



HOW HPP CONSTRUCTION HAS AFFECTED THE CULTURAL, CUSTOMARY AND IDENTITY FABRIC OF THE COMMUNITIES SURROUNDING VALBONA RIVER AND IN THE VALBONA VALLEY NATIONAL PARK

2021

Written by Jordi Benning

Edited by WWF Adria

Concept and Design: WWFAdria

Front cover photo: Valbona River Valley by TOKA

Published in Tirana, December 2020 by WWF-Adria.

Any reproduction in full or in part must mention the title and credit the above-mentioned publisher as the copyright owner.

All rights reserved

WWF is one of the world's largest and most experienced independent conservation organizations, with over 5 million supporters and a global Network active in more than 100 countries.

WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by: conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.

Valbona River and its Communities: A Case Study

On the social impact of hydropower activity on local communities

1. Executive Summary

The main objective of this report is to research if and how hydropower activity on the Valbona River has affected the cultural, customary and identity fabric of the communities in and surrounding the Valbona Valley National Park, in the municipality of Tropoja, Northern Albania. This was addressed by identifying four research questions: considering the value of water and the Valbona River, and the effect of hydropower plants (HPP) on them; the provisions of the Kanun, a customary law system, regarding water and the people's perception of the Kanun; whether hydropower activity is perceived to be redistributing natural resources for the benefit of private interests; and how inadequate public consultations have challenged customary values on water management. Lastly, the report includes a number of recommendations on how to address the issues that emerge from the report.

The main findings include a significant value of water and the Valbona River for local communities in Tropoja, who not only depend on it for its practical uses, but also derive a significant part of their identity from the natural habitat. Hydropower activity on the river has a strong perceived impact on both river and community, devaluing the quality of life, decreasing the practical usage of the river, and destroying biodiversity, local business and profit, while giving hardly anything in return.

Next, the customary law system called the 'Kanun' has strong rules regarding water management and decision-making. Under this system, there were rules ensuring that people not only felt empowered by participation, but in fact were both functionally and directly represented during the decision-making process regarding local issues, and that everyone had fair and equal access to natural resources. While this system is not used 'officially' anymore, as first communism and then democracy took its place, there are elements that have become integrated in the culture, like the way water from the irrigation canals is divided and shared equitably to this day.

Additionally, respondents stated that they feel natural resources - particularly water - are now being taken for the benefit of private interests, mostly described as construction companies and the government. The hydropower plants are the main embodiment of this perception.

Furthermore, the contemporary decision-making process regarding the hydropower plants on the Valbona River is seen as contrary to the decision-making process as it was under Kanun, or as it should be in a well-functioning democracy. Respondents declared that they were not informed of or involved in the process, and have had no options to formally object the decision. Moreover, the respondents that did protest said that they were met with hostility from the construction company and local government, who allegedly have threatened and even attacked locals.

Based on the collected data, recommendations are given to increase the local democratic processes, with better access to information and justice, and increased public participation in local decision-making. Concrete recommendations include an appeal to the Aarhus Convention Compliance Committee and the European Court of Human Rights.

2. Table of Contents

1. Executive Summary	3
2. Table of Contents	4
3. Background of the action	6
3.1 Introduction	6
3.2 Methodology	7
3.2.1 Research questions	7
3.2.2 Methods	7
3.3 Overview of the report	8
4. How water has been perceived in the area & the perceived effects of hydropower activity	9
4.1 Water is life: a perception	9
4.1.1 Statistical analysis	9
4.1.2 Discussion of the interviews	10
4.2 Water & Hydropower	12
4.2.1 Statistical analysis	12
4.2.2 discussion of the interviews	13
4.3 Summary	14
5. An analysis of the provisions regarding water in the Kanuni i Leke Dukagjinit	15
5.1 Kanuni i Lekë Dukagjinit	15
5.1.1 Irrigation Water in the Kanun	15
5.1.2 Summary	17
5.2 The people's perception of the Kanun	17
5.2.2 discussion of the interviews	18
5.2.3 Summary	20
6. How the construction of HPP is perceived to be redistributing natural resources for the benefit of private interests	20
6.1 Statistical analysis	21
6.2 Discussion of the interviews	21
6.3 Summary	22
7. How disputed and/or inadequate public consultations have challenged customary values on water management.	23
7.1 Statistical analysis	23
7.2 Discussion of the interviews	25
7.3 Summary	26

8. Recommendations of current tools that communities can use for the protection of water resources, including measures available as part of international jurisdiction	27
<i>8.1 Statistical analysis</i>	27
<i>8.2 Discussion of the interviews</i>	28
<i>8.3 Recommendations</i>	29
<i>8.3.1 Increasing practical function of democratic values and existing laws</i>	29
<i>8.3.2 The Aarhus Convention</i>	30
<i>8.3.3 European Court of Human Rights</i>	30
<i>8.3.4 Customary Law</i>	31
9. Conclusion	31
10. References	33

3. Background of the action

3.1 Introduction

Hydropower is an increasingly widespread utility around the world as an answer to the call for energy, in part due to being perceived as a ‘green’ and renewable energy source (Ahlers et al., 2015). The Balkan Peninsula in south-eastern Europe has been behind the curve in constructing hydropowers on its many rivers, but appears eager to make up for it judging by the latest plans. According to World Wildlife Fund (WWF, 2019) close to 4.000 hydropower plants are planned to be constructed, in addition to the two thousand which already exist. About one-third of the hydropower plants are situated in protected areas, and over 90% are ‘small’ hydropower plants, which are known for producing negligible amounts of energy (WWF, 2019). Approximately 550 of those planned hydropowers are in Albania. A report from the European Commission shows that they also see the “high development potential” of Albania to exploit its natural resources (European Commission, 2016). In the same report, they argue that exploiting these resources will create a broad range of additional benefits, including energy self-sufficiency and job creation.

There is however a growing concern, and growing body of literature, arguing that both large and small hydropower activity has a severe impact on the environment, the local communities and the economic activities and opportunities of those communities (Ahlers et al., 2015). It is of great importance therefore to carefully and meticulously assess the environmental, social and economic impact these planned hydropower plants may have on their surroundings. According to European law, such impact assessments are obligatory, and require the government to properly assess the situation before giving concession contracts or building permits to development companies (Directive 85/337/EEC, 1985). The Albanian government however, has repealed a former law (Law No. 8990 on Environmental Impact Assessment, 2003) which required an Environmental Impact Assessment (EIA) for all projects, with a new law that merely ‘aims at ensuring a high level of environmental protection’ (Law No. 10440, 2011).

Regardless, there have been no proper impact assessments conducted for the hydropower activity on the Valbona river, neither social or economic. One cursory EIA has been done by the construction company, and subsequently accepted by the Albanian Government, but was of abysmal quality: a review of this EIA was conducted by Integra Consulting and showed that all parts of the report ‘provide very poor information with with major gaps or weaknesses which would prevent the decision process proceeding and require major work to complete’ (Integra Consulting, 2016). The lack of these impact assessments makes it impossible to gauge if and how hydropowers plants damage their surroundings, and to react accordingly should they do so. Quality impact assessments would not have allowed concessions or permits to be granted if the perceived impact would be too great, and, by having provided comprehensive baseline data, should have provided a framework against which ongoing monitoring (defined in the EIA) would aid in the prevention of construction proceeding should the actual impact be greater than was initially anticipated.

Given this dearth of preliminary assessment, this report assesses the social impact that the hydropower plants on the Valbona river have already had on the local communities, six years after the first construction started, as well as representing locals' perceptions of future impacts.

3.2 Methodology

3.2.1 Research questions

The main objective of this research is to determine if and how hydropower activity has affected the cultural, customary and identity fabric of the communities surrounding Valbona River and in the Valbona Valley National Park. The research makes an analysis of the beliefs, cultural values, and customary law system informing communities surrounding the Valbona River regarding water management, and how these principles or social networks have been disrupted by hydropower activity.

The larger question was addressed by delving into more specific focus areas, specifically:

- An overview of how locals have perceived water;
- An analysis of the provisions regarding water in the Kanuni i Leke Dukagjinit;
- An analysis of how the construction of HPP is perceived to be redistributing natural resources for the benefit of private interests;
- An analysis of how disputed and/or inadequate public consultations have challenged customary values on water management;
- Recommendations of current tools that communities can use for the protection of water resources, including measures available as part of international jurisdiction.

3.2.2 Methods

The data collection for this report occurred over the course of three months, in the Tropoja region around the Valbona Valley National Park, northern Albania. The choice was made to conduct both qualitative and quantitative research, opting for the most comprehensive approach possible. This allows for the most complete picture of the situation on the Valbona River, with both large-scale data from surveys, and small-scale, in-depth data from personal interviews (Creswell & Poth, 2018).

The surveys were conducted through a series of 39 multiple-choice questions, handed out in paper format, thus not limiting responses to those with access to modern technology. Important with quantitative data collection is that the respondents are randomly collected in order to generalise the conclusions of the sample to the larger population. The surveys were handed out in ways that were covid-proof, in order to maintain social distancing. The first way implemented was to set up a desk in the pedestrian area of Bajram Curri and ask passersby to take a minute to fill in the surveys. In this way a random sample was obtained,

as on any given day passersby in Bajram Curri include not only residents of the city/town, but people from outlying villages of Tropoja coming into town for social and economic pursuits. Second, surveys were collected through the regional high school. As all students from Tropoja come to the same high school, it forms a representative pool of respondents for all of Tropoja. We asked the students to fill in these surveys in our presence, and also to take some home to their families. The next day they brought the filled-in surveys back. These responses were examined to ensure that they varied; i.e., no one filled out surveys with their own opinions duplicated. Finally, a small number of random surveys were collected by going door to door in directly affected villages. A total of 81 surveys were collected, forming a sufficient sample size to draw conclusions generalisable to the population of Tropoja consisting of approximately 20.000 people (Population and Housing census, 2011).

