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## International Workshop

# KOSOVO: (RE)ENERGIZE LOCAL GOVERNANCE THROUGH CIVIC ENGAGEMENT (PART II)

Prizren (Kosovo), 11 / 12 October 2018

## REPORT

### CONTRIBUTIONS BY

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On 11 - 12 October 2018, the **Southeast Europe Association** (Suedosteuropa-Gesellschaft / SOG) organised the second International Workshop on the topic: “Kosovo: (Re)energize Local Governance Through Civic Engagement” in Prizren. The workshop was supported by the **German Federal Foreign Office** through the **Stability Pact for Southeast Europe**.

The purpose of the workshop series (see report of the first workshop in March 2018 in Berlin) was to contribute to a discussion on civic engagement and local government in Kosovo. Drawing on experience from the post-Yugoslav EU-member-state Croatia, the workshop explored how local issues, such experiences of civic involvement in **local issues in Kosovo, Croatia and Slovenia**, of **water supply** in Kosovo (and specifically in Mitrovica and the north of Kosovo), of **wastewater management** and of the **construction of hydro power plants**. Through the dialogue of local governments, think tanks and civil society groups, the workshop sought to explore the challenges of civic engagement at the local level in Kosovo and bring in the experience in Croatia and of Slovenia.

## PANEL 1

### LOCAL GOVERNANCE: INITIATIVES AT THE LOCAL LEVEL – THE MAYORS’ EXPERIENCES

*By Ivana Jerković*

**Kosovo** is a very centralised state in which almost every decision made by local institutions needs the approval of ministries or other authorities on the national level. Yet, **approval procedures** face many obstacles: they are not managed in a structured way; they require a long processing time and documents often get lost between different stakeholders. On the other side, the Ministry of Local Government Administration (MLGA), which has an inter-mediatory role between local and central institutions in these approval procedures, is often overloaded with requests. In addition to the

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coordination requirements, the MLGA has to check the legality of the municipal acts within its area of responsibility.

Beyond this, municipalities in Kosovo are also highly financially dependent on the central level, since up to 85% of the total budget of municipalities comes from the central government. The amount of budget distribution to the municipalities is based on the respective number of citizens. Yet, since the last census of 2011 excluded Kosovo-North and was partially boycotted by citizens south of the Ibar, the financial allocations from the national to the local level do not always meet real needs. Subsequently, municipalities are often forced to operate with a smaller budget than they should have according to the rules. In addition, a large amount of public investment intended for local governance remains in the line ministries, because of the weak coordination between the central level and the local level. An analysis of the MLGA showed that in the last six years approx. €300M remained in line ministries. The line ministries then invest directly in community projects, whereby the political affiliation of local actors often seems to be more important than the actual needs of the population. In order to reinforce transparency and accountability and improve the efficiency and effectiveness of service delivery in municipalities, the MLGA established a **performance-based grant system**.

Representatives from **Croatia** and **Slovenia** raised some similar problems and proposed several lessons learned in recent years. In **Croatia**, the government adopted a new law on financing local self-government, allowing municipalities to allocate their funds without requiring the consent of ministries, provided that they act in accordance with the law. The Ministry of State Administration is responsible for monitoring the legality of municipal acts. In **Slovenia** municipal financing has to be approved by central institutions in only two cases: (1) direct financing of companies; and (2) spatial planning. The financing of municipalities in Slovenia is unified for the whole country, based on the number of inhabitants, with some corrections regarding the number of elderly people, the length of local roads etc. As in Croatia there is no direct funding from the government, but the line ministries may distribute funds through open calls. Participants also stressed the importance of EU-funds, which are often the main resource for financing communal activities.

Another topic discussed was the **involvement of citizens and civil society organisations (CSOs) in decision-making processes on the local level**. Representatives from Croatia and Slovenia proposed several best practices for how to involve people in community affairs. For example, the municipality of Ajdovščina in Slovenia introduced a **participatory budgeting system** called 'My initiative'. The municipality allocates 1% of its annual budget to projects proposed, selected and implemented by citizens. Neither the mayor nor the city council can influence which projects are selected – citizens vote for their priorities, and the projects with the most votes are selected and implemented. In the Croatian municipality of Pleternica, citizens are also involved in budgeting.

