays a reduced role. There is no clear national policy strategy for improving the curriculum with the climate change theme.

Despite of substantial financing for Climate Change related issues, climate education of state institutions is in general mainly bureaucratic and not too efficient. Non formal education programs are mostly realized by the NGOs. Activities of NGOs are rarely done in cooperation with those of the government in this field. The capacity building on topics such as climate change, climate policy, policy dialogue/political advocacy is modest.

Social self-organization in Moldova is slowly improving, because of political instability, rising lack of transparency and inequalities. But most of the population does not feel represented by either NGOs or trade unions, which are trusted by only 22% and 17% of Moldovans respectively (Public Opinion Barometer, BOP, October 2020). The total number of NGOs operating in Moldova is not small (total 53 Environmental NGOs in accordance with the EA website), but most of them are concentrated in the capital. To a much lesser extent, such organizations can be found in Bălți (northern Moldova) and in Comrat (the capital city of Gagauz Autonomy). In smaller towns and villages, civil society activity is very limited or nonexistent.<sup>27</sup>

The study “Republic of Moldova: the population’s knowledge about climate change” conducted in 2012 established that, generally, the mechanisms for collecting and disseminating climate information are poorly developed in the RM, and the population has a relatively low level of knowledge in this field.<sup>28</sup>

<sup>26</sup> Bertelsmann Transformation Index: Moldova Country Report <https://bti-project.org/en/reports/country-report/MDA#pos16>, accessed 23 may 2023

<sup>27</sup>ibid.

<sup>28</sup> The fifth National Communication of the Republic of Moldova developed to be reported to the United Nations Framework Convention on Climate Change. Chisinau 2023. <http://clima.md/lib.php?l=en&idc=81> last accessed: 23.06.2023.

## 6 Recommendations how to strengthen civil society’s participation in climate policies and improve upcoming NDC revisions

### Recommendation 1

The frozen conflict with Transnistria is a threat and a burden to state institutions. To ensure stability in the region is one major and priority task of the moldovan government. Moldovan civil society actors can be advocating democratization in the break-away region of Transnistria as a means of resolving the old ethno-political conflict. Moldova would, in general, greatly benefit from de-politicizing public institutions and creating more space for people to participate in public affairs and influence public policies.

### Recommendation 2

For enhancing civil society’s participation in climate policies the public needs access to coherent information. Firstly the regular collection, sharing and dissemination of environmental information needs to be reorganized in an integrated and coordinated way, bridging competencies of different administrative bodies and levels of governance from local to international.

In order to achieve the objectives of the Aarhus Convention, it is necessary to create an efficient and functional mechanism for dissemination of environmental information and places of access to such information. This means that an easy to find entry point for the citizens needs to be created. Public officials need to be trained to handle information requests according to the law.

### Recommendation 3

Without further delay, the Ministry of Environment should promote the adoption of relevant environmental laws to fully implement EU climate action-related acquis and align the public participation regulations stemming from the Aarhus Convention also on climate-related decision-making. So far there are no provisions on climate change mitigation and adaptation in primary legislation and no legal basis which creates concrete requirements for participation in the law-making process and in the implementation of new administrative procedures, in strengthening clear institutional obligations in the data management and data accessibility.

The necessity of a Climate Change Law is evident. It should consolidate the legal framework on: i) mitigating and adaptation policy actions; ii) access to information and public participation basics, iii) inter-institutional coordination; vi) NMRS and National Inventory System and will create the legal framework in enhancing the management of greenhouse gas emissions.

### Recommendation 4

Another focus area should be on capacity building. The government and administrative bodies should support and carry out activities to encourage, stimulate, promote and support public participation in climate related decisions at all levels (local, regional, national). For this firstly training and resources for the administrative staff needs to be provided, either by shifting priorities inside the government or foreign development funding. Secondly climate oriented curricula on all levels of the education system need to be

developed and integrated. The extensive expertise of NGOs should be used and integrated in this endeavour. It should further promote informational campaigns by NGOs at schools, universities, and businesses on the importance of public participation in the environmental and inclusive climate-related decision-making process. Given the unique nature and, in particular, technical complexities of implementation of climate change-related projects due to which they are not well suited for narrow sectorial realization, it is advisable to develop and ensure the capacity of the institution of National Commission on Climate Change, which might thereby be developed faster and for strong efficiency.