The interviews were conducted to get in-depth information from people who have specific knowledge regarding the research topics, particularly social customs and historic patterns, as well as selecting acknowledged representatives of key stakeholder groups (tourism operators, sportsmen, etc). Thus respondents were selected on the criteria of having such specialized and in depth knowledge and not ad random. Half of the interviewees are from the Valbona Valley, the other half from greater Tropoja. Interviews were held in a comfortable environment, either in the community center of the ngo TOKA, at the respondents' homes or at a local cafe or restaurant, and often lasted for two or three hours. One interview was done through email, as the respondent was not physically present in Tropoja at the time. A total of twelve respondents were interviewed over the course of ten interviews, given that some respondents arrived with concerned companions, also eager to be heard.

3.3 Overview of the report

Analysis of each specific question described above follows the same format, in which the (survey-based) statistical analysis is done first, showing the broader situation, before delving deeper into the subject through an analysis of the interview responses. A short summary concludes each section.

First, an overview is presented of the perception of the people of Tropoja regarding water and nature in general. In addition to the primary value of water to the communities, the question whether or not the hydropower plants have an impact on the river is addressed and if so, how much impact and in what way, is also analysed.

Second, the customary law system ("Kanun") is described and explained, in particular its rules or laws regarding water management, together with the people's perception of the Kanun and the value that it has today for the communities.

Third, an analysis is made of if and how the construction of HPP is perceived to be redistributing natural resources for the benefit of private interests.

Fourth, an analysis is made regarding how disputed and/or inadequate public consultations have challenged customary values on water management.

Finally, recommendations and conclusions are made based on the overall information provided by the collected data. Recommendations include tools that communities can use for

the protection of water resources, including measures available as part of international jurisdiction.

4. How water has been perceived in the area & the perceived effects of hydropower activity

Here we examine how communities in Tropoja perceive water, and the value that it has for them. In addition, the perceived impact of the planned and built hydropower plants on the Valbona river is discussed. It is a perceived impact because it is subjective and it has been done after the construction company started building the hydropower plants, ie, given the advance of HPP construction it is not possible to capture a ‘before’ baseline social perception.

4.1 Water is life: a perception

Water is, as the World Health Organization describes it, the only natural resource which affects every aspect of human civilisation, ranging from agriculture and industrialisation to culture and traditions (WHO, 2005). Access to water, and especially clean drinking water, is not an equally distributed right around the world (WHO, 2019), conveying a more resonating importance for those who live close to water sources, and who are reminded every day of its fluidity and fragility. For those who live in modern, well developed cities with a perceived unlimited supply of water pouring down from their faucets, it is sometimes easy to forget that water is coming from the earth and is, in fact, not an infinite resource. Those who live close to the source are continuously confronted by their dependency and by the fact that should the water stop flowing, life itself will become impossible.

Along the Valbona River many people still live like they did one hundred or two hundred years ago, working the fields and tending to their livestock as they directly take the water from the river to provide for themselves, their cattle and their fields. Without the river to provide them with water, life along its banks is not imaginable.

4.1.1 Statistical analysis

Water is not something that exists in isolation. There is a strong conviction among the respondents that the whole of nature, including water, provides us with what is needed to live. Displayed in charts one to four below, the results of the survey support the idea that nature is essential to the people of Tropoja, showing that 88,3% of the respondents think the river is ‘very’ important in its practical uses, such as its drinking and irrigation purposes, and 78,2% believe the river has a cultural importance as well, showing its significance in collective poetry, stories and songs, which are generally strong adhesives in a community (Oostdijk, 2017). Additionally, when asked how the respondents perceive nature, ranging from ‘harmful’ to ‘to be protected’, 92,6% conceives nature in a positive way, at least in its beauty, and over half, 56,6%, believes nature should be protected. Indeed, the importance of the river

becomes clear too when people are asked whether or not they feel they should be involved in the management of water resources, with 82,5% arguing they should be involved, and 75% that they should be involved ‘strongly’.

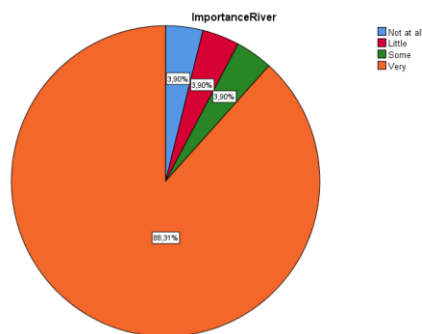


Chart 1: The practical importance of the river.

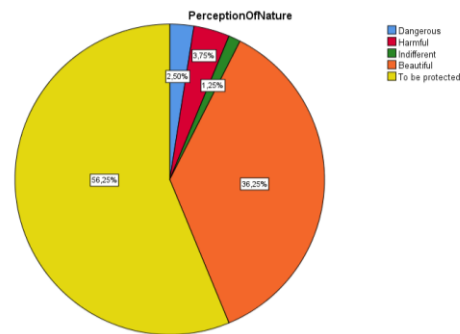


Chart 2: The perception of nature.

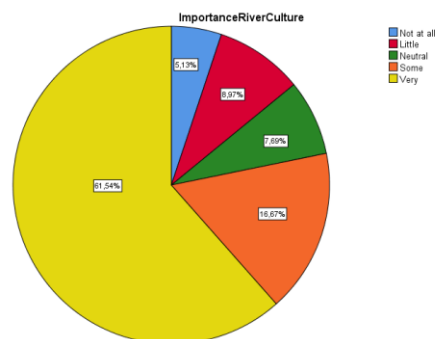


Chart 3: The cultural importance of the river.

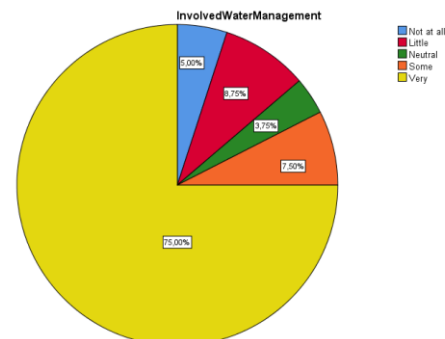


Chart 4: The want to be involved in the management of water resources.

4.1.2 Discussion of the interviews

The statistics show that a large part of the community feels closely tied to nature and the river, yet does not explain how or why these connections take form. The interviews provide more in-depth information regarding this connection, as respondents explained their own personal experiences and relationships regarding nature. A primary remark stresses the point of the dependency on water of those living close to its source. *“I am starting this answer with a phrase ‘the river is life’. Our lives depend on water, not only ours but the animals, plants and underwater animals that come to life from water. Even before I was born, my father, my grandfather and great-grandfather, as well as other generations ... The Valbona River gave life to each of us, we drank from its water, we washed from its water, we watered the lands from its water ... so the river for us has been and is life”* (respondent XII).

One of the most recurring and obvious responses to the question whether nature is something the respondents value and why, was the practical use of nature. One respondent said: *“It provides life to those who live here, if there was no river there would be no reason to live there”* (Respondent XI). Another mentioned that *“water is the most important thing for people who live in rural areas ... here [in rural areas] it's more important because they use it for irrigation, for cleaning, for people, for livestock. Even for bees it's important ... People will settle and live in places because of the water”* (respondent VI). *“Nature is relaxing, it gives you breath ... nature has a lot of medical plants that can help with illnesses ... nature has oxygen.. it's life. If you don't have clean nature, you have nothing. Nature makes everything for people, it protects them”* (respondent IV). It was a main drinking source for the people too, as mentioned by multiple respondents. *“We could take our drinking water from the river, there was no black water or waste water going in ... The beautiful nature ... it has affected the life of people, their health ... it has fed us with organic things”* (Respondent VIII). *“Before we could drink from the water without fear, it was safe, as if it was filtered”* (Respondent VII).

Closely related to the practical uses of nature is biodiversity. This too was often mentioned to be of high value for the people living here, as it is an indicator that the land is healthy. Healthy nature is not only beneficial for those living in it, it also provides recreational purposes, such as fishing and swimming, as well as tourism opportunities like bird-watching. *“First [nature] is important for biodiversity. It's important for the people who want to relax or do an activity, like fishing or swimming, such as we have done for hundred or two hundred years”* (respondent III).

Yet it is not only the practical use of nature and water and its biodiversity that makes it valuable. The land one is born with also gives a strong sense of identity. When your family has been living in a place for a long time, a sense of belonging exists related to the land. One respondent said *“The land is my father ... The identity is really the land ... So the land is the reality, but the signs of belonging to that land are language and faith and costumes”* (respondent VI). This cultural importance was also mentioned by another respondent, who said that *“the most important role [in our culture] is for nature. Nature is the base of the people”* (respondent IV).

When asked how people continue to interact with nature after learning of its importance, information came forth concerning nature and its connection to the people of Tropoja, namely that there appears to be a change in mentality regarding nature among both locals and people coming from outside. One respondent said that *“Nature is life ... but they don't [interact with it] it's a scandal, they don't value it ... they destroy the trees, the river, they break the virginity of Valbona”* (respondent IV). This discrepancy between the importance of nature and the destructive behaviour, as the respondent explains it, is not because they don't know the value of nature, but because they have a different mentality towards it. *“They know the importance of nature but they have a different or wrong mentality about it. They are mistaken. They see more the private interest than the common interest. They don't leave the river in its own bed”* (respondent IV).

4.2 Water & Hydropower

When the river holds such an important role in the community, we must wonder what the effects might be of industrial developments, such as hydropower plants, on said river and communities. Given the fact that the construction company failed to produce any viable form of impact assessment, whether it be economic, social or environmental (Integra Consulting, 2016), we are left to the impressions of the local communities and their assessment of what the hydropowers may do and have done to the river.