Moreover, both municipalities organise (1) **advisory meetings for interested public** where citizens can discuss municipal acts before they are adopted; and (2) **public hearings/tribunes** where citizens are invited to discuss, to report problems and propose projects. Also, the municipalities have set up

Youth- and Child Councils to encourage young people's engagement. In addition, the Mayor of Pleternica established an **Economic Council**, an advisory body that includes local business people from various sectors who advise on issues related to their businesses, such as the city tax or the benefits that the city could offer them.

Municipalities in **Kosovo** have also introduced mechanisms for direct democracy and civic engagement on the local level, such as the obligatory publishing of municipal acts, and consultative committees. For example, the municipalities have to publish every municipal act on their official websites, which all citizens have access to. Gračanica municipality, for example, publishes all official documents and announcements in the Serbian and Albanian languages, providing information to every citizen of the municipality. Moreover, some of the municipalities have created online platforms and have introduced call centres where citizens can directly report problems.

In addition, Kosovo municipalities established **consultative committees** in various sectors (Local Public Safety Committees, Committees for Finances, Communities Committees etc.) involving citizens and representatives of non-governmental organisations. Within these consultative committees, citizens may submit proposals and express their opinions on municipal assemblies' work. In Gračanica citizens are also involved in **local councils** – councils constituted by five representatives from each village of the municipality. These councils regularly conduct questionnaires to identify priority infrastructure needs in local villages, among other things. The Prizren municipality also organises **consultative meetings in smaller villages** in order to encourage more people to participate.

However, despite these examples of good practice, several participants reported that the given laws and instruments are often not properly implemented. Therefore, the introduction of **sanctions for non-implementation** has been suggested. In conclusion, the following key lesson learned in Slovenia and Croatia should also be applied in Kosovo: when people are asked for their opinion, it has to count, meaning that when citizens have suggestions or select projects, these suggestions and projects need to be implemented in order to encourage people to stay or become even more active.

## PANEL 2

### LOCAL GOVERNANCE: INITIATIVES AT THE LOCAL LEVEL – LESSONS LEARNED FROM CIVIC INITIATIVES

*By Ivana Jerković*

In 2018, some progress has been made in involving civil society in the decision-making processes at national and local levels in Kosovo. The **Strategy for Cooperation with Civil Society 2019-2023** has been introduced as an instrument to stimulate cooperation between public institutions and civil society; the Strategy also enables an increase of the involvement of civil society in policy making. The biggest achievement of the previous strategy, covering the period 2017-2019, was the establishment of an administrative instruction that set criteria for the allocation of funds for civil

society. Data from 2017 shows that central and local institutions have allocated €16M to civil society, while at the same time the number of CSOs that have received funds decreased.<sup>2</sup> As one participant pointed out, the decline does not reflect a lack of interest of public institutions in financing civil society but is rather a consequence of the new criteria CSOs must meet in order to receive these public funds.

It is also positive to note that **citizens' satisfaction with public service delivery and local administration has improved**. A survey conducted in September 2018 by the D4D Institute showed that 46% of citizens were satisfied with the provision of public service whereas 20% were not. Citizens were also more satisfied with the performance of the local government: 63.4% respondents were satisfied; 30.6% were not. In total, only in **16 municipalities were citizens not satisfied with the local administration**. The survey also pointed to a **huge discrepancy between the priorities of citizens and those of local institutions**. In the three small villages where the survey was conducted, citizens ranked **three priorities**: (1) **fighting corruption** (44%); (2) **creating jobs** (23%); (2) **healthcare** (11%).

Another new instrument to enable the broader participation of civil society is the **minimum standards for public consultations** which have already been adopted at the central level and are newly introduced at the local level. In addition, every municipality has **established local or village councils**. However, some councils are more active than others.

