Hydropower and Justice in Kosovo

A qualitative case study on procedural and restorative justice in the decision-making process for small-scale hydropower projects

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Abstract

This thesis investigates the decision-making process that led to the rapid adoption of small-scale hydropower projects, and its social implications, in Kosovo between 2013 and 2021. However, the fairness of the decision-making process for hydropower projects has been heavily criticized by local communities and NGOs. This research links procedural justice concerns voiced by a small community in Southeast Kosovo with wider sectoral problems on a national level and thereafter explores how restorative justice can bridge gaps between policy and practice and restore social and environmental harms caused in the past. The research is based on a document review, field observations and interviews conducted during fieldwork in March 2023 and informed by energy justice theory. Results show how procedures have lacked transparency, participation of local communities, and compliance with legislation. Furthermore, the reconciliation process is hindered due to a sense of responsibility and meaningful actions from those who have caused harm.

Keywords: energy justice, restorative justice, procedural justice, small hydropower, participation, Kosovo

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Abbreviations

EIA – Environmental Impact Assessments

EJ – Energy Justice

MESPI – Ministry of Environment, Spatial Planning and Infrastructure

MW – Mega Watts

PJ – Procedural Justice

RJ – Restorative Justice

Introduction

1.1 Problem Definition

Governments increasingly adopt renewable electricity production to tackle climate change, mitigate air pollution, and enhance energy sovereignty. Decarbonizing the energy system has become a critical component to address the climate crisis and transitioning towards renewable energy sources is necessary to achieve this goal. Hydropower is by far the most used renewable energy source in the world and in Europe, and accounts for 15% of global electricity generation (in 2021), which is more than all other sources of renewable electricity combined (13%) (BP, 2022). It thus proves to be a well-established and important part and driver of the decarbonization of the energy sector. The Western Balkan region is generally described to have the last free-flowing rivers in Europe and has seen significant investments in hydropower projects in recent years, while Kosovo has been one of the last countries to adopt this trend (Samurović, 2019; Schwarz, 2015). However, in the last decade, Kosovo has set ambitious national targets to increase the share of renewables mainly by investing into small hydropower plants.

Despite the need to increase the share of renewables to tackle climate change, hydropower is often described as one of the most conflict laden renewable energy sources due to its social and ecological impacts that arise from the construction of hydropower infrastructure such as dams and reservoirs (Cernea, 2021; Fearnside, 2006; Hess & Fenrich, 2017; Zarfl et al., 2019). The construction of hydropower infrastructure may fundamentally alter rivers and their ecosystems (Renöfält et al., 2010). The flow of water is not only essential for the generation of hydroelectric energy, but it is also the major driver in ecological processes in rivers (K. F. Walker & Thoms, 1993). Ecological consequences include river fragmentation, flow alteration, reduction in sediment transport, land degradation, reduced water quality, changes in biodiversity composition and abundance, and disruption of migratory animal species (Liermann et al., 2012; Renöfält et al., 2010). Common social impacts that have been studied in association to hydropower infrastructure, especially large dams, include displacement of communities, livelihood changes and social resistance (Fearnside, 2014; Richter et al., 2010). Social and environmental impacts have mostly been studied in the context of large- and medium-sized hydropower plants, while impacts of small-sized hydropower plants are still vastly understudied due to perceptions of lower or no environmental and social harm (Kelly-Richards et al., 2017; Kuriqi et al., 2021). The perception of no-harm may be the reason for why currently planned hydropower projects in the Balkan and Kosovo consist of multiple small-scale projects, extending to almost every river and are often constructed on rivers with high ecological value, or in

protected areas, which may cause significant damage to local ecosystems (Balkan Green Foundation, 2019; Schwarz, 2015; Schwarz & Vienna, 2022). Additional concerns associated to hydropower infrastructure citing include the absence of transparency and fairness of the procedures that produce these energy infrastructures that may contribute to social tensions (Gross, 2007; Wolsink, 2007). Such tensions and widespread social resistance have recently been reported in Kosovo, where decision-making processes related to small hydropower projects have been heavily criticized by NGOs, local communities, and media. This critique offers an entry point to shed light on the procedures and decisions that have shaped current conflicts from an energy justice perspective that aims to capture the true environmental and social nature of socio-technical systems like hydropower infrastructure (Siciliano et al., 2018). Such an analysis can then form a basis to inform a fair approach moving forward.

1.2 Aim, Research Questions and Relevance

This thesis aims to shed light on the decision-making process that has led to the boom of small-scale hydropower projects in Kosovo between 2013 and 2021, its social and ecological implications and the current process of rectifying injustices caused in the past. The research questions are as follows:

1. *How is procedural justice considered in the administrative process of hydropower decision making in Kosovo and how is it implemented in practice?*

2. *How may restorative justice bridge the gap between policy and practice and restore harms caused in the past?*

To answer the first research question, I use the lens of procedural justice to examine and compare the administrative procedures and practical implementation of hydropower plants, and thereby highlight gaps between policy and practice. The second research question explores how stakeholders intend to restore injustices of the past through the lens of restorative justice. The second question was designed for cases where local communities have been deprived of meaningful participation, and experience harm and environmental damage caused by hydropower projects. This research will thereby also extend the literature on restorative justice in the energy field (Wallsgrove, 2022).

By focusing on the adoption of small-scale hydropower projects I help fill in the research gap on impacts of small hydropower plants. Furthermore, there is currently little social science research in the energy field within the Western Balkan region which I intend to contribute to. The findings of this research may have practical implications for practitioners in the field of hydropower

and renewable energy development and intend to advance academic debates on procedural and restorative justice.

2 Background

2.1 Kosovo Country Brief

Kosovo is a landlocked country located in the Balkan Peninsula of Southeast Europe bordering Serbia, Montenegro, North Macedonia and Albania. In 2008, Kosovo declared independence from Serbia, but its sovereignty is not universally recognized. Kosovo has a population of around 1.8 million people, with the majority being ethnic Albanians. The official languages are Albanian and Serbian, although Albanian is more widely spoken. Furthermore, Kosovo's population is the youngest in Europe with a median age of 30 years (Galvin, 2018). It is also one of the poorest countries in Europe with an average GDP per capita estimated to $5270 in 2021, which is almost 12 times lower than the Swedish average (World Bank, 2021). The country has a history of ethnic tensions between Albanians and Serbs, which have not been fully resolved to this day. Since its independence, Kosovo has received significant foreign aid from the international community such as the US, Germany, Switzerland and Sweden, and is aspiring to become a member of the European Union (EU) (EEAS, 2021). To achieve EU-membership, Kosovo is striving to align its domestic agenda with that of the EU (EEAS, 2021). One of those alignments include to increase the share of renewable energy sources (see chapter 2.3).

2.2 Topography and Water Resources

Kosovo is a relatively small country surrounded by mountains and has limited water resources. There are three mountain ranges: The Šar Mountains ("Sharri" Mountains) located in the South and Southeast, bordering Macedonia, the mountain ranges of Bjeshkët e Nemuna in the West and the Mali i Kopaonikut mountains in the North (USAID, 2018). Both Bjeshkët e Nemuna and Sharri Mountains have been declared as National Parks and cover around 10% of the total land area of the country (see figure 1) (Kosovo Environmental Protection Agency, 2021). The central region of the country is mainly defined by plains. There are five river basins across the country: Drini i Bardhe River Basin, Iber River Basin, Morava e Binçës River Basin, Plav and Lepenci River Basin (see figure 1). The respective rivers and their tributaries have attracted hydropower development in recent years (Balkan Green Foundation, 2019). However, unlike other Balkan countries such as Albania and Bosnia and Herzegovina, Kosovo has limited water resources. In fact, the World Bank has classified Kosovo as water insecure due to its naturally limited water resources, but also because of anthropogenic factors

such as inadequate investments into infrastructure and mismanagement of water resources (World Bank, 2018). Furthermore, Kosovo's water resources are unevenly distributed within the country and its geological storage capacity is small. Due to population and economic growth, it is expected that all river basins will be considered water stressed by 2040, making Kosovo particularly vulnerable to climate change (World Bank, 2018).

Figure 1. Overview of rivers, river basins and protected areas in Kosovo. Red dots mark the capital of Kosovo, Pristina and the case study area Štrpce. Data sources: Protected areas and river basins: Kosovo Environmental Protection Agency, rivers: (Princeton University, 2011). Map created with QGIS 3.30.2.

2.3 Energy and Electricity Landscape

Kosovo's energy landscape is dominated by coal, and progress in the energy transition towards renewable energy is slow. While holding the second largest lignite coal reserves in Europe, more than 91- 96% of the electricity production comes from two ageing lignite-fired thermal power plants, dating back to the Yugoslav era (commissioned in 1962 and 1983-84) located just outside the capital, Pristina (Ciuta et al., 2022; European Commission, 2014; Lajqi et al., 2020; Wikipedia, 2022). The two power plants contribute massively to air pollution while one of them is the biggest emitter of fine dust particles in the Western Balkans which has significant health implications (Bankwatch Network, 2018). People living near the power plants have reported higher incidence of pulmonary diseases (European Commission, 2014). The transition to renewable energy sources has only recently been initiated in Kosovo (Bankwatch Network, 2021). Since 2006, Kosovo is part of the Energy Community along with other Balkan countries aspiring to becoming closer to the EU. The Energy Community aims to create a liberalized energy market within their member states, as well as extend the EU energy market to Southeast Europe. As a member state, Kosovo is required to meet several targets such as to increase the renewable energy share and energy efficiency standards (Energy Community, n.d.). In 2012, the Energy Community has set mandatory national targets for renewable energy sources as to implement the EU Renewable Energy Directive 2009/28/EC (Energy Community, 2012). The target for Kosovo's share of energy from renewables in gross final energy consumption was set to 25% by 2020 which was translated into Kosovo's renewable energy efforts (Energy Community, 2012; Republic of Kosovo, 2013). For the gross finale consumption of electricity from renewables, the target was also set to 25% by 2020 whereby hydropower has been the most prioritized sector (see table 1. for targets by energy source). To speed up the process, incentive programs have been implemented to boost investments into the renewable energy sector, such as "Feed-in-Tariffs" that guarantee investors financial returns for 10-12 years (Energy Regulatory Office, 2014), which made the boom in hydropower plants in Kosovo financially attractive and possible (see table 1. for Feed-in-Tariff numbers). However, in 2020, the target of 25% of electricity from renewables was not met by far, as only around 6% of electricity generation came from renewables (Ministry of Economy, 2023). Hydropower covered the highest share of renewables at least until 2021, where the addition of one large wind farm overtook small hydropower in terms of renewable energy production (Energy Regulatory Office, 2022).

Table 1. National targets for electricity generation from renewable energy sources by 2020, installed capacity 2021 and Feed-In-Tariffs (Energy Regulatory Office, 2014, 2022; Republic of Kosovo, 2013)

Energy Source	Target for installed capacity [MW] by 2020	Installed capacity [MW] in 2021	Feed-in-Tariff (FIT) [€/MWh]
Small Hydropower Plants (<10 MW)	240	77 (inside FIT) 19.3 (outside FIT) Total= 96.3	67.5
Wind	150	137	85.0
Biomass	14	N.A.	71.3
Solar	10	10	136.4

2.4 Overview of Existing Hydropower Plants

The rapid adoption of small hydropower plants has mainly affected mountainous regions, due to the greater potential for hydropower compared to the lowlands (see Figure 2). The areas in and around the two National Parks, Sharri and Bjeshkët e Nemuna, have been particularly targeted for hydropower projects (Balkan Green Foundation, 2019). Most of the hydropower plants in Kosovo are small-scale with an installed capacity below 10 MW and operate as run-off-river hydroelectric systems (Balkan Green Foundation, 2019). Those usually operate without large dams or reservoirs, but with intake infrastructure like small dams and pipelines that divert water from the natural stream into a pump that generates electricity (see figure 3) (Ali et al., 2018). There are currently 24 small and one large hydropower plant operating, according to published lists from Kosovar Energy authorities (kostt, 2023). However, NGOs report almost double the amount of hydropower plants in operation (Schwarz & Vienna, 2022). This quantitative gap may be due to differing methodology, since one hydropower scheme can have several dams whereby the dam infrastructure is counted (Schwarz & Vienna, 2022). Hereafter, I will refer to the officially published number of hydropower plants by Kosovar authorities. Most of those hydropower plants have emerged in recent years. While only 4 of the 24 were built between 1934 and 1981, and the other 20 have entered operation between 2013 and 2021 (kostt, 2023). It is these 20 small hydropower plants that are under investigation in this study.