4.2.1 Statistical analysis

The most basic question is whether people think that the hydropower plants will affect the river and the possibility of making use of it. Charts five to ten show that 81,8% of the respondents think that the hydropower plants will indeed affect their ability to use the river, with 66,2% of them believing that the river will be affected strongly. Additionally, when asked whether their quality of life will improve if all 14 hydropower plants are built, 64,6% answered negatively, against only 15,2% who answered positively. However, when looking selectively at the answers from the respondents who live in the Valbona valley and who have already experienced the first three hydropower plants being built, the percentage of a negative prediction regarding quality of life increases to 92,3%. When asked whether or not nature was still enjoyable after the construction of the first 3 Hydropower plants, 55% still said that they affect it negatively. Next, 80,5% of the respondents mention that hydropower activity has increased *thashetheme*, or ‘bad gossip’. This is seen as intentionally blackmouthing someone else, and can be highly damaging to small and close communities. Lastly, when asked whether hydropower activity in general is mostly positive or mostly negative, 65,8% answered negative, and only 7,6% positively.

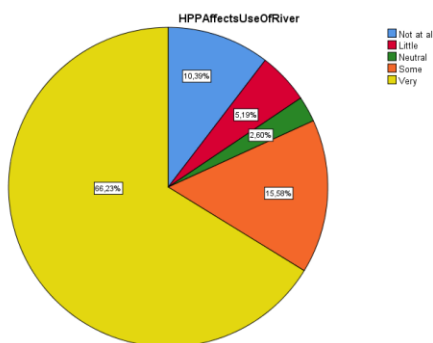


Chart 5: Whether hydropowers will affect the use of the river.

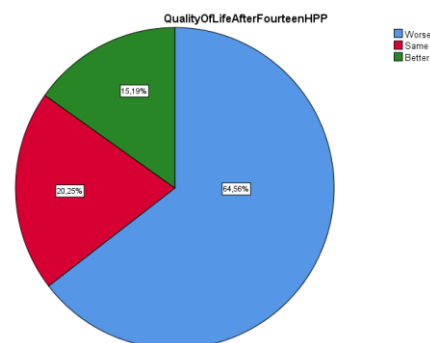


Chart 6: Perceived quality of life after 14 hydropower plants (in all Tropoja).

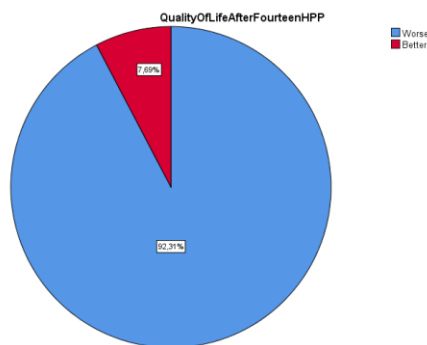


Chart 7: Perceived quality of life after 14 hydropowers plants (in Valbona).

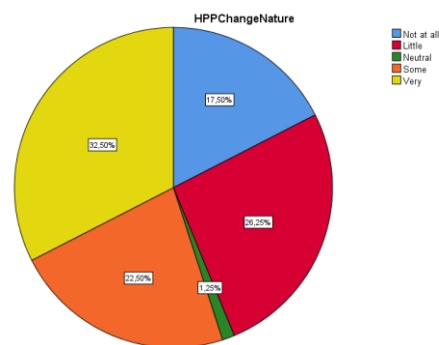


Chart 8: Whether hydropowers will change the people's ability to enjoy nature.

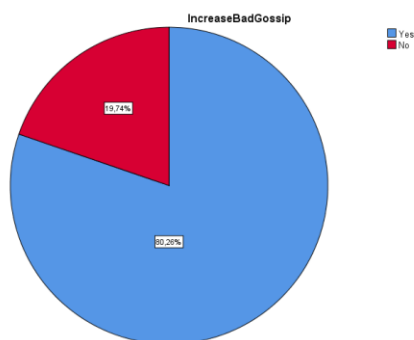


Chart 9: Whether hydropower activity has increased bad gossip.

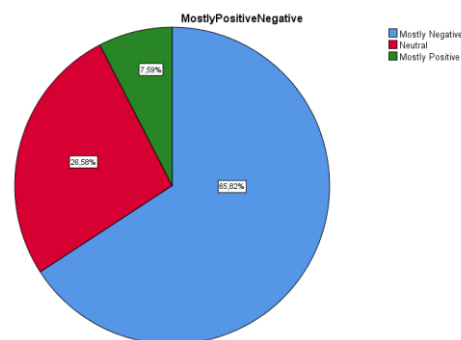


Chart ten: Whether hydropower activity is mostly negative or mostly positive.

4.2.2 discussion of the interviews

During the interviews, a strong perception emerged regarding the impact of the hydropower plants on the river and its communities. It is interesting to see that people do acknowledge a rising demand for energy, and that the government is right in looking for ways to answer this demand, yet they criticize the way it is being done now. One respondent said the following: *“We cannot say that hydropower plants are unnecessary, but they have designated places where they can be built and how. There is no convention or law in any European Republic that allows an intervention in a National Park in order to build a Hydropower Plant and destroy the structure of the National Park or disrupt the life and way of life of that Park and its inhabitants. Because when you build a hydropower plant you have to realize that it has consequences, you also destroy the way of life of the inhabitants, you destroy their business, their profits for a living, you destroy the life there and many other things which cannot even be thought of in a National Park, where the development of life is left just to Nature”* - (respondent XII).

This strong statement shows how involved and informed the people of Tropojë are. They are not per se against hydropower plants, but they are against the rampant destruction that is caused by them, and the negligence of the government and construction companies. *“Today we have a need for renewable energy, but they don't do studies, they don't look for the right place where it won't damage things, they don't plan them well”* (respondent VII). Likewise, another respondent said the following: *“If you're going to make one, make a big*

one that is really efficient and works well. Because even Fierza damages the ecosystem but it makes 500 times more development for people, while these ones [in Valbona] just take the water and dump it further down, so the people in Dragobi are without water. The Fierza generates enough to feed so many. And what they destroyed they rebuilt, they built new houses for the people and employed them. So they destroyed but also gave back to the people, whereas these little ones, they are directly affecting the water of life ... it damages the ecosystem severely” - (respondent VI).

Additionally, when looking at the direct effect the hydropower plants have on the river, respondents expressed equally despondent feelings . The respondents feel and see that the construction does severe damage to the river, its water and the ecosystem. *“But I, as a citizen, think that this economic value can't compare with what has been lost in nature. The trout of Valbona are endemic, they exist only here. But now it's destroyed, biodiversity is lost. It's outside of the imagination” (respondent V). “[When] you put the river in a tube, all the living things in the area will die, even the frogs and worms. It will break the ecosystem, it will turn into a dead zone” (respondent VI).*

Their words are strong and the emotion is visible when this topic is addressed during the interviews. Again, it is clear that the river lies close to the hearts of the people living next to it. *“The biggest scandal is here. You see the dam, and this three kilometer long tunnel, the river of Valbona is going to go underground. And that is going to damage the animals, all the fish ... It will have a great effect. All of this work that has been done is a scandal against nature, the beautiful nature” (respondent IX). “The network of water in all the world is life. And it's a massacre to do this. For nature and the people” (respondent VI). “Every Tropojan is proud. If you ask a Tropojan 'what is your pride?' the answer is Valbona. And now Valbona is a woman that has lost her virginity” (respondent VII).*

4.3 Summary

Several conclusions can be drawn from this section. First that nature, water, and the river are very important to the communities living in Tropoja, both practically and culturally, and that the large majority perceives nature favorably, even as something to be protected. The practical and cultural importance of the river goes further than watering crops and singing songs. The people are aware of the unique biodiversity and the health impact that it has on their lives, providing them with the resources they need. The land is their identity, and thus roots deeply in the being of the people. Moreover, people declared the desire to be involved in the management of water. Yet a change in mentality that has been mentioned by various respondents (further addressed in chapters six and seven) is occurring among some people of the communities, where the value of the river is becoming more and more menial, and the personal, economic interest is rising.

Second, the hydropower plants are perceived to create significant impacts on the river. Not only do they diminish the practical use of the river, they devalue the quality of life and make nature in general less enjoyable. They destroy the biodiversity of the valley, the way of life of the people, their businesses and means of profit, while giving nothing substantial back to the people. Hydropower plants are also known to increase the risk of involuntary

displacement or dispossession, where the hydropower plants are causing the loss of agricultural land, fishing areas, forest and grazing land, and thus indirectly forcing people to leave their homes. This is happening on a global scale (Namy, 2007; VanCleeef, 2016).

5. An analysis of the provisions regarding water in the Kanuni i Leke Dukagjinit

In this section, the customary law system called the ‘Kanun’ is discussed. First through the book itself, specifically why it exists and its particular rules regarding water management. Then through the perception of the respondents: how they perceive Kanun and what it means to them. Lastly, a glance is given to what value the Kanun might have today, which will be further expanded on in section five.

5.1 Kanuni i Lekë Dukagjinit

First collected and written down in the early twentieth century, the *Kanuni i Lekë Dukagjinit* is one version - and the only written one - of a collection of laws and customs that evolved over multiple centuries and were traditionally passed down orally from generation to generation (Gjeçov, 1989; Cook, 2014; Arsovska, 2006). The exact origin of these laws and customs is unknown, with some authors suggesting that they date back to the Illyrian culture or even further to the pre-Indo-European era (Gjeçov, 1989). Regardless, the laws of Kanun served as the foundation for social behaviour and self-government for the clans inhabiting the northern mountainous regions of Albania, regardless of whether the region was officially under Ottoman, or even Roman rule (Cook, 2014). To this day the laws of the Kanun continue to take an important part in the daily lives of people, exerting great influence on how people live in significant parts of Albania, Kosovo and other regions (Arsovska, 2006).

The laws and customs of the Kanun are meant as a basis for everyday social interaction and behaviour, which is why the Kanun covers all social functions in its various books and accompanying chapters. A total of 1262 articles collected in numerous books and chapters cover economic regulation, family organisation, territorial boundaries, marriage, livestock management and many more aspects of daily life (Gjeçov, 1989; Cook, 2014; Arsovska, 2006). Additionally, they are often best known for the rules of the *gjakmarre* or blood feud. Often misunderstood as barbaric retaliatory killings, they were actually meant as a punitive measure, a means to prevent people from killing. It included options such as self-imprisonment, as well as regulations for how to resolve conflicts (Cook, 2014)

5.1.1 Irrigation Water in the Kanun

Most relevant for this research is chapter LXXI - ‘Irrigation Water’ - of book five called ‘Work’, which addresses the laws and customs regarding irrigation water in a total of 36 articles.