A survey conducted by the GAP Institute showed that there is a **lack of interest on the side of citizens**. On the one hand, there is **no interest in participation in public consultations** because citizens are discouraged as in their opinion the local elites have so far failed far to resolve previously raised problems. On the other hand, there is a **lack of interest in public policies**, as people usually only engage if they see personal benefits. Generally, there is a **lack of awareness that the public interest is also individual interest**, as it affects everyone's lives. Besides this, widespread **poverty and the subsequent struggle for survival** detaches people from the community and prevents them from investing energy and time in engagement for a common good.

As pointed out in the discussions, **grassroots organisations** in Kosovo are facing several problems: (1) funding; (2) internal capacity building; (3) restricted access to information and official documents; and (4) the lack of specific thematic coalitions between grassroots in Kosovo. Several **thematic fields around which grassroots should form coalitions** were proposed: 1. Youth and Voluntarism; 2. Education; 3. Social inclusion; 4. Protection of Environment/Consumers and Health, 5. Social Economy; 6. Reconciliation and cultural dialogue; 8. Democracy and Good Governance. The recent success of KOSID, a coalition of environmental grassroots in Kosovo, shows that coalitions focused on specific topics can engage in a more effective way. Namely, KOSID managed to oppose a

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<sup>2</sup> Compared to 2016, where 711 CSOs benefited from funds on national level, in 2017 the number decreased on 594 CSOs. On local level, the number of recipients decreased from 936 to 813 CSOs.

coal-project of the Ministry of Economic Development while convincing the World Bank to withdraw financial support for the new coal-power plant in Kosovo.

### **Citizen participation in Croatia**

Representatives from Croatian CSOs introduced some examples of civic engagement that could be useful for Kosovo.

For instance, in Croatia the law has no requirements regarding participation in the management of protected areas. However, in recent years several **advisory bodies have been set up in the vicinity of protected areas, nature parks, natural parks and significant landscapes**. These bodies are, in fact, coordinating councils involving stakeholders from various sectors, e.g. employees from water companies, hunters, fishermen, farmers, nature conservators etc. This example shows that CSOs should not wait for the creation of an institutional framework but should try to build their own.

Another example from Croatia underscored the importance of informing and involving citizens in decision-making: in the last few years a new law on waste management has been adopted in Croatia following the system 'you pay how much you pollute'. According to this system, citizens recycle and only pay for the processing of mixed waste. Last year the public waste management company in the City of Pazin introduced a **new waste management plan without any prior consultation with the public**. The Pazin City Council issued the decision without mentioning the prices, and the majority of the assembly members voted in favour of the decision. Several months later, the waste management company published a price table that saw the prices quadruple. Almost 200 angry citizens came to a public tribune that was organised to discuss the new system. They were frustrated because they had to pay so much more for less waste, and were especially angry that they had not been consulted prior to the vote. After this, the local news portal continued to inform citizens on this matter and citizens remained highly interested and engaged in the dismissal of the decision. Finally, the mayor and the company agreed on a temporary solution until new calculations were available.

### **Recommendations for successful civic engagement addressed during the panel discussion:**

- **Civil society activists must know the system they would like to change very well.** In order to monitor and influence it, they must learn the system, the law, and the tools they have.
- CSOs should not wait for the institutional framework to be established but need to **build their own framework and try to change the law**.
- CSOs from Croatia and Kosovo come from a similar political, social and economic space, where the level of civic activism has always been very low. While the more educated and informed citizens usually find a way to get involved, CSOs should strive to reach the entire population and to represent the traditionally underrepresented groups.
- Kosovo has good laws and instruments for engagement, but they are not implemented everywhere in the way they should be. For example, in the first half of 2018 some

municipalities in Kosovo held over 15 public consultations whereas others organised only 1 or 2. Hence, **local institutions should show more will and commitment to support civic engagement.**