### Recommendation 5

With regard to the practice of participation processes it is crucial to establish a detailed blue print procedure for inclusive and timely participation, including a public consultation procedure, for review by the public of the documentation on proposed activities. It is especially important to ensure that the public comments and opinions are taken into account in the decision-making process.



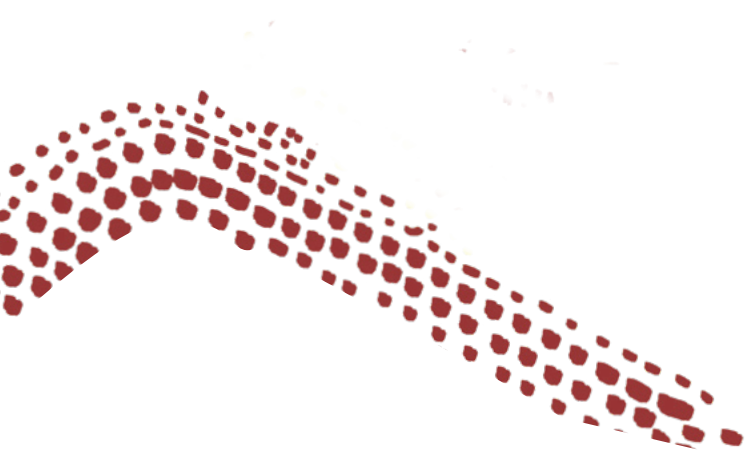
# 7 Conclusion

Moldova is very vulnerable to climate change and has taken on big ambitions for reducing its own carbon footprint by pledging to reduce its Greenhouse gas emissions (GHG) by up to 70 % by 2030 compared to 1990 levels. The country is economically challenged with the dependence on import of energy and negative demographic processes. The political environment to steer this complex transition is highly dynamic but also quite fragile. Given their extensive expertise and focus on the public good and planetary boundaries civil society actors can play a crucial role in climate policy development and implementation. This study analyses how the civic space for public participation can currently be characterized.

Looking at the fundamental requirements for activism and civic engagement it can be stated that Moldova so far is a safe space for activists to operate their organisations. But the non-violent crisis in Transnistria, the war of Russia on Ukraine and widespread corruption impact the work of CSOs. The governments priority is rather focused on economic development. The legislative framework for public participation is favourable. Moldova being the first country to ever ratify the Aarhus Convention has transposed all provisions into national law. Still due to low capacity of the administration the implementation of environmental access and participation rights lags behind. The governance structure to combat climate change and the national system of data collection and transparency creates bigger obstacles to civil society as different portals with different information exist, interoperability and integration between different administrative bodies remains low and the institution that is established to ensure cooperation and coordination between different institutions and governance levels, the National Commission on Climate Change, is in fact inactive.

Participation processes are carried out unsystematically and very often not public. Consultation processes that involve the wider public are rare, formats provide appropriate opportunity to voice concerns or recommendations by civil society. Yet it is unclear how these comments are taken into account and considered in policy making.

Much remains to be done to build capacity on climate and participation issues in the Republic of Moldova. Curricula in all educational forms, as well NGO programmes for awareness raising of democratic environmental rights are needed. Capacity and resources are also needed for officials to provide environmental information actively or on request, and to develop skills and routines for conducting public hearings.