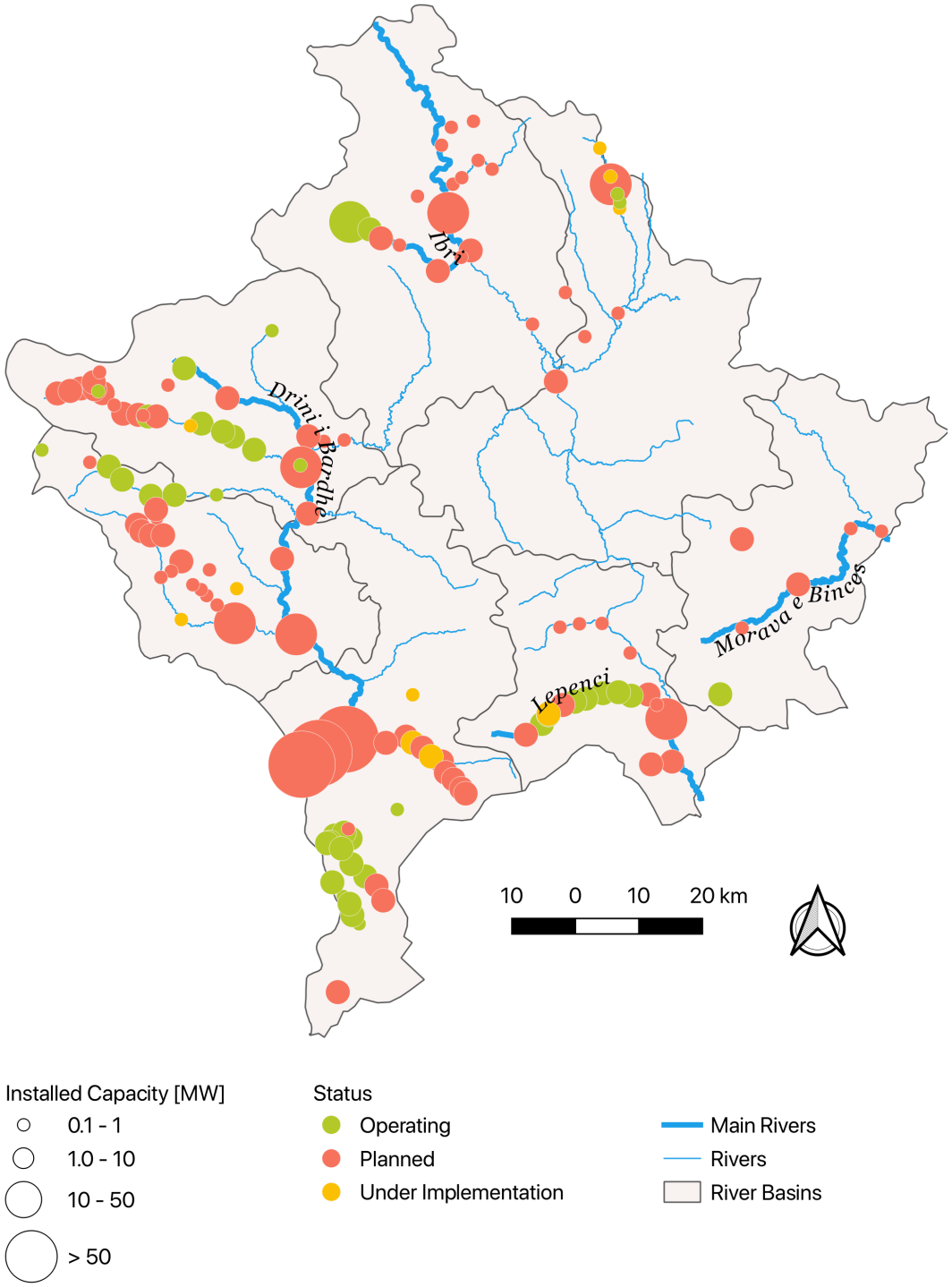

Figure 2. Overview of Hydropower plants in Kosovo in 2022 including the status of the project (operating, planned or under implementation), the installed capacity in MW, rivers and the river basin areas. Data source: Riverwatch (Schwarz & Vienna, 2022). Map created with QGIS 3.30.2.

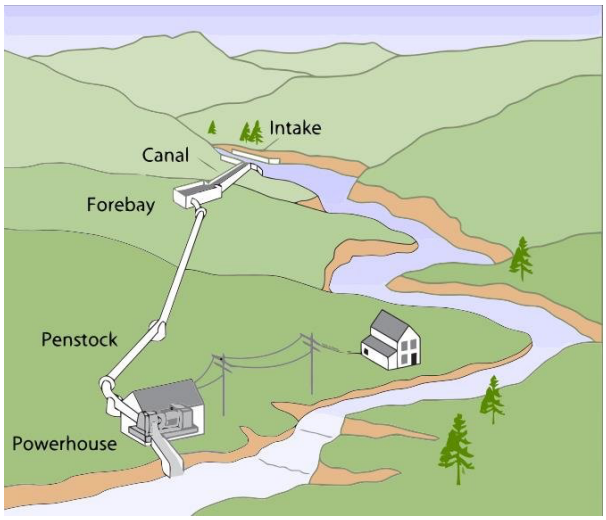

Figure 3. Typical run-of-river hydropower components (Ali et al., 2018)

3 Theoretical Framework

3.1 Energy Justice and Just Transition

Energy Justice (EJ) aims to apply principles of justice into various aspects of energy systems, such as energy policy, production, consumption, energy security and climate change (Jenkins et al., 2016). Initially, the objective of EJ was to analyze the effects of energy systems using a holistic approach that aims to "deliver secure, affordable, and sustainable energy to all people in all regions" (Jenkins et al., 2014a, p. 1). Adopting its justice philosophy from Environmental Justice, Energy Justice has produced several frameworks over the years (Jenkins et al., 2014b; McCauley et al., 2013; Sovacool et al., 2016). One of the most frequently used frameworks is the "triumvirate of tenets", which identifies three interconnected key dimensions of justice, namely, distributional, procedural and recognitional (McCauley et al., 2013). Only recently some energy justice scholars have suggested to incorporate a new tenet into the EJ framework, namely, restorative justice which has been missing from previous frameworks (Heffron & McCauley, 2017). In fact, McCauley & Heffron (2018) further urge all justice scholarships in the field of climate, environmental and energy justice (CCE) to include restorative justice as the new third tenet next to distributive and procedural justice (see figure 4). This could then serve to unite CCE scholarships under the space of "just transition" to provide sustainable long-term solutions (McCauley & Heffron, 2018). In this thesis, I focus on the concepts of procedural justice and restorative justice in the context of hydropower decision-making in Kosovo.

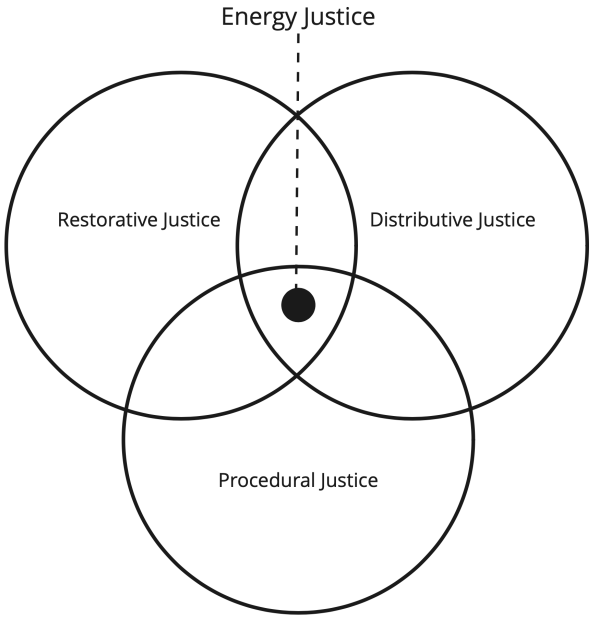

Figure 4. The three core energy justice principles described by (McCauley & Heffron, 2018). Figure inspired by Wallsgrove et al. (2021). Figure created with Miro.

3.1.1 Procedural Justice

Procedural justice (PJ) is generally concerned with the fairness of procedures used to make decisions, rather than the outcomes of those decisions. PJ is concerned with how decisions are made, who is involved, and who has influence in decision-making processes (G. Walker, 2012). While distributional justice is the most frequently used tenet of the EJ framework, Schlosberg (2007) argues that fair procedures are a precondition for fair distribution, which justifies PJ to be analysed in absence of distributional concerns (Schlosberg, 2007). There are different definitions of what procedural justice entails, but generally agree on the following three basic elements: 1) access to information, 2) access to, and meaningful participation in policy and decision-making, and 3) access to legal processes to achieve redress, which implies the correction of an injustice (Aarhus Convention, 1998; Sovacool & Dworkin, 2015; G. Walker, 2012).

3.1.2 Restorative Justice

Restorative Justice (RJ) is a fairly new and under-explored concept in energy research that comes with different principles, procedures and outcomes (Wallsgrove, 2022). While principles of restorative justice go back to different indigenous cultures, the concept gained attention in western culture in the 1970s in the field of criminal justice, contrasting the punitive criminal justice system that focused on punishing the offender (Tiemessen, 2004; Wallsgrove, 2022). Instead, RJ prioritizes the needs of the victim and aims to help offenders recognize the harm they have caused and repair the damage they

have done (Hazrati & Heffron, 2021). In that sense, crime is not anymore only a "violation of the state, defined by lawbreaking and guilt" but a violation of people and relationships which leads to an obligation to make things right (Zehr, 2005, p. 181). The consequential aim of RJ goes beyond simply punishing the wrongdoer but to heal injuries and repair social relationships (Wallsgrove, 2022). RJ can be applied not only to individuals or groups of people but also the environment (Nadeem, 2021).

RJ can be applied both before and after harm has been caused. Therefore, RJ aims to 1) repair the harm done to an individual, community or nature (post-harm), and 2) prevent new harms from happening in the future (prior harm) (Wallsgrove, 2022). In the latter sense, RJ is forward looking as it can be used as a practical policy approach to prevent harms and wrongdoing within the energy sector (Hazrati & Heffron, 2021). Important prior-harm tools that are guided by restorative justice principles include social and environmental impact assessments during the planning phase, monitoring during the operation phase and clean-ups after the implementation phase (Hazrati & Heffron, 2021; Siciliano et al., 2018). Therefore, RJ is often cited as a way to ensure that energy justice is applied in practice (Heffron & McCauley, 2017). Concerning post-harm situations, the role of RJ is discussed in regard to remediation processes which can be of formal or informal nature and often involve bringing offender and victim together to share their experience to create awareness of the impact of the wrongdoings (Hazrati & Heffron, 2021). These happenings can result in a formal agreement among the parties with outcomes that can go beyond monetary compensation (Government of British Columbia, n.d.). Furthermore, remediation can take place through appeal to legal processes and procedures to ensure that justice is attained (Lacey-Barnacle, 2020).

One conceptual framework that was originally used within interracial justice contexts has recently also been applied to investigate environmental justice (Wallsgrove, 2022; Yamamoto, 1999). This approach by Yamatoto (1999) which is applied in this study is four-dimensional and adopts a process of: 1) *Recognition*, which asks people outside the victim group to acknowledge and empathize with the victim's pain and hope. 2) *Responsibility* evaluates the accountability and willingness of different groups to take responsibility for their actions that have resulted in harm (Wallsgrove, 2022). Responsibility can arise from partaking in the act of causing the harm or from knowledge of the wrongdoings (Yamamoto, 1999). 3) *Reconstruction* includes actions towards healing social and phycological wounds which often involves an apology while showing responsibility. This step allows to reshape the narrative and give recognition to those that were harmed, which ultimately may involve structural reforms in legal, political, or economic systems (Wallsgrove, 2022; Yamamoto, 1999). Finally, 4) *Repair* seeks for an effort at correcting the harm caused to the victims to improve their conditions and ultimately achieve meaningful change in social relationships. This step should ensure that

apologies and institutional changes lead to actual transformative change (Wallsgrove, 2022; Yamamoto, 1999). Overall, this framework is used to understand conflicts, evaluate efforts of resolving conflicts and recommend steps of reconciliation (Yamamoto, 1999).

4 Methods

4.1 Research and Case Study Design

This research builds on a qualitative case-study approach, informed by a critical realist ontology, which aims to uncover the underlying mechanisms and processes that drive social phenomena, in my case the boom in small hydropower plants and its implications of social justice. Critical realism helps to develop a nuanced and holistic understanding of social phenomena, by recognizing the complex and multi-layered nature of reality and the role that social structures and contexts play in shaping our perceptions of it (Bryman, 2016). To explain something with a critical realist epistemology is to identify the structures and powers that has produced it (Gorski, 2013). Critical realism therefore gives an ideal perspective to my case study research with the objective to gain an in-depth understanding why things are as they are (Easton, 2010).