- Kosovo's political system does not respond to any changing efforts coming from the bottom up. Therefore, **CSOs need to gather and engage citizens around a common goal in order to empower them to challenge the unresponsive system.**
- **Capacity building and awareness raising** is needed on both sides; on the side of CSOs and citizens and even more, on the side of local institutions.
- A recommendation for local officials is **to not just inform citizens but to educate them, engage them and to think as a citizen.**
- **Local independent and trustworthy media** are very important to keep citizens well informed and to push them to get involved. Otherwise, people get unreliable information through informal channels, such as family members, neighbours, friends etc.
- Usually, people only engage if they see a personal benefit. **But selfish concerns and mutual goals need not be mutually exclusive – if managed well, they can enforce each other.**

### PANEL 3

## LOCAL GOVERNANCE, INTER-MUNICIPAL COOPERATION AND WASTEWATER TREATMENT/WASTE MANAGEMENT

*By Johanna Deimel*

In 2016 16 municipalities participated in an USAID project aiming at jointly solving common problems and enhancing inter-municipal cooperation. Eventually ten Kosovo-Serbian majority and six Kosovo-Albanian municipalities came together to tackle **waste management** and drafted a data-rich document with a proposal<sup>3</sup>. Annually, 606,000 tons of waste are produced in Kosovo. Solid waste management is a key challenge where municipalities play a crucial role. During the project interviews were conducted with people in charge of waste management in the respective municipalities. As a result of the interviews a list of challenges was identified, 15 of which were common to all the municipalities, among them:

- Low level of awareness among citizens.
- Old landfills are in deteriorating condition.

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[http://www.riinvestinstitute.org/uploads/files/2016/September/20/Waste\\_Management\\_in\\_16\\_Municipalities\\_ENG1474375664.pdf](http://www.riinvestinstitute.org/uploads/files/2016/September/20/Waste_Management_in_16_Municipalities_ENG1474375664.pdf)

- Most of the landfills are managed by the public company responsible for managing regional landfills.
- Especially municipalities in the northern part of Kosovo lack landfills. Three northern municipalities, Mitrovica North, Zvečan/Zveçan and Zubin Potok/Zubin Potok do not have landfills at all.
- Low levels of waste collection.
- Waste is deposited in landfills without being classified.
- Municipalities mostly lack a waste management plan.

The problem of storage of waste disposal cannot be solved in the short term, but needs joint efforts. All municipalities have to deal with the collection and separation of waste. Most waste disposal sites in the region are not legally built regarding location. Round tables were organised to raise awareness of the benefits of inter-municipal cooperation on waste management. Concrete recommendations were elaborated on how inter-municipal cooperation could be implemented. However, after the elections in 2017 the management in the municipalities south of the Ibar changed, with the result that everything achieved so far has vanished. No proper handover took place. The problem of illegal landfills in Gračanica municipality was mentioned and relates to neighbouring villages as well. People and even companies unload their waste with trucks and municipal staff reported this to the police – without any consequences.

Most of the Serbian majority municipalities are provided services by parallel institutions. In order to avoid this, the municipalities could establish a regional public company that will be responsible for waste management. Yet, waste treatment cannot be solved in one period of office. It was strongly emphasised that inter-municipal cooperation is necessary in a longer perspective. Regarding inter-municipal cooperation, the question according to one participant is what the Association of Serb Communities would look like and whether the Association would allow for inter-municipal cooperation. Other tools for cooperation could be creating joint enterprises, or that two or more municipalities form joint administrative bodies. Some of the waste could be processed and used for the construction of highways.

Generally, in Kosovo, there is no **wastewater treatment**. Yet the Kosovo government has put a water policy in place and has recently adopted a new strategy. Thus, on paper everything is very good and aligned to EU regulations and Kosovo is even regarded as a 'model for the region'. The Inter-Ministerial Council for Water is chaired by the Prime Minister, while the Ministry of Environment and Spatial Planning is responsible for management and administration of Kosovar water resources. Some progress has been made as a result of institutional reform in Kosovo, as well as regarding consolidated water services and coordination mechanisms with municipalities. There is a readiness for cooperation and consensus to tackle wastewater treatment more efficiently. However, an enhancement of resources management is needed. Donors have contributed in meeting these challenges. Wastewater is a quite new topic and the Kosovo institutions are lacking

human resources. Nevertheless, revenue collections from regular billing for water and wastewater service currently make up 87%, while the main challenges are commercial and technical losses, which are at 55%.