The Valbona River is one of the largest and most common sources of irrigation water in Tropoja, springing in the so-called Accursed mountains and flowing through Valbona Valley into the greater Tropojan valley, until it eventually feeds into the river Drin near Fierzë, a journey of about 50 kilometers. Numerous villages rest along the river and the

people have created canal systems that divert the water in such a way that it becomes easily accessible and can be used for drinking water, to irrigate farms and provide for cattle. Some of the canals that are still being used today are over 200 years old. Very important here to note is the fact that these canals typically provide water for an entire village, and sometimes even more than one village, making clear rules regarding the use of water essential for the mechanism to work properly. One example is ‘Kanali Krasniqi’, a canal coming off of the Valbona River and responsible for feeding and watering the area directly below the mountains.

Article 351 for example, the first of chapter LXXI, reads that “*The channels of the field are not to be diverted or blocked*”, which continues in article 357, stating that “*The channel has its course and has produced its bed ... therefore, it must flow, it must run, and it must work*”. Further, in article 366, it says that “*... the channel may not be blocked: it is needed for the common good...*”. These articles show that the unhindered flow of the water is of prime importance to the community, since a blockage of the water by someone or something can be disastrous for those others who also depend on it. The Kanun recognizes this possibility in article 368, stating “*The Kanun does not permit the water channel to be diminished, because if it becomes lower than its free level, it may cause drought in other fields*”.

The Kanun reads that the water and its free course serve the ‘common good’. It is not only you as an individual that depends on the free flow of the water; it is also your neighbor and the other village members that make use of the same channel. The importance of the ‘common good’ is repeated throughout the chapter. Article 360, for example, reads: “*For a single house, a village is not permitted to starve*” and “*The common good overrides special interest*”. Similarly, article 362 deliberately puts the common good above the individual, stating that “*Because it functions for the common good, where the channel has a purpose, it is there that it must pass...*”.

While these articles show that water and its free flow is highly important for the people and their livelihoods, and that it serves the community and not the individual, it does not mean that no one should work on the channels. The Kanun prescribes strict rules that govern maintenance of the channels, and states the punishments that one is to suffer when breaking these rules. So reads article 369: “*If someone does work in the bed or the property of the channel, he will either destroy it, lower it or raise it*”, which is immediately followed by article 370: “*The Kanun does not permit either destruction or lowering of the channel; it must, therefore, be raised*”. This again addresses and emphasizes the importance of a continuous flow of the channel, which may by no means be diminished, as stated in article 367: “*Work may increase the water channel, but it may not be diminished*”, and article 371: “*The Kanun does not forbid someone from touching the property of the channel for the good of his household, but he must see that he does not harm someone else by diminishing the water or preventing it from flowing properly in its course in the future*”.

If, however, someone were to diminish or block the water channel, he is liable to the community for damages. As per article 365: “*... If you do [block it], you are liable to the community for damages: your water rights may be revoked or you may have to pay a fine, or*

you may have to give up another piece of land". Similarly, article 372 reads that *"If someone moves the property of the channel for his own benefit, he is obliged to restore it with his own work..."*, and article 375: *"If someone deliberately destroys another person's channel, he is obliged not only to repair it, but he must pay for all damages and be fined in proportion to the gravity of his act"*.

5.1.2 Summary

These articles of the Kanun present a number of principles that did and still do guide local people when working with the water that flows from the river into the channels. Firstly, an unhindered free flow of the water is essential for the maintenance of your livelihood and subsequently the lives of you and your family, and must thus be maintained. Secondly, water channels serve multiple people in their livelihoods and not only one person or household. All people using the channel have equal rights, which makes the channel serve the common good, and not any single personal interest. Thirdly, working on the channel is not prohibited, yet bound to strict rules in order for the water channel not to be blocked or diminished, lest the free flow of the water be obstructed or altered. Severe punishment can occur in the form of fines, a retraction of water rights or even the confiscation of a piece of land.

5.2 The people's perception of the Kanun

The fact that rules or laws are written down in a book does, however, not guarantee an upholding of said laws (look, for example, at the numerous environmental protection laws Albania has in place yet are ignored by the responsible agencies). Therefore, it is important to look at whether people still value the Kanun, or parts of it, and if so, how and what they value. And if they have dismissed it, how and why they have done so.

5.2.1 Statistical analysis

Four items in the survey addressed the Kanun. Charts eleven to fourteen illustrate the results. First people were asked what system they feel offers them the best ability to make decisions regarding their own lives (self-determination), with the options of Kanun, communism and capitalism. The choice was made to label the contemporary system in function as 'capitalism' rather than 'democracy' as the current system function shows few democratic characteristics or features; a view supported by respondents during the interviews. However either term was used by respondents when referring to the existing system which attempts to adopt global principles. Only 9,6% believes that Kanun was the best system, while 83,6% thinks capitalism serves them best. Next, when asked whether people still refer to the Kanun regularly, over half, 51,9%, answered 'not at all' or only a 'little', while 41,9% answered they refer to it 'sometimes' or 'often'.

Finally, two more questions were asked about whether the Kanun contains more specific rules, such as about water management, and common interest versus private interest. About the rules for water management, 42,3% answered negatively, meaning that they believe the Kanun does not have any or only a very few rules, while 39,7% answered

positively. As for the rules regarding common versus private interest, the distribution was equal, with both 50% answering positively and negatively.

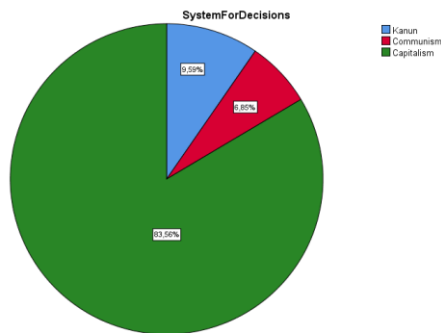


Chart 11: The system that offers the best ability to make decisions.

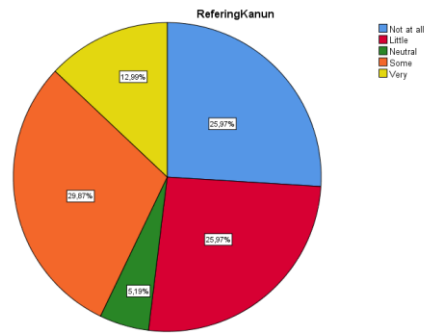


Chart 12: How much people still refer to the Kanun.

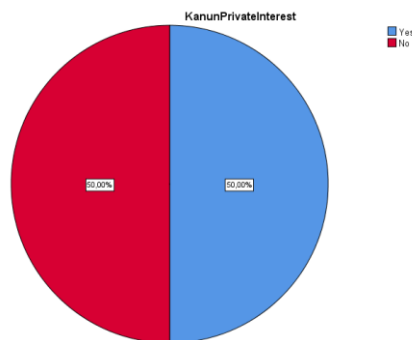


Chart 13: Whether the Kanun has rules regarding private vs common interest

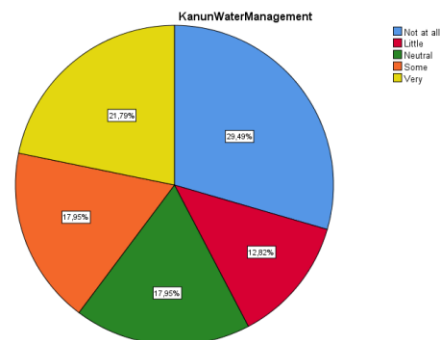


Chart 14: Whether the Kanun has rules regarding water management.

These numbers suggest that the Kanun does not take a prominent place in today's society. A large percentage of the people prefer the contemporary capitalist system, and about half of the respondents or even less refer to the Kanun or are aware of the various rules and laws it contains.

5.2.2 discussion of the interviews

While all the respondents knew about the Kanun, not all could tell something about it. Five respondents, however, shed light on how the Kanun was and is perceived in the community.

First, as respondents pointed out, the law of the Kanun existed in the absence of a state. It served the role of constitution for the communities. *"It [the Kanun] had its own temporal context, it came from a place in time ... it was like a constitution because it filled the void of the law. It was a group of rules that has made the communities, people respected it because it was the basis of their lives"* (respondent V). *"As there was no state, there was nobody to protect you, you had to do it yourself ... it was kind of like a constitution"* (respondent VI). *"Everything was protected, because the understanding between the people functioned even if the state didn't"* (respondent VIII). This shows that the Kanun existed out of necessity, since there was no alternative to govern the people and create order.

Furthermore, since it served as a kind of constitution, and as it became a ‘basis of [the people’s] lives’, i.e. was self-administered, the rules became deeply integrated in the culture and traditions of the communities. It became the basis of the people, because it created an understanding between the people that this was the way things were done. *“There was a unique system where the people had an understanding ... When laws don't work, we need the functioning of the understanding between people”* (respondent IX). *“If you broke the Kanun ... you broke the understanding of the people”* (respondent VI). *“It has become an integrated sense of how to behave ... like a mentality of the people”* (respondent IV).

This understanding between the people, as documented in the transcribed *Kanun of Lek Dukagjinit*, governed every imaginable aspect of the daily lives of the communities. *“It was mainly involved with how to regulate rural areas. It was tied to earth, to water, and with the relationships between people. It includes marriage, family relations. Conflict resolution”* (respondent V). *“Everything was defined ... economic rules, how to sell cows and for how much, how to get divorced ... everything was there”* (respondent VI).