According to Yin (2014), a case study is the most suitable method when the aim of the research is to understand the "how" and "why" of a phenomenon. In this study, the focus is on *how* procedural and restorative justice play out within the decision-making process for hydropower, and thereafter to understand *why* the implementation of justice is lacking. According to Yin (2014) this research is an “embedded single case study”. My singular case is hydropower in Kosovo with several embedded units of analysis including procedural and restorative justice elements placed in one context. I explore my units of analysis on two different scales. On one hand, I explore the phenomenon on a local scale, in a specific area in Kosovo that experienced significant hydropower development. On the other hand, I contextualize the case within a national scale. This allows me to explore the wider context while at the same time gaining a deeper understanding of the complexities involved (Yin, 2014). Rather than treating the case as a mere sample, I view the case as an opportunity to provide empirical insights into theoretical concepts and principles, but not to provide statistical generalizations (Yin, 2014). However, the goal is still to derive analytical generalizations that can offer generalizable findings and lessons learnt.

To enhance the credibility and reliability of my research, I have adopted a rigorous approach to data collection and analysis, drawing on multiple sources of evidence to triangulate the results (Yin,

2014). In line with Yin's (2014) recommendations, I employed a mixed methods approach that combines three qualitative methods for data collection - literature review, interviews and field observations. Grey literature and policy texts are analysed to gain insight into procedural justice elements in administrative procedures for hydropower decision making, while interviews and field observations give a deeper insight into the implementation of these procedures in practice and different stakeholders' perceptions of those procedures. My chosen theoretical framework informed the design of my interview questions and data analysis (see table 4).

4.2 Case Study Area

While I investigate the hydropower sector on a national level, I also study the complex phenomenon of hydropower decision-making on a smaller scale. For that I visited an area in in Southeast of Kosovo that has experienced loud media attention due to the controversies associated to the implementation of a cascade of four small hydropower plants. The project is built on the Lepenci River and its tributaries within the territory of the Serbian dominated municipality of Štrpce (see figure 5). The project affects 5 villages either due to the actual hydropower plant where electricity is produced or the piping system that collects and diverts the water towards a generator. Most of the intake infrastructure, including pipelines and water infrastructure such as small dams, extend into the Sharri National Park (see figure 5). An overview of installed capacity of each hydropower plant can be found in table 2. The project is executed and owned by one company.

Table 2. Overview on hydropower cascade project in Štrpce (Energy Regulatory Office, 2022)

Name of hydropower plant	Installed capacity [MW]	Entry into Operation
"Shterpca"	4.90	2021
"Vica"	4.60	2021
"Sharri"	6.45	2021
"Brezovica"	2.10	2017

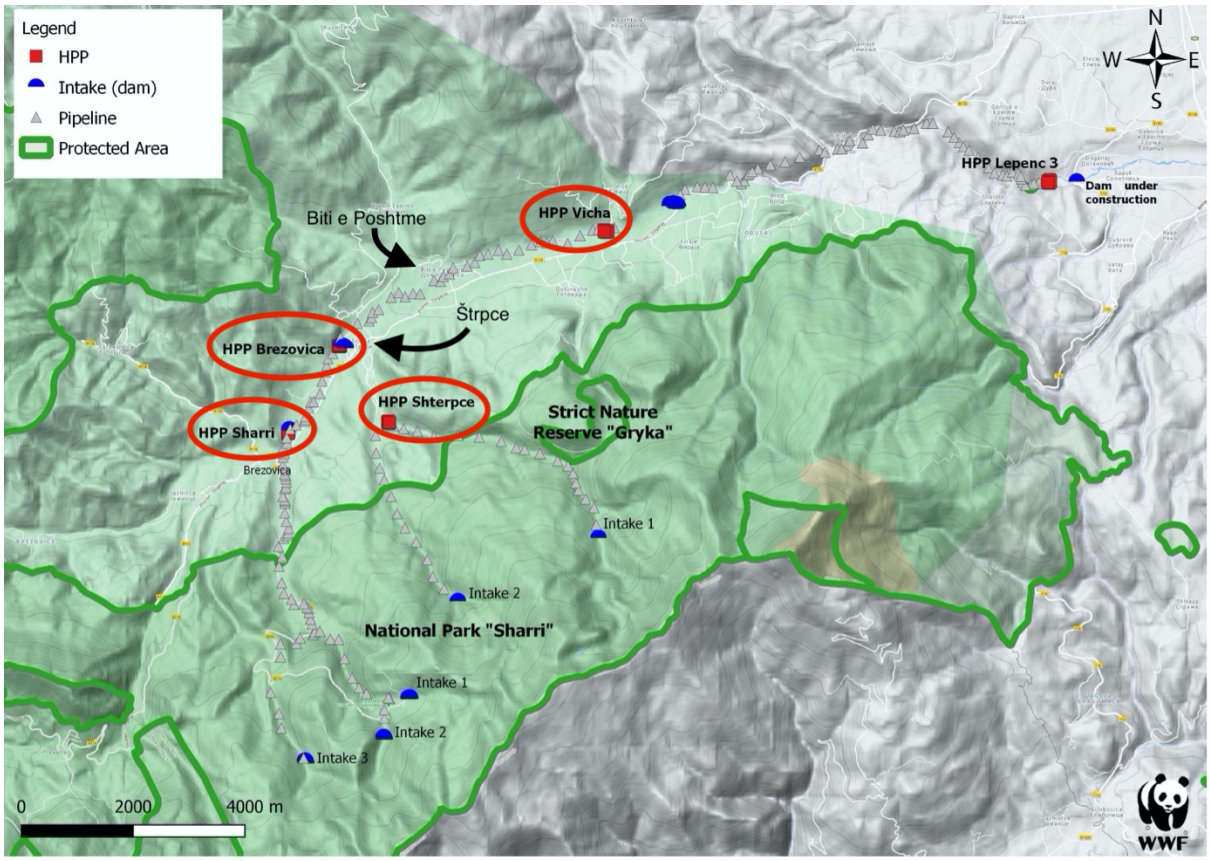

Figure 5. Hydropower cascade on Lepenci River in Štrpce municipality area. Hydropower plants subject in this thesis are circled in red which includes the intake infrastructure and pipelines for these plants. Map source: via personal communication with NGO "GAIA"

4.3 Data Collection and Analysis

4.3.1 Data Collection

A document review, semi-structured interviews, and field observations build the foundation of my data collection. These methods mutually enhanced one another since the document review and analysis as well as the field observations influenced the interview questions and interview findings informed further in-depth document and policy review to ensure a comprehensive set of data was collected (Yin, 2014).

Literature Review

An initial broad literature review helped to gain an understanding of the case area, research topic and relevant theories while a more defined document review partly answered the first research question. To understand decision-making processes including procedural justice elements, identify relevant actors in the field, the problems they face, and legal violations connected to the administrative procedures, several documents have been reviewed. Those include policy texts such as laws and

bylaws, official governmental publications such as assessment reports and energy strategies and NGO reports.

Interviews

Interviews are said to be one of the most important data sources for case studies (Yin, 2014). In addition to several informal interviews, I conducted 15 formal semi-structured interviews (see table 3) during my field work in Kosovo. Interviews were conducted with experts, which are defined as individuals that are either involved in, or knowledgeable about the decision-making process for hydropower in Kosovo. Furthermore, I interviewed several residents of the case study area of Štrpce who have all been involved in the resistance movement against hydropower development. It was important for me to especially give those a voice that felt excluded and marginalized in the decision-making process. Interviewees were identified by reviewing grey literature, recent legal proceedings related to hydropower and snowball sampling. Snowball sampling allowed me to repeatedly hear about the same groups of people which suggested I reached saturation in my sample (Bryman, 2016). I adopted a phenomenological approach to the interviews that aims to understand social phenomena from the interviewee's perspective with the assumption that reality is what people perceive it to be (Kvale & Brinkmann, 2009). While I followed my line of inquiry during the interview by asking my pre-determined open-end questions informed by the chosen theoretical framework, I left space for the opportunity to explore certain themes in further depth. See interview guide in Appendix 1.

Table 3. Overview of interviewed actors, anonymised to protect individuals' identity

Interview-No	Stakeholder group	Role of Interviewee(s)	Form of Interview	Involved in administrative procedure
Interview 1	Ministry of Environment, Department of Water and Environmental Protection	-Review of Environmental Impact Assessment Report and Process -Issuance of Environmental Consent	Meeting and E-mail	Directly
Interview 2	Ministry of Environment, River Basin Management Authority	-Issuance of Water Permit	Meeting	Directly
Interview 3	Ministry of Environment, Environmental Inspectorate	-Monitoring of project implementation during construction and operation	E-mail	Indirectly

Interview 4	Ministry of Environment, Kosovo Environmental Protection Agency	-Assessment of state of the environment in Kosovo -Information sharing on environmental status of potential location of hydropower plants	Meeting	Indirectly
Interview 5	Energy Regulatory Office, Legal department	-Issuance of Licenses for Electricity Generation		Directly
Interview 6	Inter-Ministerial Water Council	-Legal Advisor on Water Legislation -Co-author for Hydropower Assessment Report by Ministry of Environment (MESPI, 2021)	Meeting	Indirectly
Interview 7	NGO “GAIA”	-Involved in redress efforts of community members of Štrpce -Co-organized protests critical of hydropower	Meeting	Indirectly
Interview 8	NGO “RiverWatch”	-Protection of Rivers of the Balkan -Reporting on hydropower development in the region -Initiation of legal acts for redress	Meeting	Indirectly
Interview 9	NGO “Center for Strategic Litigation”	-Initiation of court cases contesting issued licenses for several hydropower plants	Meeting	Indirectly
Interview 10	Local community member	Resident/activist, Štrpce	Meeting	Indirectly
Interview 11	Local community member	Resident/activist, Štrpce	Meeting	Indirectly
Interview 12	Local community member	Several residents/activists, Biti e Poshtme	Meeting	Indirectly
Interview 13	Politician	-Chair of political review commission for hydropower sector	Meeting	Indirectly
Interview 14	Operator/Investor	Operator of Štrpce hydropower plants	Meeting	Indirectly

Interview 15	Ministry of Economy, Department of Energy	-Involved in Target Setting for Energy Strategy	Meeting	Indirectly
Interview 16	Ministry of Economy, Department of Energy	-Involved in Target Setting for Energy Strategy	Meeting	Indirectly

Field Observations

Field observations for my research included observations of the visited hydropower infrastructure sites and the surrounding environment as well as different actors' reactions during interviews. Direct observations and participant-observations are considered valuable sources of evidence especially for case studies (Yin, 2014).

4.3.2 Data Analysis

To address my first research question, I use the three elements of procedural justice as an analytical framework. The framework guided my document review to assess procedural justice within the administrative procedures as well as the thematic analysis of the interviews, which addressed the implementation of procedural justice in practice. Additionally, I will outline justice concerns that go beyond those of local communities to give an understanding of the full extent of the phenomenon in the context of Kosovo which builds the foundation of my second research question. To answer my second research question, I partly applied Yamatoto's approach to restorative justice as an analytical framework to assess how decision makers intend to repair harms and inform a just future. I excluded the first element of his framework (i.e., *Recognition)*, as it is taken up in the three other elements by which I analysed my data. See table below for an overview.

Table 4. Overview of data collection method and analytical framework applied to answer my research questions

Research Question	Data Collection	Analytical Framework
How is procedural justice considered in the administrative process for the hydropower decision making in Kosovo and how is it implemented in practice?	1) Document/Literature Review 2) Semi structured Interviews 3) Field Observations	Procedural justice - Access to information - Access to meaningful participation - Access to redress Based on (Aarhus Convention, 1998; Sovacool & Dworkin, 2015; Walker, 2012).
How may restorative justice inform the closing of the gap between policy and practice including the implementation of procedural justice?	1) Semi structured Interviews 2) Field observations	Restorative Justice - Responsibility - Reconstruction - Repair Modified from (Wallsgrove, 2022; Yamamoto, 1999)

4.4 Ethical Reflections

Since my main data collection was interviews, several reflections must be stated here. For all interviews, I explained my research objective transparently. The interviewees gave consent to use the information given during the meeting, either through verbal consent or a signed consent form (Appendix 2). All interviewees are anonymized due to association with ministries and politics. Consent for recording the interviews for transcription purposes was explicitly given. In the case an interviewee did not want to talk about a specific inquiry, I respected this without hesitation.

5 Results and Analysis

5.1 Procedural Justice on Paper and in Practice

In this section I aim to answer my first research question: *How is procedural justice considered in the administrative process of hydropower decision making in Kosovo and how is it implemented in practice?* Firstly, I outline the administrative process for implementing hydropower projects, including an overview of the stakeholders involved and excluded in this process. Thereafter, I compare this process to its practical implementation whereby procedural injustices can be understood as the perceived and experienced injustices pointed out by local community members. Additionally, I will outline justice

concerns that go beyond those of local communities to give an understanding of the full extent of the phenomenon in the context of Kosovo.