80% of water is used by households while only 20% is used for industry (which is an indicator of the level of economic development of the country, as one discussant stated). 80 to 100 litres are needed to produce 1 litre of beer in Peja. Because the whole of Kosovo lacks proper landfills, groundwater is constantly polluted. Everyone extracts water from rivers. There was a strong plea for bringing together the central and local levels and NGOs to jointly deal with wastewater management affairs. The example of how district heating was handled in Prishtina was mentioned as a very good example in this respect. The need to bring together the Kosovo government with municipalities and citizens to set priorities was emphasised. The initiative 'Let's clean Kosovo' asked the Ministry of Environment to set up a competition for best-performing municipalities.

Up to now the wastewater treatment plans are implemented only partially and a huge amount of wastewater still drains into rivers. One critical voice stated that proper implementation of wastewater treatment plans is often prevented for political reasons and interests. Thus, it is a challenge to get politicians to really embrace wastewater treatment as an important issue. During the discussion the deplorable condition of the Ibar River basin was mentioned, where after rain, high toxic waste spill over occurs, as a legacy of the mines in the area (since the 1960s, an estimated 75 Mio tons of toxic waste have been left over from mining) – which affects life quality of all residents irrespective of South or North Mitrovica or ethnicity. In some places one can find samples of cadmium, lead and zinc. During river overflows toxic metals contaminate agricultural fields near the river. Generally, the toxic infiltration of the soil is a problem caused by the many illegal dump sites across Kosovo. So far no sanctions have been imposed on illegal dumps. Participants complained about the illegal dumping of construction waste; for example, in nearby Gračanica, where factories along the Gračanka River release acid into the river.

Another problem mentioned was that donors (Switzerland and Germany for example) continued to improve wastewater management in Kosovo. However, despite many municipalities investing in these water supply networks, the municipalities are not actually supplied with water, because the regional water companies refuse to connect them.

## PANEL 4

### WATER SUPPLY IN MITROVICA

*By Hansjörg Brey*

The complicated situation of water supply in Mitrovica was once again analysed partly in repetition and continuation of the stock-taking done in the previous Workshop in March 2018 where the issue of water supply in North Kosovo/Mitrovica was discussed.



In Mitrovica North and South there are two regional water companies: The Regional Water Company (RWC) Mitrovica and a company recently set up by the mayors of the northern municipalities. The key problem mentioned was that the company in the North is not performing properly: it is unable to provide legal connections and proper repairs etc. Thus, water is lost. There is a water shortage both to the North and the South. It was recommended that the mayors in North Kosovo establish a small and robust company that would introduce water meters and properly address these problems. If water were to be discontinued from the southern company, that would be an issue. According to the water meter, 500 litres of water per second are going to the North.

One discussant stated that the water meter of water supplied to the North indicates a rampant abuse of water. Though technical supply infrastructure is being improved and water quality mostly meets EU standards, there are still complaints from the North that there are shortages in supply. Obviously, water is wasted, probably for use in swimming pools or irrigation, as was stated by participants. The lack of payment from the North for water provided by the regional company in the South is the core of the existing conflict:

- Using water without having to pay for it is obviously anything else but an incentive to save water or use it rationally;
- If technical problems occur in the supply system in the North, the company in the South has no incentive to rush over and repair the damage;
- There is the perception in the North that once water cuts occur there, they are the result of intentional and hostile acts from the South, even if the reasons are merely technical;
- As perceived by the population in the South, the free delivery of water to the North has negative impacts as it creates bad blood ('we citizens in the South are paying for the North') combined with an attitude described by one speaker as: 'why should we pay if they don't pay?';
- The debt of €13M accumulated by the North for water delivered and not paid for constitutes a heavy burden for the inter-ethnic relationship;
- In addition, the Kosovo government decided to introduce VAT on billing rather than on collection. A further burden is that the RWC is required to pay for an additional VAT on the amount that is not collected. Thus, it was recommended that bills be paid by institutions (schools, hospitals, police etc.) in the North, because these institutions, like in any other Kosovo municipality, are paid for by the state budget of Kosovo. According to the law, municipalities have separate fixed budget lines for utility costs (water, electricity and waste).