The interview respondents (NB: chosen for having more specialized knowledge than average citizens) confirm that the Kanun had solid rules regarding water management. There was an understanding between the people that everybody needed water, and that the water was there for everybody. *“The understanding between neighborhoods ... was for water, for irrigation, drinking water, for grazing the livestock. Drinking water we could take from the river but now we can't”* (respondent IX). *“[There were rules] about everything! You know the [irrigation canals], everything was exact in the canal.. there was a water level, and if the level was here I was taking my water ... and if someone else would take water when they weren't supposed to, the level would go down, and you would see it and know. There is no discussion. When it's your turn it's your turn, if not you go home and wait for your turn. If the water was taken without permission you would denounce [them], because you need the water to grow crops. Beans, corn, animals. You had to secure the food, and as there wasn't too much water so you had to regulate it”* (respondent VI).

This indicates that the responsible use of the water was equally as important as the fair distribution of said water. It shows that the people understood that the Kanun worked for them all together: it served not any single person, but the whole community. This is the strongest argument to say that it really was an understanding between the people, because it arose from the people, for the people. *“The irrigation water was gathered for the neighborhood and then shared equally between the community. This was the Kanun ... this was the understanding. I grew up with this, my mother and grandmother. They would carry the water from the river and we'd drink it”* (respondent IX).

Now, however, as there is not an absence of a state, there is no void left for the Kanun to fill. It is then not so remarkable that the Kanun has become history. *“So Kanun is important to understand and how it affects, but you can't say it's functioning today”* (respondent V).

Yet as some respondents say, there are still elements of the Kanun that became so integrated in the culture that they are still being used today. *“Kanun is now like a document in a library, it's historic, yet elements of that book are still taken and included in our daily lives”* (respondent V). *“... people have it in them that this is how you behave. Not because somebody*

is telling you or because the Kanun is telling you ... It started in Kanun but now it is in [the] culture” (respondent IV). “As for the water rules, people today don’t use the rules that were part of the Kanun anymore but they still use elements of it ... special elements of the Kanun, which were positive in some aspects, are saved or protected in very rural places and are still used there. Not all the rules but just some elements, the things that worked are still functioning in the culture” (respondent IV).

5.2.3 Summary

From the data presented, a number of elements become apparent. First of all is the temporal context of the Kanun. It is an old system, and, while strictly followed and respected back in the day, it has become history. New systems took and are taking its place, with centralized communist and later capitalist states providing the higher authority that was previously absent. This explains why people refer less frequently to the Kanun or are less familiar with specific rules contained therein. Systems have changed, and there is no more opportunity for a system like the Kanun to govern the people. The elements that have survived are so integrated into the culture that not all people are aware they originated from the Kanun.

These elements do provide something that is still beneficial for the communities, and perhaps survived because of that. Its message of shared use of natural resources and a responsibility for those resources and each other still lives through those elements. There was an understanding between the people, and this understanding was the basis of their lives. It governed them through all walks of life, and bound them more tightly as communities.

With the fading of the Kanun however, so too has this understanding between the people begun to fade. Less people are aware of each others’ needs, or they prioritize other values (i.e. personal success) above those values that were once needed to survive, which is discussed further in section six. This degradation of values is not unique to Valbona or hydropower. Globalizing economies and economic development are related to pervasive cultural and societal changes; bringing about this shift in the organisation of society arguably has a strong social impact. Inglehart and Baker (2000) show that economic development, modernisation and industrialisation do transform societies away from traditional value systems. This transformation, however, which is generally seen as negative, sees a rising resistance amongst communities against it. Norberg-Hodge (2019) has studied the relation between this resistance against the globalizing economy and the issues that follow from it (ranging from economic inequality to climate crisis), and has seen that when communities remain *local* rather than becoming global, and maintain their cultural values and traditions, the negative impacts on these communities are far less, and they score much better on global indexes, such as the Global Happiness Index.

6. How the construction of HPP is perceived to be redistributing natural resources for the benefit of private interests

We can see quite clearly now that water, the river, and nature in general have strong cultural ties to communities living on the banks of the Valbona River. Similarly, there was a strong sense of shared responsibility for the maintenance of the river's long term health and its many canals that are being used mostly for agricultural purposes. This sense of shared responsibility, not only for the river but also for each other, survived throughout centuries of communal living simply because it was necessary for the survival of oneself to look after the other. Only by supporting each other could people live in such remote and hard landscapes. Natural resources, thus, were not meant for the benefit of any one individual, but for the community, for the common good.

A change in mentality, however, is observed. This was mentioned earlier, when respondents stated that values that were once the foundation of society are being replaced by different values that focus more on the individual rather than the community, and focus more on personal interest rather than the common good. A belief that many locals now have, which came forth from the results of both the interviews and the surveys, is that natural resources, and in particular water, are increasingly being taken for personal interest by a select few rather than being used for the common good.

6.1 Statistical analysis

As seen in charts fifteen and sixteen, when asked whether or not people think that water from the river is being taken from them for the benefit of private interest, over two-thirds of the respondents, namely 67,5%, answered positively, against 23,8% who answered negatively. When we look at the respondents who live in the Valbona valley however, close to the hydropowers, we see that number increase with 77% of the respondents who believe that the water is being stolen from them for private benefits, and only 15,4% believe that this is not the case.

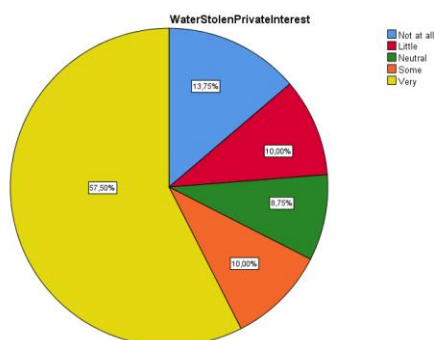
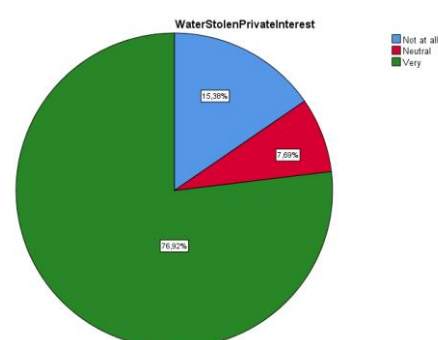


Chart 15: Whether water is stolen from the river for the benefit of private interest (all respondents).



Graph 16: Whether water is stolen from the river for the benefit of private interest (in Valbona).

6.2 Discussion of the interviews

Similar remarks were made in the interviews. Almost unanimously the respondents were of the opinion that the hydropower plants are co-opting natural resources for the benefit

of private interests. They see no need for more hydropowers in the area, as they get all their energy from the hydropower plant that was built in Fierzë in the 1970's during the communist regime, which provides energy for the whole area. And in their opinion, while the argument used by the government for more hydropowers is true, namely that the energy demand rises and more energy has to be generated, these hydropowers will not provide the needed energy. This for a several reasons. First, it is a seasonal project, meaning that the plants can only operate in spring and autumn when the snows are melting and/or there is sufficient rainfall. The rest of the year they will not provide anything (Gener2, ND). Second, with the changing climate there will be less and less snow- and rainfall, resulting in even less generated power from the hydropower plants, which was already very low (Hamududu & Killingtveit, 2012). These facts make the argument that hydropowers are necessary as an answer to the rising energy demands look questionable at best. These doubts are mirrored by the respondents. *"We don't need these small hydropowers because in Tropoja is the biggest hydropower in Albania, in Fierza, so it wasn't necessary ... They are not built for the people ... it's not for our needs. [So why are they built?] Just for their [the businessmen's] interests and for them to make money, for the government"* (respondent I). *"It's not about the community ... they think to earn money just for business, not for the people who live here"* (respondent III). *"It is more the pattern to give one private business man the right to build something small that doesn't even do much, and just profits him and some politician ... and they are not held to production, it doesn't matter if it works or not. They destroy a lot but they don't care, they just want to make some money ... And there are some who say 'okay make one big one that provides a lot', but all these small ones that are destroying everything will destroy Albania and just for private interest"* (respondent VI). And, as seen earlier: *"They know the importance of nature but they have a different or wrong mentality of it. They are mistaken. They see more the private interest than the common interest"* (respondent IV).

A report published by WWF Adria in Albania (conducted by EcoAlbania) this year, on the economic impact of small hydropower in Albania, supports these remarks. While not providing absolute proof of specific corruption, the report shows the various legalities of obtaining construction permits in Albania, the movement of the money involved, and the means of making a profit from these construction projects. Additionally, the report shows that hydroelectricity has a 'low socio-economic justification' and 'have not brought any change in terms of social or economic benefits, apart from increased social conflicts among local authorities, habitants, companies, and civil society'. (Bankwatch, 2019; WWF Adria, 2020). What the people experience in their daily lives is starting to show in official data, too.

6.3 Summary

This shows the general opinion of the people regarding the question of private interest: most of them do not believe that either the government or the construction company has the interest of the communities at heart, but rather see this as an opportunity for them to fill their own pockets. The people don't feel they gain anything from the hydropower plants, and are very aware of the un-democratic nature of all steps of the development process. Similarly, respondents mention a change in mentality among local people too, where values

such as solidarity and community cohesion are dissolving and people are becoming more and more focused on themselves and their own interests.

Though these statements do not form any proof of specific corruption, it is definitely an alarming and worrisome trend where the people have little faith in their political leaders and representatives. Moreover, no steps have been taken to reassure the people, or prove their beliefs wrong. More on this subject will follow in section seven.

7. How disputed and/or inadequate public consultations have challenged customary values on water management.

As we have seen, the common good was for a long time and until recently more important for local people than the personal interest of any single individual, and this was reflected in the way that decisions were made. As the interviews show, the people living in the communities around the Valbona river had a specific way of making decisions regarding many things, including the management of natural resources. Appointed representatives of villages would come together, often those who were considered to have the most integrity, to be honest and kind, and they would discuss together with the *Bajraktar* (the head of the clan, usually encompassing several villages) about the issues at hand. People were and felt represented, that they knew their interests were considered and thought of. This stands in stark contrast with the contemporary situation regarding the decision making process. In theory and on paper, the democratic process should include all stakeholders in any given issue. In addition, the people should be represented by someone they elected, and who subsequently makes decisions representing their stated interests. Yet this is only in theory, as the current situation in Tropoja shows that people do not feel represented, do not feel they can participate and do not even have the necessary information needed to join in or contribute to the democratic process. The ongoing voting reform in Albania - a key condition to start negotiations to join the European Union - could be a first step towards a system where its people are and feel represented.