5.1.1 Stakeholder Overview and Description

The administrative process for the approval of hydropower projects is a complex and multi-step procedure that involves various governmental and non-governmental actors (see figure 6). During the process several different licenses and permits must be obtained for which different institutions are involved (see figure 7). These procedures are more or less clearly defined in the primary legislation (i.e., laws) as well as secondary legislation (i.e., administrative instructions or bylaws). Thereby responsibilities are ascribed to specific actors (see table 5). Certain stakeholders have direct power in partaking in the administrative process by for example issuing licenses while other actors have a more indirect role for example by organizing the public debate but not having the power to issue a license. In the following figure, there is an overview of all actors directly and indirectly involved in that process. Table 5 describes the tasks and responsibilities of respective stakeholders and how they influence the hydropower sector.

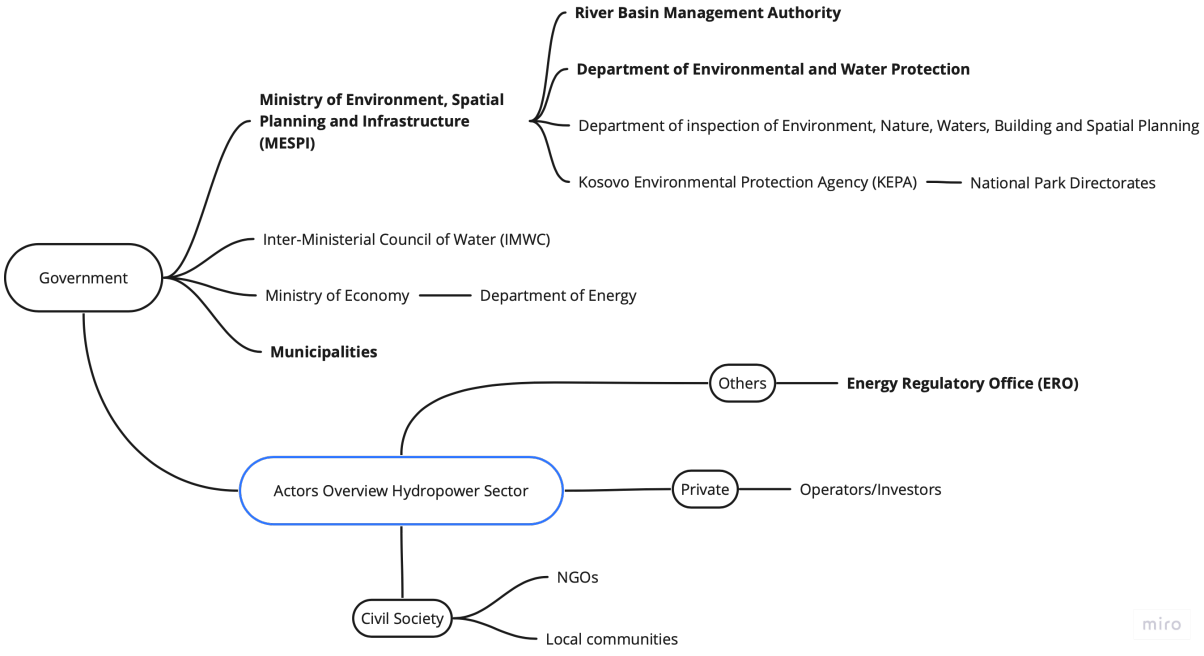

Figure 6: Overview of the actors involved directly (in bold) and indirectly in the administrative decision-making process for hydropower projects in Kosovo. Four stakeholder groups have been identified: Government, Civil Society, Private and Others. Figure created with Miro

Table 5. Actor Overview and involvement in hydropower decision-making. Impact refers to the (in)direct involvement in decision-making while Responsibility & Task refer to the actor's role within the hydropower sector.

Actor group	Actor	Impact (direct/ indirect)	Responsibility & Task
Government	MESPI – Department of Environmental & Water Protection	direct	-Reviews EIA report -Issues Environmental Consent
	MESPI – River Basin Management Authority	direct	-Issues water permits -Responsible for concession procedure (MESPI, n.d.-b)
	MESPI – Department of Inspection	indirect	-Controls & monitors water use in accordance with legal provisions (MESPI, n.d.-a, 2021)
	MESPI – Environmental Protection Agency	Indirect	-Reports and monitors state of the environment and water -Gives recommendations for policies -Management of National Parks -Informs other departments about environmental parameters on locations considered for hydropower development (KEPA, n.d.).
	Ministry of Economy – Department of Energy	indirect	-Proposes, drafts, and implements policies for the energy sector -Chaired Energy Strategy 2017-2026 and 2022-2031 (Ministry of Economy, n.d.)
	Municipalities	direct	-Issues construction permit for hydropower plants < 10 MW capacity (*Law on Construction*, 2012)
	Inter-Ministerial Water Council	indirect	-Proposes and implements laws and regulations related to water management -Part of assessment of the administrative procedures for hydropower projects
Other	Energy Regulatory Office	direct	-Issues finale authorization that allows energy operators to start construction -Issues license to generate electricity for plants with capacity > 5 MW (ERO, 2017)
Civil society	Local communities	indirect	-Comment and share concerns during public debate(s) and review process of several legal acts -See 5.2.1 for more information
	NGOs	indirect	-Comment during review process of several legal acts
Private sector	Operator	indirect	-Until 2023: responsible for organizing public debate during EIA procedure

5.1.2 Overview of Administrative Process

An overview of the administrative process for constructing and operating hydropower projects and how the public is involved can be seen in the following figure. The process includes several different steps and licenses that need to be obtained.

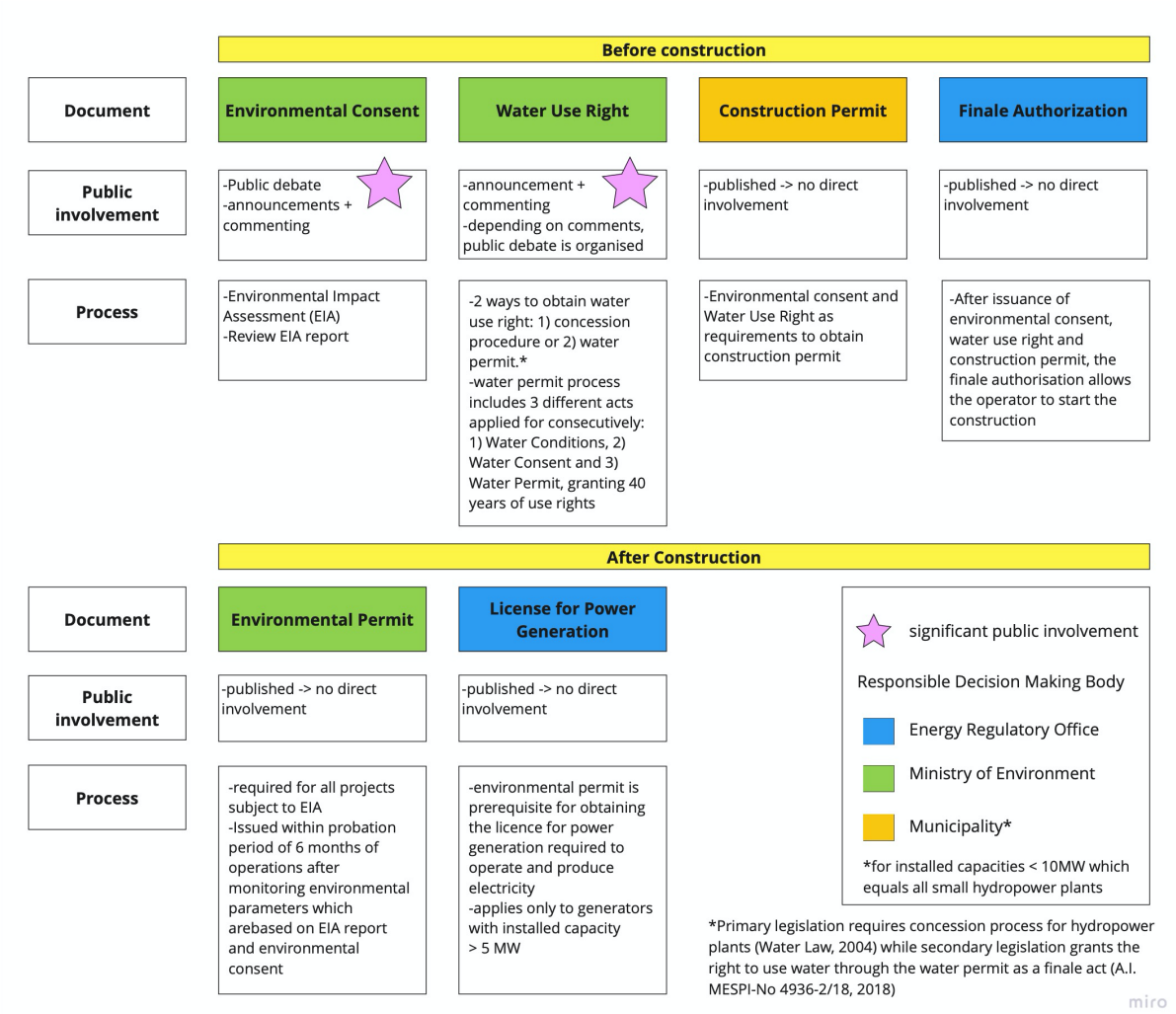

Figure 7. Administrative acts for obtaining licenses and permits to construct and operate hydropower plants in Kosovo including the public involvement in that process. The upper panel shows the documents needed before construction including the responsible decision-making bodies, the way the public is involved in that and the overall process for obtaining the required document. The lower panel shows the documents needed after construction to enter operations. The purple star indicates the most relevant possibilities for public involvement. The colours represent the different decision-making bodies responsible for issuing the act, whereby green is the Ministry of Environment, blue is the Energy Regulatory Office and orange is the Municipality. Figure created with Miro

Procedural Justice within the Administrative Procedure

Citizens of Kosovo are guaranteed access to environmental information, public participation in decision-making, and access to redress, given through the Constitution of the Republic of Kosovo and several environmental legislations (*Constitution of the Republic of Kosovo*, 2008). There are several

instances during the administrative procedure for hydropower projects where the interested public can partake in the decision-making process, which are described below. Furthermore, the first pillar of procedural justice, *Information*, must be shared with the public at all stages during the administrative procedures.

Maybe the most important process for involving the public is the EIA where information must be shared at multiple stages and a public debate must be organized. Firstly, before the EIA process is started, the applicant (hydropower operator) is obliged to inform the public about the project and its impacts through a daily newspaper (Art. 4, A.I. MESPI-No 16/2015, 2015). The public then has at least 20 days to review the given or requested information and send in comments to the Ministry of Environment. Secondly, after the Ministry accepts the project to be continued, the EIA report will be prepared by the operator. After finalizing the report, the operator is obliged to announce the finalization of the report in a daily newspaper and allow at least 20 days for sending in comments (Art. 8, A.I. MESPI-No 16/2015, 2015). The Ministry should take these comments into account during the review process. During that review process a public debate is to be organized by the operator (Art. 9, A.I. MESPI-No 16/2015, 2015). The announcement is made in a local newspaper 20-30 days prior to the debate. The Ministry considers all comments and concerns raised during the public debate as part of the review process of the report. In total, one public debate must be organized and several instances to review information and send in comments should be provided to the public during the process of issuing the environmental consent.

The second important process in which the public has a clear function to voice concerns is during the issuance of the water right. After the Ministry issues the water conditions, they are obliged to perform the “public notice procedure”, which includes the announcement of the decision in a daily newspaper, as well as on the website of the Ministry (Art. 25, A.I. MESPI-No 4936-2/18, 2018). The public and interested parties then have up to 30 days to send in their opinion statements and concerns. After the MESPI has reviewed those, they decide whether a public debate is needed or not.

Finally, all acts that have been issued during the process of licensing have to be published for the public to access and review. An NGO explained to me that there is usually a 30-day deadline for contesting issued decisions. In that regard the public is to a certain degree involved in the entire decision-making process. During interviews, several actors have stated that the national regulations regarding the involvement of the public are very well defined and comparative to EU regulations.

5.1.3 Implementation in Practice

Access to Information

While interviewing residents from the visited area of Štrpce, it became clear how information was withheld from the local community as well as NGOs. One resident explained how one day without knowing anything, or understanding what was happening, excavators were in his backyard right next to the small river that flows down from the National Park in Sharri. Another resident explained how he first learnt about the project when he and others saw how workers measured geological parameters around their river. When the residents inquired about their work, they were told that the goal was to beautify the riverbed and construct a walkway and bike lane beside it. As a result, the residents were content until a bulldozer arrived to start digging in and around the river. The driver then revealed the true nature of the project by telling the residents that "*the river will be removed [put in pipes]*". None of the interviewed residents said to have received information about the hydropower cascade construction before the project started but described the entire process as "*kept in secret*" with "*no transparency at all*". This sentiment was shared by actors such as NGOs and legal experts who state that people were not well informed, and that the entire decision-making process was untransparent from the start. Furthermore, NGOs working with locals told me how difficult it was for them to access information, such as issued permits, although this is exactly the information that must be published in order for it to be contested. For example, a lawsuit against the issued water permit could only be filed against one of the four hydropower plants in Štrpce because the NGO received the permit for only one hydropower plant from the Ministry of Environment. According to the NGO, they have been asking for the water permits for almost a year (Center for Strategic Litigation, 2021).