One of the reasons for the abuse is that no one is paying. RWC has started to act and to disconnect people in municipalities in the South (Vushtri) who do not pay their bills. The public needs to be made aware that water needs to be paid for and has to be dealt seriously. It is not a matter of ethnicity, but the company in the North, one participant concluded, should be more responsible. On the other hand, people in the North perceive that they receive a lower quality of water and thus

avoid paying their bills. If there were some kind of **advisory council** to involve the citizens in the water company in the North, the water supply services could be more accessible and transparent.

Whether the non-payment of water supplied to the North by the company in the South is legitimate or not is a major factor in this conflict: To whom does **Gazivoda Lake** belong? This is the basic question here. Representatives from the North tend to claim that, as Gazivoda Lake is located in their territory, the water is theirs. On the contrary, Kosovo Albanian representatives demand that the Kosovo State has the right to collect the revenues, because it was once the authorities in Prishtina who received a loan from the World Bank and it is the State of Kosovo that is still repaying the loans. Obviously, in any attempt to solve the existing conflict, the question of the repayment (or non-repayment) of the debt and the necessity of proper metering and billing of services supplied will need to be answered.

What can be done to break the vicious circle of mistrust and mutual accusations observed in the water issue? Some speakers claim that any rational solution is without reach as long as political relations are not normalised. Clearly, the situation is aggravated by the fact that Gazivoda 'has become an issue between Kosovo and Serbia', as one participant said; 'in between it is us, the citizens'. As another participant stated, 'Vučić and Thaçi are not giving answers on the fate of Gazivoda'.

The common perception of the water issue in Mitrovica being trapped in big policies leads to the **necessity of de-politicising** it. One participant from North Mitrovica made an urgent appeal in this respect which seems to be acceptable to most stakeholders:

- The establishment of a **joint technical cooperation body** involving representatives, mostly experts, from South and North.

Different from the present case of co-operation in emergencies, such a commission should meet on a regular basis, trying to establish facts (What's going on? Where is the loss of water? ...) and finding pragmatic solutions for proper management of water resources. Solutions, or steps towards a solution, can only be achieved by pragmatic and inter-ethnic cooperation on the local and regional levels, involving elected representatives from the local level, technical experts from the water supply companies, and citizens/CSOs. After all: 'Water has no smell and is an issue without ethnic connotations,' as one participant said.

## PANEL 5

### LOCAL GOVERNANCE AND WATER AND ENERGY PRODUCTION – SMALL HYDRO POWER PLANTS

*By Florian Bieber*

Kosovo is a country with uneven water resources. While some parts of the country, such as the western regions, have rich water resources, others, including the southeast suffer from shortages.

Overall, water related issues are regulated through a **central water law in Kosovo** that deals with a breadth of issues; including disaster caused by floods, the use of water, and its management.

Water is supplied by seven regional water supply companies, including representation of the government and the municipalities, but are responsible at the central level. These companies ensure the supply of water to the majority of citizens (69.9%), whereas a substantial share (29%) are supplied through alternative, private small-scale water supply mechanisms. Finally, a small number of citizens, 0.7%, have no access to running water. In addition, an inter-ministerial water council ensures coordination between relevant ministries.

Overall the legislation on the matter is clear and is thought to satisfy the main needs of clarity, transparency and clear responsibilities. However, some **problems remain in practice**, particularly due to the involvement of different levels of government and the lack of coordination between the different responsible institutions.

A large **challenge for Kosovo is ensuring a sustainable energy supply**. The current energy supply nearly exclusively relies on two aging and environmentally damaging lignite power plants. In October 2018, the World Bank withdrew support for funding a new coal-based power plant, long planned by the government. Although it is unclear whether this decision will permanently shelve government plans for such a plant, it increases pressure on other forms of energy provision. One priority has been the promotion of small hydroelectric power plants. These can be small scale and are seen as more sustainable and environmentally friendly than coal-based power plants. They are also part of a larger regional trend with well over 800 such plants planned for the Western Balkans.