7.1 Statistical analysis

A number of questions, illustrated in charts seventeen to twenty two below, addressed the issues of participation in decision-making processes, access to the information needed for participation, and satisfaction with any such participation. When asked, for example, whether or not the respondents felt that they had all the information regarding the hydropower plants in the area, only 42,9% answered affirmatively, against 53,2% who answered negatively. (There is an important difference to note here between *feeling* that you have all the relevant information and *actually* having it. Even if people feel they have all the information it might still not be the case). The fact that over half of the respondents felt that their information was insufficient or incomplete might be due to the fact that only 17,9% of the people acquired their information from legally official sources, namely the government and the developers' required public consultations. The large majority, 80,6%, gained their information from either hearsay through the community (46,3%) or through the ngo TOKA (34,3%).

Similarly, while quite a large percentage, 65%, of the respondents do feel in some way that they are properly equipped to participate in public decision-making processes, only 15% of the respondents feel satisfied with their participation regarding the decision to construct the hydropower plants. 77,2% do not feel satisfied with their participation. And, when asked whether they had a chance to object to the decision to construct the hydropower plants, or a chance to object to the construction itself, 75% answered negatively. Lastly, when asked whether the decision to build the hydropower plants was good, 86,7% answered negatively.

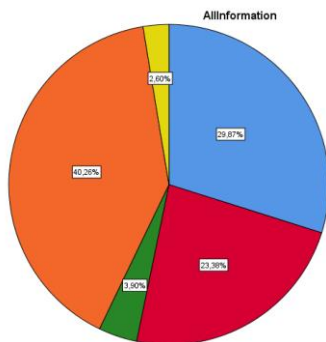


Chart 17: Belief whether or not they have all the relevant information.

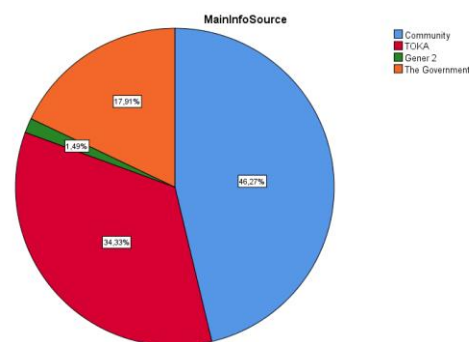


Chart 18: The main source of information for the respondents.

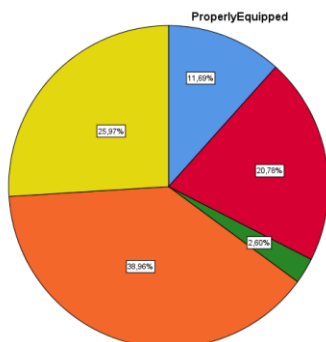


Chart 19: The feeling of being properly equipped to participate.

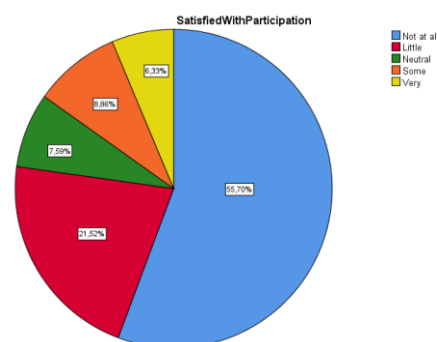


Chart 20: Satisfaction of the participation regarding the decision to construct hydropower.

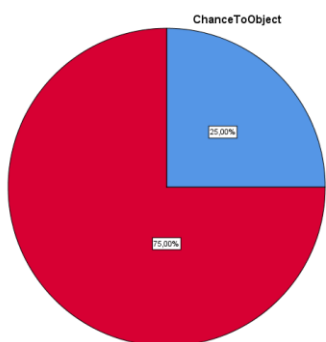


Chart 21: Whether they had a chance to object the hydropower plants.

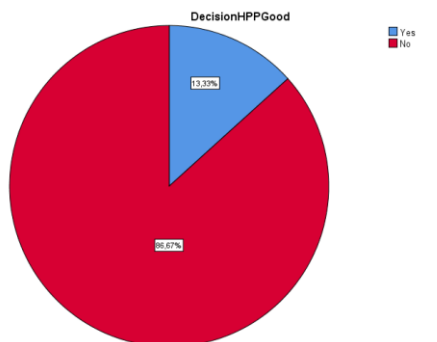


Chart 21: Whether the decision to build the hydropower plants was good.

7.2 Discussion of the interviews

During the interviews, the respondents clarified why and how most of them did not feel well-informed or involved, at the same time that they know how important it is to have transparency and be informed. *“It's good to be very transparent here. The point of public consultations or communities where people can talk is that you have information ... Now [the fact that] we don't have any information is significant”* (respondent IX). *“What I know is that the people were not informed about the hydropowers ... and the people didn't know about what destroys nature”* (Respondent III). *“I am convinced they did not organize public meetings to communicate with the community ... we were not involved”* (respondent V). *“They didn't ask us, we found out after everything was said and done ... we don't have anything to say or a chance to say it”* (respondent XI).

Instead of informing the local communities about the plans or decision, authorities appear to have used a different strategy to obtain proof of an approval by the locals. *“They wrote falsified documents for their own interest, they have their own interests and profits ... They didn't ask the community, they asked dead people ... they used and included dead people who had died before the meeting, they put in people that were denounced in court”* (respondent IX). *“These falsified documents were especially bad because they were supported by the local government ... They didn't ask local people, it was just one family and some dead people, it was nepotism. There was no understanding with the larger community”* (Respondent X).

Some of them were even threatened and attacked for speaking out against the process and addressing its lack of any democratic principles. *“We were not involved ... when I tried to object, I was sent to the police, to court”* (respondent II). *“Because of the way they do things ... they pressure you, and you don't have the right to say what you feel. And when you do say something, you are making a problem and they will find a way to attack you”* (respondent XI). *“Everybody was called in to the courts, to the prosecutor's office ... they dealt with it violently, and everybody was repeatedly threatened”* (respondent X).

A further, disturbing tool for pressuring local people trying to participate or voice objections is the perception that laws are only selectively applied, not as universal rules that everyone should adhere to. *“If we don't have the right permit to build a shed, they come and give you a huge fine and threaten to knock it down. But hydropower plants destroy half a national park without a permit at all so the rule isn't being applied, only when it suits them to put pressure on somebody. So they are not being used as laws, they are being used as tools for pressure”* (respondent XI).

These practices are far from how decisions were once made among the people. Many respondents could still remember or explain how the communities would come together when decisions had to be made. They explain how the elders would come together when there were problems to solve. *“When families had a problem, they would bring the elders together, and they would solve the problem between them ... it was something like a commission”* (respondent III). *“The elders would form a council under the Bajraktar, and the elders would each represent a different village. They would be intelligent, honourable people, they need to be known to have these qualities. Because then when they spoke, you would believe them, you*

would take their word. This is how issues were resolved” (respondent VI). *“Often people think that Kanun supports individuals, but in fact the Kanun has a structure like a council, a group where everyone can speak. The intelligent people were included. People that were ethical. Smart people, good and gentle. They hear each other speak and listen. Then together they make a decision. This is how democracy is supposed to function. This was functioning... but it can come back today too”* (respondent V).

It was felt that in the past these decisions were made by and for the community, as the elders that represented the communities were part of those communities. *“Before there was a unique system where the people had an understanding, and now those rules are broken. [Decisions were made] with the understanding of everybody, of the community and neighbourhood. The understanding of everybody together. Everybody respected and protected those decisions correctly”* (respondent IX). *“Decisions were made by the community and for the community, like everyone was represented and agreed”* (respondent X). *“It was much more transparent”* (respondent III).

As we have seen, however, the Kanun as such does not take a prominent role in Tropojan society anymore, except through the elements which have become integrated into the culture. This illustration of how the two systems, Kanun and democracy, function and differ should not be seen as an argument to go back to the times and system of the Kanun, but rather sheds light on the extent to which the current decision-making process contravenes the cultural norms of the area. We have seen earlier in the surveys that the vast majority of the people believe that capitalism (democracy) is the best system for them today. These comparisons and contrasts shown in this report should be seen as an illustration of where the current system is lacking, and what lessons we can learn from the past, as well as how important it is to integrate the cultural norms which reinforce ‘modern’ standards of public participation. How certain democratic values such as public participation and involvement in the decision-making process are nowhere to be found in the current ‘democratic’ (aka: capitalist) system, but were historically the main pillars of community life. People, too, have said this during the interviews. *“The roads are very open today, there are many possibilities but there are also lots of problems. So progress is possible, to develop, it's there. But the voice of the people doesn't go to the right place, to the right people”* (respondent V). *“I want people to be involved with everything, they must know what is going on. Because it is the right thing, they have to come together and make things because they are living there, they have to make the decisions and choose who has the right to represent”* (respondent XI). *“We have to choose the right people, [now] we don't choose the right people, but this is a problem in many places”* (respondent V). *“We should choose the members of the council of our municipality, they are our representatives to make decisions. But they are not always decisions that are in our interest. This is the reality”* (respondent IV).

7.3 Summary

One can see quite clearly here how different the two processes of decision-making are. On the one hand, you have the current ‘democratic’ situation, where people are not included in the process, people are not informed by the responsible authorities, participation

is extremely low, and there are hardly any implemented chances to object to decisions. The representatives are not chosen by or for the people. Again, the current voting reform, required to enter EU admission, is a first step in answering this issue. In addition to the lack of adherence to the most basic democratic principles, we see that the processes now include fraud, open hostility and even physical violence, falsification of documents, refusing to adhere to court decisions and plainly going against national rule of law (ABA, 2019).