Both the Ministry of Environment (including the departments responsible for issuing licenses) and the operator said that they provided sufficient information prior to the project. Hereby they referred to the announcement of the public debate that must be organized as part of the environmental impact assessment process as well as the announcement of the water permit. The Ministry stated that it was announced on their website, the municipality website as well as a newspaper. The operator stated as well that the announcement was done according to legislation. He published the information timely in the local newspaper and the municipality building. Furthermore, he said that people were informed latest on the construction site.

Access to Meaningful Participation

Due to withheld information and the inaccessibility of the public debate, local communities of Štrpce have been excluded from meaningful participation in the hydropower development. While the

operator claims to have organized two public debates, one by themselves and the other by the municipality, one meeting was held in another town outside the affected municipality area in a restaurant making it less accessible to those who are affected by the project. The legislation on public participation does not specify where the debate must take place. The operator stated that all procedures were executed in accordance with legal requirements and concluded that no residents expressed interest in the proposed project, and therefore chose to not participate in the organized public debates. On the other hand, interviewed residents expressed that they did not participate in the event because they did not know about it. Furthermore, an assessment report from 2021 found that in most hydropower projects in Kosovo, none of the residents attended the public hearings (MESPI, 2021).

When construction works on the hydropower infrastructure started, many residents protested to voice their concerns, which did not result in meaningful inclusion of the local community but rather led to more exclusion. While there was an attempt of "conflict resolution" through a meeting between protestors and the municipality, none of the interviewed residents described the meeting to be of long-lasting success. All interviewed residents instead felt further ignored by their own municipality. During that meeting, the head of the municipality promised the village of Biti e Poshtme that the hydropower construction in their village would be stopped and not continued. Thereafter, the construction work stopped for 4 to 5 years according to several residents. However, during those years, the hydropower company performed work on other parts of the hydropower system, and laid pipes that are part of the upstream and downstream hydropower infrastructure. Once they wanted to connect the infrastructure in Biti e Poshtme, the villagers gathered again to protest. For construction works to continue, one resident explained that 120 special police forces came to supervise the demonstrators and construction workers. During one of the big protests, 17 civilians (including children and elderly) required medical attention after the use of pepper spray and violence which was described as a traumatizing event for many residents. Additionally, three people got arrested and kept at the police station for 24 hours and many people were threatened by local officials, to lose their jobs, if they were to continue protesting. After that, people were afraid to protest and "gave up". The special police forces and the local police continued to supervise the hydropower construction in Biti e Poshtme until it was finished. One resident described it as a "*security force for the construction company*". The municipality never publicly talked to the protestors again after the first meeting when they promised to stop the construction works. So, although, initial conversation with the municipality seemed fruitful, their voices and concerns were ignored in the long run.

Similar to the meeting with the municipality, despite organizing several meetings between residents and the operator, the interviewed residents felt unheard with their concerns. In the meetings between operator and residents, the operator tried to ease tensions among the residents by offering to build public infrastructure such as schools and bridges, by giving money as well as communicating how no environmental impacts would arise from the project. Residents' main concern was that their already limited water availability for drinking and agricultural purposes would be even more restricted because of the hydropower plants. All interviewed residents stated that the water stress has increased due to the hydropower project. One resident said that the river carries about a third of what it did in the past, and completely dries up during summertime. Furthermore, the local community did not benefit from having increased access to electricity resulting from the hydropower project. Due to the concern of water quantity and the lack of resonance with those concerns from the municipality and operator, residents continued to protest and the meetings with the operator stopped. According to interviewed residents, many locals took the money offered by the operator which was said to be around 200 Euros. Those few who didn't take the money continued to protest, but their voices continued to be excluded in meaningful participation.

Access to Redress

The communities in and around Štrpce were not silent, but instead explored multiple ways to achieve justice though activism and legal actions, but with little concrete outcomes so far. One resident explained how they collected around 2600 signatures through petitions after the construction works started. They also used civil disobedience to stop the construction, such as standing in front of bulldozers so construction works could not be continued, and some residents got so desperate that they damaged construction equipment which was described as the last resort to "*fight for his land*". Several residents turned into activists and organized protests in front of the municipality building, as well as one-hour long roadblocks to halt the project altogether. The protests also turned into a symbol of Serbian and Albanian cohesion as they saw their livelihoods threatened. Furthermore, the act to come together and fight as a community to also benefit the community and not the individual, gave residents a sense of meaning. In total, residents told me that they held around 200 protests during 2014 to 2020, and the project could only be realized due to police presence and force. The protesters also got in touch with NGOs who put the problem forward to support them in legal action. For example, two NGOs filed a case in court against one of the four hydropower plants in Štrpce to contest the water permit issued by the Ministry. Currently, this case is under review with no final verdict (Constitutional Court Kosovo, 2023). One resident filed a personal lawsuit against the company and the municipality for illegally entering and working on his land. However, in this instance already three court trials were

rescheduled, and his case has been going on for around 2 years without any outcome. Furthermore, one NGO ordered the Environmental Inspectorate to do field inspections due to the legal violations, which led to the Ministry's decision to stop operations of around 14 hydropower plants including all four in Štrpce due to missing environmental permits. However, all three hydropower plants I visited in Štrpce were operating.

While redress actions from civil society have not yet brought justice to local communities, the resistance movement of the local communities in Štrpce and other hydropower affected areas in Kosovo has raised awareness of the issues associated with the hydropower industry on a national scale which ultimately has pushed for an assessment of the administrative procedures within the hydropower decision-making (MESPI, 2021). The Inter-Ministerial Water Council (hereafter Water Council) put it this way:

> *"We started going publicly on the media, in public debates about this specific matter [hydropower], to raise the irregularities in the way things are being handled. … but the problem is that for too long we were alone. … For us it was God sent the reaction of the local community. … because at least now we were not the only ones talking about it… It was, how shall I say, pure in this form, … they had no other interest… We started helping civil society to criticize the Government. … It was spreading. People were reacting in other places… finally there is an awakening."*

So, despite the protestors of Štrpce not being able to get justice for themselves with concrete outcomes, their actions have created awareness on the issues and a momentum for change.

Beyond Procedural (In)justice

As a result of pressure from civil society, an assessment of the administrative procedures has been initiated and produced valuable insights (MESPI, 2021). The working group for this assessment was established by the Water Council, supported by the Minister of Environment. The group consisted of two advisors from the Water Council and several people working within the Ministry of Environment including people who issued the permits. One advisor from the Water Council told me how "*the working group started immediately telling the Minister, we don't need to do this report. Because things are right. … The chairman actually tried to remove us from the working group."*. While the report was mainly written by the Water Council, it was eventually endorsed by the entire group including the Ministry of Environment, "*it was accepted by all unanimously, not even one objected it*". The report uncovered illegitimate issuance of administrative acts for every single hydropower project in the country that go beyond procedural injustices experienced by local communities but are reinforced by

the absence of procedural justice. The Water Council stated: *"first and foremost, you couldn't avoid it noted that these [hydropower plants] are illegal*". The report highlighted the lack of transparency as one of the main concerns, related to the process of environmental consent, water permits, and organization of public debates (MESPI, 2021).

The way water acts have been issued is one such incident. During several interviews, legal experts have explained to me that there are two ways to obtain the right to use water: 1) Through the process of a concession, which is a mechanism used for the commercial use of water such as for electricity production or 2) through the issuance of a water permit. While the Law on Waters requires a concession process for the construction of hydropower plants, what was done in practice was granting a water permit instead, which is issued directly to one party in a "first come, first serve" manner and guarantees the water right for around 40 years (see figure 7) (Art. 78, *Law on Waters of Kosovo*, 2013). A legal expert explained to me that the concession process differs in the way that it is a competitive process where several companies apply for the same project and the one with the best offer in terms of environmental and economic conditions wins. For the concession process "*they [operators] have to pay to the budget of Kosovo to use this water, let's say for 15 or 20 years*". However, with the water permit, the Water Council said, "*you're giving a public good directly to somebody to benefit commercially from it. And that's not legal*". Furthermore, the issuance of water permits also lacked compliance as the permit was often issued either without fulfilling the necessary conditions to obtain the permit in the first place or without adequate studies of the acceptable ecological flow and without the installation of measuring devices to verify the acceptable ecological flow. Additionally, although hydropower plants are considered complex objects, the regulatory right to engage external experts has not been used by the competent body in the procedures for reviewing water acts. This, despite having only one water permitting officer in the Ministry.

Similar to water acts, environmental acts have also lacked compliance with the legislation. For example, environmental consents have been issued in most cases, treating hydropower cascades of three to four hydropower plants as one project. This is also the case for the hydropower cascade in Štrpce which is contrary to the law (*Law on Environmental Impact Assessment*, 2010). Furthermore, out of 20 hydropower plants in operation only four have an environmental permit while the other operate illegally in violation of the law (see fig. 7 for details on environmental permit) (Art. 31, *Law on Environmental Protection*, 2009). Furthermore, environmental consents have also been issued for constructions in protected areas such as the Sharri National Park. Also, in the case of Štrpce, several intake infrastructures including small dams and pipelines have been built in the National Park, which is forbidden according to the Law on National Parks (*Law on National Park "Sharri"*, 2012). In an email

with the Environmental inspectorate, it was explained that this happened because "*there was permission from some central and local institutions*". The list of legal violations continues but is here not further discussed in detail.

5.2 Assessing the Efforts of Restoring Justice

In this part I aim to answer my second research question: *How may restorative justice bridge the gap between policy and practice and restore harms caused in the past?* It is the above-described procedural injustices and legal violations that are viewed as harms or wrongdoings within the framework of restorative justice and discussed in the following section. For the analysis, I will first outline how the three different elements, *responsibility*, *reconstruction* and *repair* of the restorative justice framework apply to different stakeholders and list recommendations stated by different interviewees for how to move towards a future that upholds justice.

5.2.1 Who are people blaming?

When asking the selected stakeholders about their responsibility in the wrongdoings, most of them pointed fingers at others instead of reflecting on their own part. That finger was pointed mostly to one stakeholder, the Ministry of Environment that is the most important decision-making body within the administrative procedure for hydropower projects. The Water Council as the representative of the right of water also stated that municipalities must be charged with responsibility for caused harms as they issued construction permits, "*but even then, the Ministry of Environment should have followed through*". The operator, legal advisors, and the Energy Regulatory Office also blamed the Ministry of Environment for their incompetence of issuing permits improperly. Also, residents saw the main responsibility for the damage in the municipality and the Ministry of Environment. They especially blamed the municipality for enabling a project that is against what most residents wanted and for protecting the interests of investors instead of those of their community members.

5.2.2 Responsibility

While residents felt responsibility to safeguard their livelihoods, those who have caused harm appeared mostly unable to take responsibility. Residents saw themselves as the primary defenders of justice and felt left alone by the institutions that should be protecting their needs: "*Only the locals here are the ones that protect the law. The institutions that wrote the legislations and laws, they work against the things that they wrote. …My moral obligation is to protect all of this, to raise my voice*". However, none of the three meetings with different institutes and departments of the Ministry of Environment, revealed an active role to take responsibility but rather I felt that the interviewees were

unable to take responsibility. The two interviews with permitting officers (people responsible for issuing permits), I was not allowed to record. One of those interviews was abruptly ended by the interviewee when I asked about the assessment report authored by the very Ministry I was interviewing. The topic seemed to be so sensitive that the person asked me to leave immediately. During the other interview with several different people involved in the process for issuing the environmental consent, I could only ask one question. They immediately started to talk in a defensive manner about how residents did not have any interest in public debates and that they did everything according to the legislation. To four out of nine follow-up questions that I sent, the Ministry responded *"It is not my responsibility to answer this question*" despite the questions being directed to that Ministry. To my question of how they considered the interest of the local communities in the planning process, they responded *"There has been no interest at all, since the construction of hydropower plants is considered as projects that do not have a significant impact on the environment".* This further suggests that the person who answered, merely acknowledges the environmental harm that may arise from hydropower projects in general, or the wrongdoings that resulted in social harm to local communities in Kosovo. Only one Ministry official, who couldn't meet me in person, conveyed a sense of responsibility and accountability towards achieving justice in his emailed responses: "*In the future, we need communication and inclusiveness of the public, especially the people who live there*...". While some may have expressed a greater sense of responsibility, overall, it can be said that key persons in the decision-making process within the Ministry of Environment have not yet acknowledged their role in the wrongdoing, and thereby are unable to take responsibility.