However, these plants have their own risks. Many of those planned more widely for the Western Balkans region will be located in protected areas, affecting the environment of the countries. In particular in a context where construction does not always take environmental and cultural heritage into account, the potential damage is substantial. Weak oversight, corruption and often underdeveloped consultative mechanisms and environmental concerns risk resulting in projects with substantial negative environmental and social impacts.

The record in Kosovo to date also raised some serious concerns. The government has identified a total of **77 locations for potential small hydroelectric plants**. The goal has been to encourage private investors to build these plants to produce energy. For 19 plants, water permits have been issued, meaning that most if not all have been built. At the same time, there is no current government strategy on hydroelectric power, which is in the process of being drafted. The existing permits were issued earlier, and the government has stopped issuing new permits at this time.

While the permits require an **environmental impact** assessment, serious concerns were raised about multiple aspects of the process. In one case, in the course of construction, an entire river was placed into a pipe to make use of hydropower, completely destroying the natural river flow. Furthermore, many of the plants are either planned to be built in protected areas or will affect nearby protected areas, with a significantly negative impact on the environment.

Furthermore, it appears that the construction of planned hydropower plants is not always communicated to the mayors in whose area of responsibility these plants are to be constructed.

As a result, there is a need to consider hydroelectric plants in the wider context of other renewable energy sources for Kosovo. In addition, if permits are granted and further plants constructed, there is a need for a holistic approach to ensure wide communication and consultation with local government and citizens, as well as considerations of environmental and cultural protection.

## PANEL 6

### SMALL HYDRO POWER PLANTS IN PRIZREN

*By Gisela Kallenbach*

According to the National Strategic Environmental Action Plan 2020, renewable energy resources in Kosovo should be comprised of 79% hydro energy, 14% wind, 5.2% biomass and 1% solar energy. Thus, hydro should play an important role in the so-called renewable energy sources of the future. The **Sharr Mountains National Park** was established in 1986 with an extension in 2013 (which included the municipality of Dragash) to protect the Sharr region. Dragash covers 45.1% of the National Park's area, Štrpce 23.9% and Prizren 22.2%. The Park is rich in diversity and has many attractions for tourists. The management is based on the Law on National Park of Sharr and the Law on the Protection of Nature. The Park is divided into 3 zones: 1) strict zone, where nothing can be constructed; 2) active management zone; 3) zone of sustainable development, which allows tourism. Regarding the construction of hydro power plants (HPPs), three permits (all of them in the territory of the National Park) have so far been given by Štrpce municipality for the use of rivers for HPPs: one in Gotovushë, another above the touristic village of Brezovicë and another near the ski centre of Brezovicë. For the latter, work started in autumn 2017, but was stopped by the staff of Sharr National Park and by the ministry. One permit was given in Dragash municipality, where the river was put into a pipe in order to supply the HPP. Further efforts were undertaken to use the water of the Lumbardhi River in Prizren municipality as well as the water of the Lubinjë River in the Shupa area. Both rivers are small with very limited capacities of water.

The **construction of HPPs in the National Park area violates**, inter alia, the Law on the Protection of Nature; the Law on Environmental Protection; and the Law on the National Park of Sharr. Thus, the permissions to construct the three hydro power plants not only violate laws; they are also in clear contradiction to the development plans of the National Park. The consequences of HPPs in the Sharr National Park are: 1) they destroy natural resources and biodiversity; 2) they destroy or change the wildlife landscape; 3) they change the micro-climate with long-term negative consequences; and 4) with the destruction of natural resources the area's attractiveness to tourists will decrease. According to this opinion, HPPs will cause enormous damage of the environment with no benefits at all. They offer no long-term employment, as the capacity of the water resources is sufficient only for three months; they cause dissatisfaction in local communities; and nature is destroyed, with negative consequences for the development of tourism. It was suspected that the HPPs represent a

small number of people's personal interests, while damaging broader social interests. Therefore, many people find that HPPs should not be permitted in the area of National Parks because they are harmful and destroy areas of natural value. They are in contradiction with the principles, missions and objectives of protected areas; in contradiction with national and international environmental legislation; do not provide jobs and economic development; and hamper eco-tourism and the natural development of the Park.