The old way of coming to decisions, it seems, has more democratic elements than the current application of democracy. People were and felt represented by their elders, who came together, selected by the community and based on positive characteristics, such as integrity, honesty and kindness. These elders came directly from the community, and had no higher status other than being an elder. They worked the fields and tended to their animals just like the other villagers. The decisions they made were for the benefit of all and not only themselves, because they knew that to advance the community would be beneficial for all.

8. Recommendations of current tools that communities can use for the protection of water resources, including measures available as part of international jurisdiction

The information that came forth from both the surveys and interviews regarding possible future trajectories are used as a base for the recommendations given here. These recommendations therefore are an attempt to address the sentiments of the population, and the things they want to see changed. The recommendations include a number of concrete actions that could be undertaken.

8.1 Statistical analysis

The survey asked no direct questions about the personal recommendations people have on how to continue or advance. Some questions however, illustrated in charts twenty three to twenty five, inquired indirectly after the future people perceive as possibilities for themselves. People answered that while only 31,3% of the people have ever left Tropoja to work or study, 70,5% indicate that they want to leave. Yet people do feel rather hopeful for the future, on the whole, as 65% does feel hopeful that the future can bring them something. However close to a third of the population, 32,5%, has but a little or no hope.

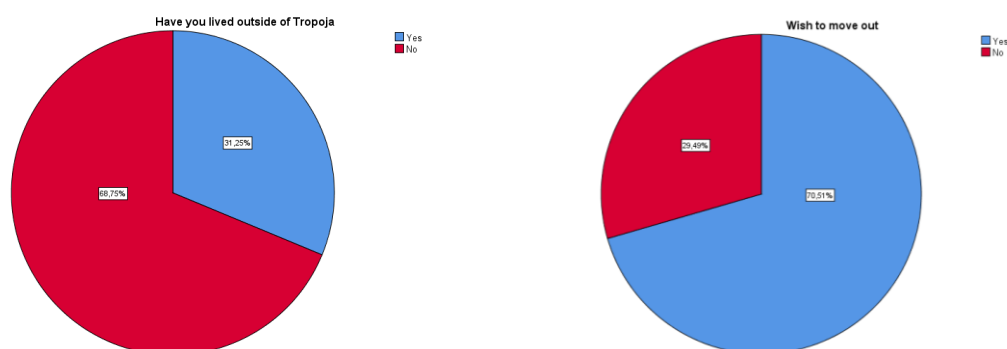


Chart 23: Whether people have lived outside of Tropoja.

Chart 24: Whether people have to wish to move out of Tropoja.

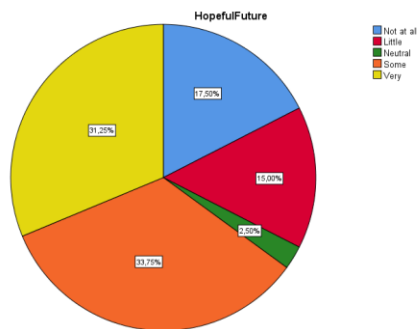


Chart 25: Whether people feel hopeful for the future.

8.2 Discussion of the interviews

Why people feel this way, what they see as the key issues and what they would like to see changed became clear during the interviews. One respondent, whose three children had all left Albania, mentioned the following. *“If I could, I would change the hydropowers ... They have a big impact on my childrens’ life, they have changed the climate here. I want to leave something for them, so they can live here too, but I am afraid that if I build something, the government will not approve it ... because I fought against the hydropower plants”* (respondent I). From the interviews it became also clear that it is mostly younger people who feel hopeful and yet wish to leave. This seems to fit the trend where, all across Europe, rural villages are emptying out because young people are seeking ‘better chances’ in the big cities or abroad (Bock et al., 2016).

When asked concretely to their ideas of how to continue, what should be done or what has to change, the answers varied. *“But what can we do? It is done, they are built.. and we have come to the point where they will arrest us and nothing has changed. We can't do anything else. And on the basis of the character of this place... If you try and stop them they will make it personal... they will attack you personally”* (respondent VIII). *“They have money, they have power, and they will make conflicts with the individuals, with the small ones. They won't fight equally with everybody, they will pick people to attack. Everything we have done and said, the protests, they still haven't put an end to it. They haven't stopped ... Where and what is the problem now?”* (respondent IX).

“People have to be informed, the government has to inform us ... we feel without any power ... we have to try with other courts, outside Albania, it's the only way we can hope to change something ... because here [the courts] don't work” (respondent I). *“The government has to ask its own population about what it is planning to build. The central role is also for civil society. NGOs have to teach people how to use their rights, and what rights they have. Using this civil society, we can know how to react to the government”* (respondent IV). *“Civil society is an example of how to make a member of parliament come down and talk to the people. This is how it should function. Civil society steps in and brings the politician to talk*

to the people” (respondent V). “We need functioning justice, without it there is no hope, there is no other road” (respondent VII). “We have to do something, we can’t let them make more ... let them destroy everything” (respondent VIII). “What more can I do as a person? I risked being arrested.. I risk my job.. I risk being in prison. But I want to fight the way it is supposed to happen in a democracy, what else can I do? They are not stopping. I will let all these things happen to me just to see nature not being destroyed” (respondent IX). “In order to change the situation we have to find the right person to rule this place ... if you find the right person to be in charge, then the whole place will change ... But it is hard to find the right people, those who want to do it for the country. We say that the fish rots from the head, so you have to change the head and then things will change for sure” (respondent XI).

8.3 Recommendations

The analysis and discussion show that the people do have strong ideas of what they need and what they think needs to change. Respondents pointed out how hydropower activity on the river has not only diminished possibilities for young people, contributing to a wave of emigration, but it has also exposed some fundamental issues regarding local politics and decision-making processes. Instead of feeling involved and empowered to participate, people often feel threatened and even attacked. They often forcefully expressed their feelings of despair and hopelessness, of not knowing what else could be done. This is far away from how a democracy should aim to function. Listed below are practical and concrete recommendations.

8.3.1 Increasing practical function of democratic values and existing laws

It is no coincidence then, that most recommendations coming from the respondents focus on basic, yet fundamental democratic principles. These include the right to information, participation in local elections and decision-making, and access to justice. The main recommendation is to strengthen these principles in local and national government, giving people the chance to become actively involved in the democratic process, ‘taking back’ government. An important step is to increase awareness among the local people regarding basic laws, procedures and authority chains. This could be accomplished by creating and distributing short printed booklets containing basic information. As traditional culture in Tropoja was more oral than written, this should be supported by small public meetings in which people can present their issues and be actively guided in how to use the law in practise.

Next, supporting local civil society, strengthening their connection and relation with both the local population and local and national government could be beneficial in establishing a healthy and reciprocal relationship between citizens and government.

A necessary and concrete example is working to improve the practical function of participation mechanisms - i.e. Law no. 146/2014 on Notification and Public Consultation - such as participation in development planning as well as participation in monitoring of on-going activities. A responsible and accountable local authority is, naturally, required, which can be ensured by the new voting reform and returning (local) elections to core democratic values. Instances such as the case of Dragobia Energy, where public consultations were

technically held, but where no-one was properly informed so that people only found out about the hydropower plants too late and its statute of limitations had passed, meaning that no complaint could be filed anymore. Functioning grievance mechanisms of companies are also essential in transparent business.

8.3.2 The Aarhus Convention

The Aarhus Convention, signed in 1998, aims to enhance the opportunities for citizens to access environmental information, and ensures that a transparent and reliable regulation procedure is secured (Aarhus Convention, 1998). The Albanian government ratified it in 2001, meaning that Albania is an official party of the convention and is, consequently, legally bound by it (UNECE, 2012). Its main objective is to ensure that the public, both in the present and in future generations, have the right to live in a healthy environment. This is expanded through three pillars that seek to aid the public. These are a) access to information, b) public participation in decision-making, and c) access to justice. In short, the Aarhus Convention ‘grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment’ (Aarhus Convention, 1998).

Since Albania is a party of the convention, its government should uphold these principles. Yet when it does not, either the party itself, another party, the Convention Secretariat, or the public can file a complaint. Most relevant for the case of Valbona is the latter, where the public, often in collaboration with civil society, can file a complaint to the Aarhus Convention Compliance Committee (Aarhus Convention, 1998).

This committee however, does not have any judicial powers. It is therefore limited in its options of action when it finds a party that does not comply with the convention. The best it can do is to suspend that party of its special rights and privileges accorded by the convention. A full list can be found in the convention itself.

While the Aarhus Convention is definitely a useful tool to make the Albanian government aware of, and comply with the basic democratic principles, it is perhaps not enough. As mentioned, the compliance committee does not have any judicial powers, and can’t therefore force the government into action. The next recommendation seeks to provide this legal force.

8.3.3 European Court of Human Rights

The second recommendation is to file an appeal to the European Court of Human Rights in Strasbourg, France. Any individual, group of individuals or NGO can appeal against contracting states, alleging that the state violates their rights under the European Convention of Human Rights (European Convention on Human Rights, 1950). Albania is here, too - as with Aarhus, a contracting party to the convention. The case in Valbona possibly transgresses regular environmental rights, since the government has continuously

neglected the political rights of the people, and locals have even been threatened and in some instances physically attacked.

Since Albanian courts have failed to make the government or development/construction company comply with national law, an appeal to the European Court of Human Rights could force the Albanian government to act, providing international pressure to the country that is simultaneously in dialogue with the European Union regarding possible entry to said union.

8.3.4 Customary Law

As we have seen, the customary law system called the Kanun has a highly democratic character, with laws ensuring equal representation and an equal share of natural resources. It has already been concluded in this report that the current ‘democratic’ system can learn a lot from past practices and values. Transposing some of the elements of the Kanun which have endured culturally could prove beneficial to the democratisation of the state, as it encourages the three main points addressed above, namely increased participation in local decision-making, and better access to information and justice. Customary law may provide procedures and govern how consultations should be undertaken, how disputes should be settled, how competing claims should be reconciled, and what penalties or remedies should be applied. Additionally, accepting and/or adapting customary law can ensure the continuing vitality of the intellectual, cultural and spiritual life and heritage of local communities, who have also called for various forms of respect for and recognition of customary laws beyond the scope of their own communities, for example, in claims over land and natural resources (WIPO, 2016).