Similar to the Ministry of Environment, the operator seemed unable to take responsibility as his narrative does not recognize wrongful action from his part. To the question of how the public's interest was included in the decision-making he answered the following:

> "*We have respected all the processes; we have organized the public debates. … They [local residents] don't participate in a public community debate. … They [citizens] are very easily influenced by different interests and manipulated."*

He told me how he believes that locals were manipulated by NGOs and political parties in thinking that the hydropower project has negative environmental impacts. He continued saying how the Russians, including local NGOs and politics had an interest in hijacking his project to decrease Kosovo's energy independence. The operator to local communities as "rebels" due to the protests and the damage done to his construction equipment by some activists. Furthermore, in his narrative, the company did not harm the environment or local community but rather the opposite:

"*All of our plants are covered with wood and stones even though I was not obligated by the law, but I wanted to be environmentally friendly… But it increased the cost of the project by 30%."*

According to the operator, when locals realized that the environmental damage and water supply concerns were "*all lies"*, residents apologized to him. The locals I interviewed could not confirm this apology. However, for the operator, this apology by residents confirmed his rightful actions. Therefore, he also could not understand why the Ministry of Environment is not issuing any environmental permit as the ultimate act that allows hydropower operations.

While the Energy Regulatory Office's licensing regulations partly enabled hydropower operators to operate without environmental permits, the representative of the Regulatory Office expressed awareness and some level of responsibility. The bylaw put in place by the Energy Regulator only requires a license for power generation for projects above 5 MW capacity (see figure 7) which made it easy for investors of hydropower plants below 5 MW, which represents the majority, to operate without the environmental permit, even though primary legislation mandates an environmental permit for all projects subject to EIA (all hydropower plants) *(Law on Environmental Impact Assessment*, 2010). The representative of the Regulatory Office stated that "*maybe if I will go back in 2017, I will put a stop, without environmental permit, there is no chance to enter into operation. But we couldn't imagine that the investor will have such a problem".* On one hand, this could suggest that the Regulator was not aware of legal violations that may result in ecological damage and is somewhat aware of their responsibility in that. On the other hand, it also highlights the protective nature that exists towards the private sector and the lack thereof for those communities whose livelihoods have suffered.

5.2.3 Reconstruction

Although several journalists, NGOs, different embassies, politicians and even the Minister of Environment visited the area of Štrpce to talk to residents, none of the interviewed residents perceive to have received a sincere apology from the offenders, but still express hope. One resident described how many important people such as the current Prime Minister and then politician promised him that the hydropower construction in Štrpce will stop once he and his party get in power, "*but now they [Prime Minister] are in charge and promises are nowhere to be fulfilled*". Another resident confirmed that many people came to visit but the authorities did not apologize: "*No apology! The apology was pepper spray*.". Furthermore, the Minister of Environment came on Earth Day (26th of April) 2021 to visit the people of Štrpce and promised to assess what went wrong, and to take measures towards

those wrongdoings. This is certainly a step towards acknowledging the harm caused and taking responsibility to make things just. While there is distrust in the sincerity of the promises made to the local communities, most residents I talked to were still hopeful that justice will be served in the end. One resident said how "*authorities told us that they will be here to catch those people that were involved in hydropower*. *… It sounds like rumours that the government and the people that we talked to [NGOs, Ministry of Environment], they are preparing to do something."*. Especially the Albanian identifying residents expressed hope for positive change and justice with the newly elected government.

5.2.4 Repair – more than empty promises

While there were attempts of apologies and promises were made by actors such as the Minister of Environment, those promises remain mostly unfulfilled and concrete outcomes for transformative change are lacking. The Minister of Environment partially fulfilled his promise by supporting the formation of the working group to assess administrative acts for hydropower which identified wrongdoings and made recommendations for every single hydropower plant commissioned within the last decade to correct those wrongdoings (see chapter 5.3.1). However, none of these recommendations have been put into practice so far according to the Water Council, "*it's been two years and they [the government] haven't done it [taken action based on given recommendations]. … it's a never-ending story*". According to all legal experts I have talked to, the government is not taking action, while NGOs and locals are still fighting their cases alone in court. A legal expert who works for an NGO told me how "*it [the current hydropower situation] is kind of stuck now. ...The situation is messy, because the government is afraid to take action"*.

While the government seems unable to act, the options for repairing the wrongdoings are rather clear. Several interviewed legal experts as well as the above-mentioned assessment report suggested two different pathways for the government to get out of that 'messy situation' and make things just. Either to change the water permits into concession agreements between the state and the operators, or to revoke all licenses and permits in non-compliance with the legislation. The first option might be easier as it is less radical. If a concession agreement would be signed by current operators, they could operate for another 15-20 years, while the hydropower plant would thereafter belong to the state. The government could then decide to keep those plants of special importance and demolish others, while keeping in mind the public's interest and Kosovo's limited water resources. The second pathway is described as a more radical suggestion in the sense that revoking all issued acts will force the government to go into legal battles with the operators who in turn will demand compensation. An

NGO said that this option is unlikely to happen "*…because they [the government] will not get positive feedback from citizens and voters saying that they had to compensate operators for like 50 or 60 million … and therefore they are trying to get this issue on hold."*.

The government's lack of taking action for years now 'allows' operators to continue operating non-compliant with legislation. In 2022, due to an NGO pressuring the Ministry into monitoring conditions for operating and constructing, "*the environmental inspectorate has inspected all hydropower plants in the past year [2022] and for all those that did not have an environmental permit, decisions have been issued to stop the works"* (Ministry of Environment). Therefore, around 14 hydropower plants in Kosovo should not be operating, including all four in Štrpce. This however does not correspond to reality, at least not for the three hydropower plants that I visited in Štrpce, which were all operating. According to an NGO, the reason for ineffectiveness of these decisions may be the fact that operators have applied for environmental permits, but the Ministry is incapable to issue them due to legal violations of earlier issued acts, which highlights the challenges of the situation.

On a more positive note, the construction of hydropower plants has been drastically restricted, and legislative changes have been enacted mainly driven by public reaction more than government action. The new and recently approved Energy Strategy completely bans hydropower developments to achieve renewable energy goals (Ministry of Economy, 2023). Additionally, procedural justice concerns have informed legislative changes that have recently been approved. For example, the new EIA law now requires the Ministry of Environment to organize public debates instead of the operator and the location of the public debate is now restricted to be in a municipal building located within the municipality where the project is implemented. (*Law on Environmental Impact Assessment*, 2023). Additionally, civil society involved in the environmental field can now also participate as an observer during the issuance of the environmental consent. One NGO said that "*the government now is quite careful, listening to the civil society*". Finally, the awareness of environmental issues among civil society has noticeably changed according to interviewed NGOs, as additional environmental NGOs have emerged, and environmental issues have been prioritized more.

5.2.5 Recommendations

Along the concrete pathways presented above, several different measures were mentioned by experts that need to be employed by the government to achieve long-term change. These measures include, to increase the overall capacity for the environmental monitoring and inspectorate, place environmental interests before economic interests, and hold those accountable who wrongfully acted in order to effectively reduce corruption. The Water Council put it that way:

"*You can't tolerate for too long the failure of implementing the law without taking anybody accountable…. for two years, you found all these discrepancies, you find all these failures, and you haven't proceeded to take disciplinary measures against any of them. … If you're not going to hold anybody accountable, then it's wishful thinking that things will change eventually*".

6 Discussion

6.1 Systematic exclusion of local communities and cases of water grabbing

My analysis shows that procedural justice considered within administrative procedures on paper, failed to be translated into practice. Local communities have been systematically excluded from a meaningful decision-making process. Despite years of protests, support from NGOs, as well as an assessment of the administrative acts issued for hydropower plants, all interviewed residents expressed a sense of disenfranchisement as to when justice will be achieved. Redress actions in the case of Štrpce have not yet been realized. Instead, court cases filed by NGOs and locals to achieve redress and punish those who caused harm, seem to be neglected. All of this despite the legislation on the inclusion of local communities being relatively strong, and comparable to EU legislation such as the EIA process. While there have been some loopholes that may have partly enabled the exclusion of civil society from participation, the main issue that cause procedural injustices seems to be the lack of law enforcement. The problem of ineffective law enforcement is not unheard of in Kosovo and has been studied in different contexts including environmental and human rights legislation (Bouriaud et al., 2014; Joireman, 2016). My research re-affirms the conclusions of previous studies that have documented the failure of Kosovar authorities to prioritize environmental protection (Popovici et al., 2017) although many interviewees have seen positive changes in recent years. Therefore, it is crucial to assess *how* this gap between policy and practice has come about, in order to pinpoint where changes are needed. This brings me back to the theory of restorative justice, where EIA processes are often cited as a restorative justice tool to ensure that energy justice principles are achieved in practice to prevent harms in the first place which is not the case for Kosovo (Hazrati & Heffron, 2021). Also, Siciliano et al (2018) found that the lack of law enforcement was the main reason for exclusion of affected communities in dam development in the Global South, even though strong environmental legislation were in place. Therefore, even with restorative justice tools in place to prevent damages, such as the EIA process, procedural justice principles are not assured if there is not constant monitoring and enforcement of regulations in place (Siciliano et al., 2018). The recent changes made to the EIA law to close loopholes that partly hinder local participation (see section 5.2.4) are therefore only

valuable if the issue of law enforcement is seriously addressed, which has been pointed out by many interviewees.

Cases of Water Grabbing

The hydropower development in Kosovo illustrates the phenomenon of water grabbing, where powerful actors gain control over natural resources to increase their own benefits while local communities are systematically marginalized. "Water Grabbing" is often described as a process in which "powerful actors gain control over use and increase their own benefits by diverting water and profit away from local communities" (Islar, 2012, p. 375). In one study on Turkey's neo-liberal approach to the water sector, rivers have been privatized to accelerate electricity production and thereby created issues of access to water to favour private interests over those of rural communities (Islar, 2012). The phenomenon of privatization described in Islar's (2012) study is comparable to Kosovo's approach where private investors have gained the rights to the rivers for around 40 years for the sole purpose of electricity production. Furthermore, the "false" participation enabled by powerful actors such as the operator and the Ministry of Environment is another phenomenon often seen in the water grabbing processes (Matthews, 2012). A case study of Thailand's hydropower development in the Mekong Basin described how decision-making processes lacked transparency, systematically excluded affected communities from participation and involved high levels of corruption (Matthews, 2012). This again compares with processes observed in the case of Kosovo where important information about hydropower development was withheld from local communities which resulted in the exclusion of those communities from participation in the decision-making process. Furthermore, residents of Štrpce were offered "compensation" in form of a one-time paycheck, which was perceived as a transaction for them to stay silent. This can be described as an act of bribery by the operator used as a means to easily secure access to resources, which can be seen as a form of corruption. Therefore, the case of Kosovo's hydropower development is an example of processes that can be seen in many other places where powerful companies claim the right to natural resources such as water and can thus be described as a case of water grabbing. However, a notable distinction in the case of Kosovo is that the means to obtain water rights were originally not intended through the issuance of water permits, but through a concession procedure with less power given to private companies. Nevertheless, the political economy of a weak state may be more susceptible to be driven by interests of powerful elites, as observed in Kosovo (Siciliano et al., 2018).

6.2 Lack of responsibility hinders meaningful efforts at restoring justice

The observed lack of *responsibility* of many stakeholders involved in the decision-making process is hindering meaningful efforts at restoring justice. The needed restorative dialogue between harmed communities and those who cased the harm does not come with comfort, but rather with the uncomfortableness of listening to facts and proposals that challenge existing structures of the energy system. ”Restorative justice proposes that through these uncomfortable dialogues, we can learn, grow, and commence healing.” (Wallsgrove, 2022, p. 183). However, most actors directly, but also indirectly, involved in the decision-making process and wrongdoing seemed to be unable to take responsibility for their actions. Especially so the Ministry of Environment, despite their knowledge of wrongful actions, uncovered through their own assessment report on administrative procedures. The operator also lacked responsibility for harms caused within the local community. The operator’s narrative in which locals are simply destructive “rebels” although the operator has followed all legislation, seems to legitimize the lack of responsibility. In a thought experiment by Wallsgrove (2022), he analyses restorative justice elements like responsibility in terms of Hawaii’s current electricity industry which is linked to the illegal overthrow of the Hawaiian Kingdom. The study concludes how not only those who have directly participated in the illegal overthrow carry responsibility but also those who indirectly benefit from the act of wrongdoing such as current investors of the electricity industry. In the case Štrpce, the operator's lack of responsibility may therefore be attributed to his indirect benefit from the lack of law enforcement and monitoring that enabled easy access to permits.