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Appendix

Assessment of the environment and opportunities to participate

Criterion 1 Fundamental requirements

Indicators	Scores	Score
<b>a. Stability and peace</b> (What is the intensity of ongoing conflicts?) <sup>29</sup>	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)	2
<b>b. Anti-corruption and transparency</b> (What is the perceived level of corruption?) <sup>30</sup>	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100	2
<b>c. Security of environmental defenders</b> (Are environmental defenders secure from threats?)	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)	2
<b>d. Political commitment</b> (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
	<b>Max. score: 10</b>	<b>7</b>

29 This indicator and related scoring is based on the Conflict Barometer 2022 by HIIK (<https://hiik.de/conflict-barometer/current-version/?lang=en>, accessed 24 May 2023). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

30 This indicator and related scoring is based on the Corruption Perception Index 2022 by Transparency International (<https://www.transparency.org/en/cpi/2022>, accessed 24 May 2022). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” ([www.transparency.org/what-is-corruption](https://www.transparency.org/what-is-corruption), accessed 24 May 2023).

Criterion 2 Enabling legislation

Indicators	Scores	Score
<b>a. Commitment to international conventions and agreements</b> (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
<b>b. National laws requiring the proactive participation of civil society</b> (To what extent does/do <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
<b>c. National laws requiring timely participation</b> (To what extent does/do <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2

<p><b>d. National laws requiring information regarding the participation process</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <p>require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>2</p>
<p><b>e. National laws requiring the consideration of civil society's comments</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <p>require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>2</p>
<p><b>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based</b> (To what extent does/do</p> <ul style="list-style-type: none"><li>the constitution,</li><li>national framework laws regarding environment and climate,</li><li>strategic environmental assessment laws,</li><li>or climate-related sectoral laws (regarding energy, industry, transport, forest or land use)</li></ul> <p>require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>	<p>2</p>
	<p>Max. score: 17</p>	<p>12</p>

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
<p><b>a. Governance structure</b> (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)</p>	<p>0 = no 2 = yes</p>	<p>2</p>
<p><b>b. Institutional coordination &amp; cooperation</b> (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)</p>	<p>0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation</p>	<p>1</p>
<p><b>c. Financial resources</b> (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)</p>	<p>0 = no 1 = yes, to some extent 2 = yes, fully</p>	<p>1</p>
	<p>Max. score: 7</p>	<p>4</p>

Criterion 4 Qualitative participation processes

Indicators	Scores	Score
<p><b>a. Early participation</b> (At what stage was civil society involved in the process?)</p>	<p>0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning</p>	<p>1</p>
<p><b>b. Broad, inclusive invitation</b> (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)</p>	<p>0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited</p>	<p>3</p>
<p><b>c. Timely invitation</b> (Was civil society invited early enough to participate?)</p>	<p>0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance</p>	<p>1</p>

<b>d. Adequate participation formats</b> (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	1
<b>e. Transparency and information</b> (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information	1
<b>f. Available documentation</b> (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
<b>g. Transparent review of recommendations</b> (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
<b>h. Evaluation and feedback process</b> (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 1 = yes	0
	Max. score: 16	9

Criterion 5 Capacity building

Indicators	Scores	Score
<b>a. Environmental education</b> (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer	1
<b>b. Public awareness raising on participation rights and opportunities</b> (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
<b>c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking</b> (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1

<b>d. Capacity building on participation and stakeholder engagement for governments</b> (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
	Max. score: 8	4
Max. total score	59	36

The Republic of Moldova is committed to reduce its GHG emissions by 70 percent by 2030 compared to the level of the reference year 1990. This ambitious target will only be reached by cooperation of all relevant stakeholders and with effective strategies and plans in place to reach it. Civil society actors play a crucial role in climate policy development and implementation because they act as advocates and spokespersons for nature, driven by the desire to protect the environment and maintain healthy living conditions for human beings.

The publications “**Civic space for participation in climate policy**” aim to analyse the status and conditions of climate-related participation and specific examples of participatory policy-making in different countries. The analyses examine how national civil society participates in national policy processes related to the Paris Agreement. The studies also identify country-specific barriers to meaningful, effective and long-term participation, and offer recommendations for overcoming these barriers. This report presents the results of the Republic of Moldova analysis.

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