Even **politicians in the Prizren area were not informed beforehand** about the HPPs in the area of the municipality. One of the candidates for the position of Mayor of Prizren (who was later elected mayor) only learned about the HPPs in a TV debate during the electoral campaign in November 2017. Yet, even as a resident of Prizren the politician was not aware of any of these plans. Attempts to enquire where the HPPs were planned to be built led to the discovery that they were going to be constructed in the Shupa Valley. It was impossible to get any validated information about the number of planned plants or their status. When the mayor assumed office in December 2017, the only thing he could find was a request in the municipality for an HPP, for which the Prizren municipality has issued consent to oppose the construction of one HPP. Later—it later on turned out that there are three HPPs (if not more) planned. It was impossible to obtain information as to the process, the status, licensing, etc.

The people in Shupa Valley rely on livestock breeding and on tourism for economic development. The construction of HPPs would adversely affect these economies. The effect of HPPs on the valley's water level and their impact on the environment clearly speak against the construction of HPPs in the valley. One participant said that the only beneficiaries of the construction would be a few private companies. The Ministry of Environment and Spatial Planning does not implement the law, but is only responsible regarding public utilities. It has a checklist with 54 permits that have to be obtained and at least three public debates that have to be held prior to the construction of public utilities. These requirements only apply to public companies. In comparison, private companies can almost erect their facilities overnight.

Obviously, there is a **lack of coordination between the numerous actors**, leading to negligence. During a meeting at the Ministry of Environment and Spatial Planning the question was raised whether any plans were available to the public. On the one hand, the representative at the Ministry stated that there was a moratorium in place; but any access to information was denied. While the Ministry of Economic Development is pushing for HPPs, the Minister of Environmental Protection is against their construction. Members of Parliament also reject the construction.

According to the **Aarhus Convention**<sup>4</sup> and similar conventions, citizens' involvement is absolutely necessary. The population and members of the municipal councils of the area were against the construction of the HPPs. About 800 signatures were submitted to Prizren municipality opposing the

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<sup>4</sup> Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental issues in the EU

construction of HPPs. In public meetings with the residents of these areas and of Prizren at large the vast majority of attendees were against the construction of HPPs, with the exception of some meetings with representatives of several business associations. The latter argued that it is very important for Prizren municipalities to construct HPPs. Residents from the respective areas declared that they would protest intensively against any HPP construction. One of the legal requirements during the planning phase is to have a public debate. At these so-called public debates, which were supposedly coffee gatherings, only a few documents with alleged signatures and no ID-numbers were presented. By this 'they tried to bypass the requirement of public debates,' one participant stated. Besides the lack of any public debate and mandatory citizens' involvement according to existing law, the majority of the municipal assembly voted against the HPP projects. For any construction work which involves the redefinition of land boundaries and also purposes for example the permission of the municipality is obligatory.

Not only local businesses but also international companies are interested in the construction of HPPs. In Dečani an Austrian company built an HPP while neglecting international environmental standards, according to one discussant. The mayor of Pejë/Pec has so far successfully rejected the construction of any HPPs in the Rugova Valley. Public awareness was mentioned as a tool for mobilising citizens – and a key way in which municipalities can stop unpopular HPP construction. It was also recommended to encourage residents and grassroots movements of the affected areas. This could be organised in joint meetings between people from Prizren, Shupa Valley, Dečani, Štrpce and Pejë/Pec.

**Cross-border projects** between Macedonia and Albania might also be considered. Up to 3,000 HPPs are planned across the Balkan region from Slovenia to Greece. Their implementation would cause irreversible and long-term damages. Therefore, regional networking among citizens, international NGOs like WWF and others, as well as among public administration would be indispensable.

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