The observed lack of responsibility is further hindering meaningful acts to restore justice in terms of *reconstruction* and *repair*. While for example the Minister of Environment visited the people of Štrpce alongside many other actors, interviewed residents did not feel to have received a sincere apology due to mostly unfulfilled promises. Therefore, while apologies are an important step to initiate change and social healing, they should come with an “obligation of responsible action in the present and future” (Janssen, 2013, p. 73; Wallsgrove, 2022). However, due to the absence of a sincere act of restoration, moving beyond the currently observed blame-game and gaining forgiveness from the local community may be difficult (Wallsgrove, 2022). Although the potential courses of action for rectifying wrongfully issued administrative acts are presented, the government's willingness to take action appears to be absent. On the other hand, current decisions that aim to correct mistakes such as those made by the Ministry of Environment to stop operations of most hydropower plants lack enduring outcomes due to their ineffectiveness.

Ultimately, restorative justice means re-evaluating what happened, and to give up old narratives about how energy systems have developed, who has participated and how, and to move forward in a more just way (Wallsgrove, 2022). It asks for reflection on who should benefit from the energy system and the power distribution among actors within that system. In the context of Kosovo this also means evaluating the story of how the desire to become a part of the EU pressured national politics to achieve a fast transition to renewables while neglecting local needs and natural resource availability. And it is also about telling the story that granted rent seeking actors easy access to a limited natural resource to be exploited for profit. Only with this re-evaluation step, which is currently hampered due to actors' inability to take responsibility and meaningful actions to correct wrongdoings, a just energy transition in Kosovo can be achieved.

6.3 Justice has not been restored but change is in the air

Although justice has yet to be achieved for Štrpce residents, the social resistance movement led by ordinary citizens may have had far-reaching effects. For one, it was citizens' concerns over their environment and livelihoods that highlighted problems associated with small-scale hydropower, and prompted action towards assessing administrative procedures, which in turn revealed many irregularities. Additionally, citizens' concerns for nature may have resulted in environmental protection being pushed up the political agenda. A more concrete change that may not restore past harms but may put an end to future harms caused by hydropower development, is Kosovo's decision to move away from using its limited water resources to produce electricity in the future (Ministry of Economy, 2023). Instead, the focus will be put on solar and wind energy to achieve renewable energy targets. However, this shift to solar and wind should be informed by lessons learnt from hydropower development. Many studies have documented how wind and solar projects are causing similar procedural injustices as presented in this thesis (Barragan-Contreras, 2022; Cambou, 2020; Yenneti & Day, 2015). For example, the implementation of a solar farm in India increased marginalisation of rural communities due to the failure of adopting procedural justice aspects in planning phase (Yenneti & Day, 2015). Therefore, the process for implementing wind and solar projects in Kosovo might be equality challenging if procedures of x and y are not transparent, inclusive and fair. In that sense, this study may serve as a reminder for energy stakeholders in Kosovo to rectify past wrongdoings and let those inform future energy decision so that the energy transition serve all.

6.4 Reflections on theory, limitations, and research gap

Theory of procedural and restorative justice enabled me to assess aspects of justice of the decarbonization effort of a post-conflict country in Southeast Europe, that can similarly be applied to

other Balkan countries experiencing similar concerns of justice in regard to hydropower (Pavlakovič et al., 2022; Schwarz, 2015). A large amount of hydropower plants in the Western Balkan area are being constructed in protected areas (Schwarz, 2015), whereby in many cases lack of transparency in the decision-making process and lack of compliance with environmental protection regulation and corruption has been observed (Pavlakovič et al., 2022).

Limitations of my study include general limitations to qualitative case study research and limitations to data collection and analysis. Despite analyzing the phenomenon of xxx at different scales by including a local perspective and linking to the national sector, generalizability is limited as my findings may be highly contextual (Yin, 2014). Another limitation includes the lack of data on environmental impacts that have arisen from the small-scale hydropower plants investigated in this study. While the assessment of environmental impacts is outside the scope of this study, it would be highly necessary for future research to gain a better understanding of the environmental damage caused by hydropower plants in Kosovo. A further potential limitation of this study is that the views presented here are not representative of the entire community of Štrpce. Through snowball sampling, only residents who were critical to the hydropower project were interviewed. This gave me limited access of residents who were in support of the project. Furthermore, I was not able to interview all actors involved in the decision-making process such as individuals from the municipality or the national park directorate which limits perspectives represented in my results. On the other hand, of those individuals I was able to interview, the narratives align and their sincereness about experienced harms cannot be ignored.

7 Conclusion

In conclusion, despite relatively strong environmental legislation, the case of hydropower in Kosovo, illustrates how local communities have been systematically excluded from the decision-making process and processes of water grabbing were in place. Low compliance with respective legislation allowed operators to gain access over natural resources to increase their own benefits against the resistance of local communities. The observed lack of responsibility of many stakeholders involved in the decision-making process is now hindering meaningful efforts at restoring justice. Although pathways of correcting wrongdoings are laid out, the willingness of the government to act is lacking. The restorative dialogue between harmed communities and those who caused the wrongdoings has not (yet) had the necessary uncomfortableness that is needed to challenge existing structures of the energy system. Although, hydropower development has been abandoned from future energy goals, the shift to meet renewable energy targets by solar and wind must be informed by the lessons learnt

of hydropower procedures. This study may serve as a reminder for energy stakeholders in Kosovo to rectify past wrongdoings and let those inform future a just energy transition.

7 References

Aarhus Convention. (1998). *2161 UNTS 447 - Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*.

A.I. MESPI-No 16/2015. (2015). *Administrative Instruction MESP-No 16/2015 On Information, Public Participation and Interested Parties in the Proceedings of Environmental Impact Assessment*. Ministry of Environment, Spatial Planning and Infrastructure.

A.I. MESPI-No 4936-2/18. (2018). *Administrative Instruction MESPI-No 4936-2/18 on Procedures for Water Permit*. Ministry of Environment, Spatial Planning and Infrastructure.

Ali, A. M., Algburi, S. S., & Aljaradin, M. (2018). Design optimization of a hybrid hydro-wind micropower system for rural communities. *Journal of Engineering and Sustainable Development*, *22*(2).

Law on Environmental Protection, Law No. 03/L-025, Assembly of Republic of Kosovo (2009).

Law on Environmental Impact Assessment, Law No. 03/L-214, Assembly of Republic of Kosovo (2010).

Law on Construction, Law No.04/L-110, Assembly of Republic of Kosovo (2012). http://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Construction.pdf

Law on National Park "Sharri", Law No. 04/L-087, Assembly of Republic of Kosovo (2012). http://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20National%20Park-Sharri.pdf

Law on Waters of Kosovo, Law No. 04/L-147, Assembly of Republic of Kosovo (2013).

Law on Environmental Impact Assessment, Law No. 08/L-181, Assembly of Republic of Kosovo (2023).

Balkan Green Foundation. (2019). *Hydropower Plants in Kosovo – The problems and their real potential*.

Bankwatch Network. (2018, January 31). *As pollution blankets Pristina, so do protests*. https://bankwatch.org/blog/pollution-blankets-pristina

Bankwatch Network. (2021). *The Energy Sector in Kosovo*. https://bankwatch.org/beyond-fossil-fuels/the-energy-sector-in-kosovo

Barragan-Contreras, S. J. (2022). Procedural injustices in large-scale solar energy: a case study in the Mayan region of Yucatan, Mexico. *Journal of Environmental Policy and Planning*, *24*(4). https://doi.org/10.1080/1523908X.2021.2000378

Bouriaud, L., Nichiforel, L., Nunes, L., Pereira, H., & Bajraktari, A. (2014). A property rights-based analysis of the illegal logging for fuelwood in Kosovo. *Biomass and Bioenergy*, *67*. https://doi.org/10.1016/j.biombioe.2014.05.028

BP. (2022). BP Statistical Review of World Energy 2022,(71st edition). *Bp*.

Bryman, A. (2016). Social Research Methods - Oxford University Press. *Oxford University Press*.

Cambou, D. (2020). Uncovering injustices in the green transition: Sámi rights in the development of wind energy in Sweden. *Arctic Review on Law and Politics*, *11*. https://doi.org/10.23865/arctic.v11.2293

Center for Strategic Litigation. (2021). *Suspension measures on the operation of the Brezovica Hydropower Plant – HPP Brezovica in Shtrpce are reinstated*. https://www.cslkosovo.org/en/works/suspension-measures-on-the-operation-of-the-brezovica-hydropower-plant-hpp-brezovica-in-shtrpce-are-reinstated/

Cernea, M. M. (2021). The risks and reconstruction model for resettling displaced populations. In *Social Development in the World Bank: Essays in Honor of Michael M. Cernea*. https://doi.org/10.1007/978-3-030-57426-0_16

Ciuta, I., Gallop, P., & CEE Bankwatch Network. (2022). *The Western Balkan power sector: between crisis and transition*. https://bankwatch.org/wp-content/uploads/2022/12/2022-12-05_The-Western-Balkan-power-sector.pdf

Constitution of the Republic of Kosovo, (2008). https://aceproject.org/ero-en/regions/europe/KS/constitution-of-the-republic-of-kosovo/view

Constitutional Court Kosovo. (2023). *Constitutional review of Judgment [ARJ. nr. 116/2021] of the Supreme Court of Kosovo of 28 October 2021 - Case No. KI36/22*. https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-aktgjykimit-te-gjykates-supreme-te-kosoves-arj-nr-116-2021-te-28-tetorit-2021/

Easton, G. (2010). Critical realism in case study research. *Industrial Marketing Management*, *39*(1). https://doi.org/10.1016/j.indmarman.2008.06.004

EEAS. (2021, October 20). *The European Union and Kosovo - An overview of relations between the EU and Kosovo* . https://www.eeas.europa.eu/kosovo/eu-and-kosovo_en?s=321

Energy Community. (n.d.). *Treaty establishing Energy Community*. Retrieved April 30, 2023, from https://www.energy-community.org/legal/treaty.html

Energy Community. (2012). *D/2012/04/MC-EnC: Decision on the implementation of Directive 2009/28/EC and amending Article 20 of the Energy Community Treaty*.

Energy Regulatory Office. (2014). *Decision V_673_2014 to set Feed-In-Tariff for the production of electricity from Renewable Energy*. http://ero-ks.org/Vendimet/English/2014/V_673_2014_eng.pdf

Energy Regulatory Office. (2022). *Annual Report 2021*.

ERO. (2017). *Rule on authorization procedure for construction of new generation capacities from renewable energy sources* . http://ero-ks.org/2017/Rregullat/Rule%20on%20Authorization%20Procedure%20for%20Construction%20of%20New%20Generation%20Capacities%20from%20RES.pdf

European Commission. (2014). *IPA 2014 /032355 / Kosovo/Kosovo A Decommissioning and Feasibility Study on Kosovo B*. https://neighbourhood-enlargement.ec.europa.eu/system/files/2016-12/12._ipa_2014_kosovo_a_decommisioning_20141027.pdf

Fearnside, P. M. (2006). Dams in the Amazon: Belo Monte and Brazil's hydroelectric development of the Xingu River Basin. In *Environmental Management* (Vol. 38, Issue 1). https://doi.org/10.1007/s00267-005-0113-6

Fearnside, P. M. (2014). Impacts of Brazil's Madeira River Dams: Unlearned lessons for hydroelectric development in Amazonia. *Environmental Science and Policy*, *38*. https://doi.org/10.1016/j.envsci.2013.11.004

Galvin, G. (2018). *10 Things You Didn't Know About Kosovo*. U.S. News. https://www.usnews.com/news/best-countries/articles/2018-02-15/10-things-you-didnt-know-about-kosovo-europes-youngest-country

Gorski, P. S. (2013). "What is Critical Realism? And Why Should You Care?" *Contemporary Sociology: A Journal of Reviews*, *42*(5). https://doi.org/10.1177/0094306113499533

Government of British Columbia. (n.d.). *Community Environmental Justice Forums Questions and Answers*. Retrieved April 6, 2023, from https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/cejf-qas.pdf

Gross, C. (2007). Community perspectives of wind energy in Australia: The application of a justice and community fairness framework to increase social acceptance. *Energy Policy*, *35*(5). https://doi.org/10.1016/j.enpol.2006.12.013

Hazrati, M., & Heffron, R. J. (2021). Conceptualising restorative justice in the energy Transition: Changing the perspectives of fossil fuels. *Energy Research & Social Science*, *78*(102115). https://doi.org/10.1016/j.erss.2021.102115

Heffron, R. J., & McCauley, D. (2017). The concept of energy justice across the disciplines. *Energy Policy*, *105*. https://doi.org/10.1016/j.enpol.2017.03.018

Hess, C. E. E., & Fenrich, E. (2017). Socio-environmental conflicts on hydropowerThe São Luiz do Tapajós project in Brazil. *Environmental Science and Policy*, *73*. https://doi.org/10.1016/j.envsci.2017.03.005

Islar, M. (2012). Privatised hydropower development in Turkey: A case of water grabbing? *Water Alternatives*, *5*(2).