Conjointly, a study of the Kanun focussing on the particular elements that have become integrated in the culture would be essential in determining what parts of the customary law system could be ratified into national law.

9. Conclusion

This report’s main objective was to analyze the social impact of hydropower plants on the Valbona River on Tropoan communities. Since no social impact assessments had been conducted as part of any of the granted hydropower concessions, this research can be seen as an attempt to address that void. Over the course of three months, the people of Tropoja were asked to fill in surveys which captured their opinions regarding their lives in general, the impacts of hydropower activity, and their access to democratic participation. Additionally, a cross-section of carefully selected people were asked to grant lengthy interviews to elucidate the survey data, going deeper into the issues. Ultimately, this report can be seen as an attempt to capture the voice of the people of Tropoja in writing, where they were enabled to speak freely on important matters, addressing what they value and hold dear, their concerns, their thoughts about hydropower and what it does and can do to both the river and community, and the ideas and recommendations they have for the future.

The central conclusion of this report is that the hydropower developments on Valbona River create a significant social impact on the communities living in Tropoja. Respondents professed a great dependency on the river for their everyday lives, where they use it for drinking water, irrigation water, etc, and have done so for generations. Additionally, a sense of belonging and identity are derived from the land and its features. Exceeding mere practical importance, the land and the river are part of the people, and give them a shared appreciation and understanding of who they are and where they belong. They also see the value of the river for the rest of nature, creating and sustaining a precious biodiversity that should be protected and maintained.

The hydropower plants, and the manner of their implementation, are seen as an attack on all this, a massacre even, and there is a sense that the river is being destroyed, and with it, the people, their identity, and future. The hydropower projects have a strong impact on the river and the potential use thereof. They disrupt and even destroy natural life in the area and the lives of the people living here. Their manner of development directly contradicts the people's way of life, as they have lived for generations. The water they have lived with for generations is seen as being taken from them and put in underground tubes. Their nascent businesses and profits are being ruined, and their quality of life is already severely decreased. Moreover, the river and its ecosystem are perceived as being at risk of being lost, together with the unique biodiversity that they host.

This proves that the consequences of the hydropower plants on the communities surrounding the Valbona River have not been thought through, and that not enough care has been taken regarding the impact the plants have on their social surroundings.

Further results from the report show several things. First is the notion that now natural resources, and particularly water, are being stolen from the people for the benefit of private interests. People see the hydropower plants as means to an end, where that end is profit for a select few, most notably the development and construction companies, as well as the government. The people themselves do not believe that they gain anything from these hydropower plants, as they will generate minimal electricity, while destroying 'everything.'

Next is that the customary law system called the 'Kanun' had strong rules regarding water management and local decision-making. The Kanun affirmed that everyone has equal rights regarding the use of water, and that natural resources should and will thus be shared equally and accordingly. Similarly, when decisions in the community had to be made, every village had a representative or an elder, and these would come together to debate and come to rational decisions for the benefit of the majority. These elders were chosen based on their 'integrity, honesty and kindness.' Yet they had no special status, they did the same work as everyone else. This system ensured that everyone both effectively was and experientially felt represented in local decision-making and the system was, in fact, of a democratic nature.

The contemporary local decision-making process has shown to be perceived as the opposite of how a democracy should function and what it should be. When planning and building the hydropower plants, neither the government nor construction companies have properly informed the local communities of their plans, nor have they involved them in the decision-making process. Instead they presented falsified documents using dead people's signatures. When finally learning about the decision to construct hydropower plants, the

people had no way of formally objecting to them, and, despite many protests and demonstrations, have had no success in stopping or adapting the construction. To the contrary, many people who protested or publicly objected reported threats and even physical abuse. The accumulation of (physical) threats, no chances to object, increased ‘bad’ gossip among community members, lacking political representation, and general disruption of life, make for a severe social impact.

The conclusions drawn in this study are not of a unique or solitary nature. As stated in section 3.1, close to 4.000 hydropowers in the Balkan are being or presumably will be constructed, and are accompanied by the same concerns and criticisms as those on the Valbona River. A study in Montenegro shows, for example, that ‘encouraging small hydropower produces immeasurable damage to nature and local communities, together with large financial losses for the Montenegrin people’ (WWF Adria, 2020). Another study shows similar remarks for Croatia and Macedonia, where communities have faced related struggles in maintaining their livelihoods among the banks of their rivers (Vejnovic, 2017).

An awareness of the severe impact of hydropower activity is not new however, as studies from as early as the 1950’s addressed the environmental, social and economic consequences of hydropower plants. Communities all around the world face dispossession, cultural alienation, health impacts and discrimination due to hydropower plants (Namy, 2007). Here in the blue heart of Europe, people too will lose their land and homes, will lose their connection to their culture and traditions, will see a degradation of their lives’ quality, and will too often see no support or aid in their struggle.

Finally, recommendations include better access to information and justice, and more public participation in local decision-making processes. The Aarhus Convention and its Compliance Committee can provide a way to pressure the government into taking action, and an appeal to the European Court of Human Right could make that pressure legal and sanctionable.

We can, however, also learn from the past, by looking at the way things were done when people regulated themselves which in the end is the essence of democracy. And while the Kanun has become history, we can learn valuable lessons of inclusivity, hospitality, and a shared responsibility and agreement on matters that involve all of us. The land and the river provide all of our most basic needs, and to understand that we have a shared responsibility in taking care of them is to understand that we all can and should have a strong voice in the direction of our own lives.

10. References

Aarhus Convention. (1998). Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

American Bar Association. (2019). Communities Under Pressure: Findings from Valbona, Albania.

Ahlers, R., Budds, J., Joshi, D., Merme, V., & Zwarteveen, M. (2015). Framing hydropower as green energy: assessing drivers, risks and tensions in the Eastern Himalayas. *Earth System Dynamics*, 6(1), 195-204.

Arsovska, J. (2006). Gender-based subordination and trafficking of women in ethnic based context. The upward revaluation of the Kanun morality. *KOLOR: Journal on Moving Communities*, 6, 3-19.

Bankwatch. (2019). Western Balkans hydropower Who pays, who profits?

Bock, B., Osti, G., & Ventura, F. (2016). Rural migration and new patterns of exclusion and integration in Europe. *Routledge International Handbook of Rural Studies*, 101-114.

Creswell, J.W. & Poth, C.N. (2018). *Qualitative inquiry and research design: Choosing among five approaches (4th edition)*. SAGE publications.

Cook, B. A. (Ed.). (2014). *Europe since 1945: an encyclopedia*. Routledge.

Council of Europe. (1950). European Convention on Human Rights.

ESIA SEE. (2019). Albania should be cashing in big on renewable energy. <https://www.esiassee.eu/albania-should-be-cashing-in-big-on-renewable-energy/>

European Commission. (2016). Renewable Energy Potentials of Albania. Luxembourg: Office for Official Publications of the European Communities

Gener2. (ND). Qarrishta and Dragobia Hydropower Plant <http://gener2.al/business-lines/qarrishta-and-dragobia-hydropower-plant-2/>

Gjeçov, S. K. (1989). Kanuni i Lekë Dukagjinit (ed) K. Nova. *Expanded edition (Tirana) Akademia e Shkencave (Trashëgimia Kulturore Shqiptare, e Drejta Zakonore, 1).*[1933 edition translated into Italian, Roma: Reale Accademia 1941, 54-56.

Hamududu, B., & Killingtveit, A. (2012). Assessing climate change impacts on global hydropower. *Energies*, 5(2), 305-322.

INSTAT. (2011). Population and Housing Census - Kukës.

Namy, S. (2007). Addressing the social impacts of large hydropower dams. *The Journal of International Policy Solutions*, 7, 11-17.

Norberg-Hodge, H. (2019). *Local Is Our Future*. Local Futures: Totnes.

Oostdijk, D. (2017). Poetry and Its Others: News, Prayer, Song, and the Dialogue of Genres. *English Studies*, 98(4), 444-445.

UNECE. (ND). Map of Parties. <https://www.unece.org/env/pp/aarhus/map.html>

Van Cleef, A. (2016). Hydropower development and involuntary displacement: Toward a global solution. *Ind. J. Global Legal Stud.*, 23, 349.

Vejnovic, I. (2017). *Broken Rivers: The impacts of European-financed small hydropower plants on pristine Balkan landscapes*. <https://bankwatch.org/wp-content/uploads/2017/12/broken-rivers-bankwatch-study-on-hydropower-in-the-balkans-merged.pdf>

World Intellectual Property Organization. (2016). *Customary Law and Traditional Knowledge*. Geneva.

World Health Organization. (2005). Water for life: Making it happen.

World Health Organization. (2019). Drinking-Water. <https://www.who.int/news-room/fact-sheets/detail/drinking-water>

World Wildlife Fund Adria. (2020). The Economic Impact of Small Hydropower in Albania. Justification of Incentives System.

World Wildlife Fund Adria. (2020). *Hydropower Construction Plans Must Be Abandoned*. <https://www.total-montenegro-news.com/news/5892-shpps-construction-plans-must-be-abandoned-call-wwf-and-bankwatch>

World Wildlife Fund. (2019). Hydropower Pressure on European Rivers: The Story in Numbers. https://www.wwf.eu/wwf_news/publications/?uNewsID=356638



OUR MISSION IS
TO CONSERVE
NATURE AND
REDUCE THE
MOST PRESSING
THREATS TO THE
DIVERSITY OF LIFE
ON EARTH.

Copyright Credit © Copyright owner / WWF



Working to sustain the natural
world for the benefit of people
and wildlife.

together possible. panda.org

WWF® and ©1986 Panda Symbol are owned by WWF. All rights reserved.

WWF, 28 rue Mauverney, 1196 Gland, Switzerland. Tel. +41 22 364 9111

CH-550.0.128.920-7