Janssen, C. I. (2013). Corporate Historical Responsibility (CHR): Addressing a Corporate Past of Forced Labor at Volkswagen. *Journal of Applied Communication Research*, *41*(1). https://doi.org/10.1080/00909882.2012.731698

Jenkins, K., Mccauley, D., Heffron, R., & Stephan, H. (2014a). Energy Justice, a Whole Systems Approach. *Queens Political Review*, *2*(2).

Jenkins, K., Mccauley, D., Heffron, R., & Stephan, H. (2014b). Energy Justice, a Whole Systems Approach. *Queens Political Review*, *2*(2).

Jenkins, K., McCauley, D., Heffron, R., Stephan, H., & Rehner, R. (2016). Energy justice: A conceptual review. In *Energy Research and Social Science* (Vol. 11). https://doi.org/10.1016/j.erss.2015.10.004

Joireman, S. F. (2016). External Conditionalities and Institutional Change: Constructing Constituencies for the Rule of Law in Kosovo. *East European Politics and Societies*, *30*(2). https://doi.org/10.1177/0888325415593631

Kelly-Richards, S., Silber-Coats, N., Crootof, A., Tecklin, D., & Bauer, C. (2017). Governing the transition to renewable energy: A review of impacts and policy issues in the small hydropower boom. In *Energy Policy* (Vol. 101). https://doi.org/10.1016/j.enpol.2016.11.035

KEPA. (n.d.). *Kosovo Environmental Protection Agency - About Us*. Retrieved May 1, 2023, from https://ammk-rks.net/en/per-ne

Kosovo Environmental Protection Agency. (2021). *Annual report on the state of the environment for 2020*.

Kuriqi, A., Pinheiro, A. N., Sordo-Ward, A., Bejarano, M. D., & Garrote, L. (2021). Ecological impacts of run-of-river hydropower plants—Current status and future prospects on the brink of energy transition. In *Renewable and Sustainable Energy Reviews* (Vol. 142). https://doi.org/10.1016/j.rser.2021.110833

Kvale, S., & Brinkmann, S. (2009). InterViews: Learning the craft of qualitative research interviewing, 2nd ed. In *InterViews: Learning the craft of qualitative research interviewing, 2nd ed.*

Lacey-Barnacle, M. (2020). Proximities of energy justice: contesting community energy and austerity in England. *Energy Research and Social Science*, *69*. https://doi.org/10.1016/j.erss.2020.101713

Lajqi, S., Đurin, B., Berisha, X., & Plantak, L. (2020). Analysis of the potential for renewable utilization in Kosovo power sector. *Environments - MDPI*, *7*(6). https://doi.org/10.3390/environments7060049

Liermann, C. R., Nilsson, C., Robertson, J., & Ng, R. Y. (2012). Implications of dam obstruction for global freshwater fish diversity. *BioScience*, *62*(6). https://doi.org/10.1525/bio.2012.62.6.5

Matthews, N. (2012). Water grabbing in the mekong basin - An analysis of the winners and losers of Thailand's hydropower development in Lao PDR. *Water Alternatives*, *5*(2).

McCauley, D., & Heffron, R. (2018). Just transition: Integrating climate, energy and environmental justice. *Energy Policy*, *119*. https://doi.org/10.1016/j.enpol.2018.04.014

McCauley, D., Heffron, R. J., Stephan, H., & Jenkins, K. (2013). Advancing Energy Justice: The Triumvirate of Tenets. *International Energy Law Review*, *32*(3).

MESPI. (n.d.-a). *DEPARTMENT FOR INSPECTION OF ENVIRONMENT, NATURE, WATERS, BUILDING AND SPATIAL PLANNING*. Retrieved May 1, 2023, from https://mmphi.rks-gov.net/Others/Department?DepartmentID=5

MESPI. (n.d.-b). *REGIONAL RIVER BASIN AUTHORITY*. Retrieved May 1, 2023, from https://mmphi.rks-gov.net/Others/Department?DepartmentID=4

MESPI. (2021). *Raport i grupit punues për shqyrtimin e procedurave administrative të zbatuara për hidrocentrale dhe ndikimin e tyre në ujëra dhe mjedis*.

Ministry of Economy. (n.d.). *Ministry of Economy, Department of Energy - About Us*. Retrieved May 1, 2023, from https://me.rks-gov.net/en/department-of-energy#.ZA8f_y0w1QI

Ministry of Economy. (2023). *Energy Strategy of the Republic of Kosovo 2022-2031*. https://kryeministri.rks-gov.net/wp-content/uploads/2023/03/Energy-Strategy-of-the-Republic-of-Kosovo-2022-2031.pdf

Pavlakovič, B., Okanovic, A., Vasić, B., Jesic, J., & Šprajc, P. (2022). Small hydropower plants in Western Balkan countries: status, controversies and a proposed model for decision making. *Energy, Sustainability and Society*, *12*(1). https://doi.org/10.1186/s13705-022-00335-7

Popovici, M., Azizi, A., & Gojani, M. (2017). *Significant Water Management Issues A public dialogue on the most important issues affecting the water environment in Drini i Bardhë River Basin*.

Princeton University. (2011). *Shapefiles for Rivers, Kosovo, 2011* . Princeton University Library. https://maps.princeton.edu/catalog/stanford-fb191xg7246

Renöfält, B. M., Jansson, R., & Nilsson, C. (2010). Effects of hydropower generation and opportunities for environmental flow management in Swedish riverine ecosystems. *Freshwater Biology*, *55*(1). https://doi.org/10.1111/j.1365-2427.2009.02241.x

Republic of Kosovo, M. of E. D. (2013). *National Renewable Energy Action Plan (NREAP) 2011 - 2020*.

Richter, B. D., Postel, S., Revenga, C., Scudder, T., Lehner, B., Churchill, A., & Chow, M. (2010). Lost in development's shadow: The downstream human consequences of dams. *Water Alternatives*, *3*(2).

Samurović, K. (2019, August 7). *How Hydropower is Changing the Balkan Landscape*. Geography Realm. https://www.geographyrealm.com/how-hydropower-is-changing-the-balkan-landscape/

Schlosberg, D. (2007). Defining Environmental Justice: Theories, Movements, and Nature. In *Defining Environmental Justice: Theories, Movements, and Nature* (Vol. 9780199286294). https://doi.org/10.1093/acprof:oso/9780199286294.001.0001

Schwarz, U. (2015). Hydropower Projects in Protected Areas on the Balkans. *Riverwatch & EuroNatur*, 34.

Schwarz, U., & Vienna, F. (2022). *Hydropower Projects on Balkan Rivers - 2022 Update*.

Siciliano, G., Urban, F., Tan-Mullins, M., & Mohan, G. (2018). Large dams, energy justice and the divergence between international, national and local developmental needs and priorities in the global South. *Energy Research and Social Science*, *41*. https://doi.org/10.1016/j.erss.2018.03.029

Sovacool, B. K., & Dworkin, M. H. (2015). Energy justice: Conceptual insights and practical applications. *Applied Energy*, *142*. https://doi.org/10.1016/j.apenergy.2015.01.002

Sovacool, B. K., Heffron, R. J., McCauley, D., & Goldthau, A. (2016). Energy decisions reframed as justice and ethical concerns. In *Nature Energy* (Vol. 1). https://doi.org/10.1038/nenergy.2016.24

Tiemessen, A. E. (2004). After arusha: Gacaca justice in post-genocide Rwanda. *African Studies Quarterly*, *8*(1).

USAID. (2018). *Kosovo Biodiversity Analysis*.

Walker, G. (2012). Environmental Justice: Concepts, Evidence and Politics. In *Environmental Justice: Concepts, Evidence and Politics*. https://doi.org/10.4324/9780203610671

Walker, K. F., & Thoms, M. C. (1993). Environmental effects of flow regulation on the lower river Murray, Australia. *Regulated Rivers: Research & Management*, *8*(1–2). https://doi.org/10.1002/rrr.3450080114

Wallsgrove, R. (2022). Restorative Energy Justice. *UCLA Journal of Environmental Law and Policy*, *40*(2). https://doi.org/http://dx.doi.org/10.5070/L540257928

Wallsgrove, R., Woo, J., Lee, J. H., & Akiba, L. (2021). The emerging potential of microgrids in the transition to 100% renewable energy systems. *Energies*, *14*(6). https://doi.org/10.3390/en14061687

Wikipedia. (2022). *Kosovo A Power Station*. https://en.wikipedia.org/wiki/Kosovo_A_Power_Station

Wolsink, M. (2007). Planning of renewables schemes: Deliberative and fair decision-making on landscape issues instead of reproachful accusations of non-cooperation. *Energy Policy*, *35*(5). https://doi.org/10.1016/j.enpol.2006.12.002

World Bank. (2018). *Water Security Outlook for Kosovo*.

World Bank. (2021). *GDP per capita (current US$) - Kosovo, Sweden*.

Yamamoto, E. K. (1999). *Interracial Justice - Conflict and Reconciliation in Post–Civil Rights America* (1st ed.). NYU Press.

Yenneti, K., & Day, R. (2015). Procedural (in)justice in the implementation of solar energy: The case of Charanaka solar park, Gujarat, India. *Energy Policy*, *86*. https://doi.org/10.1016/j.enpol.2015.08.019

Yin, R. K. (2014). Case Study Research Research: Design and Methods 5th Edition. In *SAGE Publications* (Vol. 26, Issue 1).

Zarfl, C., Berlekamp, J., He, F., Jähnig, S. C., Darwall, W., & Tockner, K. (2019). Future large hydropower dams impact global freshwater megafauna. *Scientific Reports*, *9*(1). https://doi.org/10.1038/s41598-019-54980-8

Zehr, H. (2005). *Changing Lenses: A New Focus for Crime and Justice* (3rd ed.). Herald Press.

8 Appendix

8.1 Appendix 1 – Interview Guide

Interview Guide

Past

→ Procedural Justice informed (access to information, to meaningful participation and claims for redress/justice)

- How transparent would you say, has the planning and decision-making process been for hydropower plants esp. towards the public and local communities?
- Were you aware of the decisions made around the hydropower project(s)?
- When and how did you first learn about the development of a hydropower plant in your town?
- How was the interest of the public (such as local communities and NGOs) considered in the planning process for hydropower projects?
- How were you involved in the redress process against the hydropower development in the Strpce cases? (court case)

Present

→ Restorative justice informed: recognition, responsibility, reconstruction & repair

- Who is responsible for the damage in your opinion?
- Relating to the outcomes of the hydropower assessment report from June 2021 authored by the Ministry of Environment: What do you see as the main reasons that that have led to this gap between policy and practice?
- How do you think this gap between policy and practice can be closed in the future also for other RES projects? What is the Ministry/other actor doing to close this gap?
- What has changed as a result of the citizens' protests against the hydropower developments?
- What are your efforts at restoring the wrongdoings?
- Do you think the Ministry/other actor(s) has learned from its mistakes?
- Where do you see the biggest change has happened for the planning and implementation process of hydropower plants?
- Have you received any reconciliation from the government or the energy company? (apology, financial etc?)

Future

→ Informed by Restorative and Procedural Justice elements

- What do you think is a fair decision making process for hydropower but also other renewable energy projects? How do think the local community should be involved into the decision making process? // **residents:** How would you wish you would be informed about hydropower or other projects that have an environmental impact in the future? (where, how often, when, what kind of information)
- How do you think the ministry should move forward with all the hydropower plants that shouldn't legally be operating? Eg. Those without env. Permit. What do you see as a good and fair solution?

8.2 Appendix 2 – Consent Form

Consent form

Name of the interviewer: Jamila Gysin
Contact information (Email / phone) of interviewer:

Date .....

Purpose of the study

Thank you very much for taking the time to talk to me. I have asked you for an interview as part of a master thesis which I carry out in the last term of the International Master Program in Environmental Studies and Sustainability Science at the University of Lund in Sweden.

I would like to know more about energy justice aspects in the hydropower sector in Kosovo. The purpose of this interview is to get a better understanding of the procedural (in)justice in the planning and implementation for hydro power decision making. I have a few questions that we would like to ask you. All information is confidential and will not be revealed or associated with your name unless you agree to it. If you do not want to answer a question please tell me, the interview is entirely voluntary, and you can discontinue it at any moment. If you want me to explain a questions, please do let me know.

Do you consent that I can use your answers for my thesis project?

Authorization for using the information / responses (Yes / No)	.....
Respondent wants to stay anonymous (Yes / No)	.....

Name of the interviewee (if anonymous write anonymous here) .....

Organization and position of interviewee (if respondent agrees to it being noted down and used) .....