Transposition of Advocacy Experience as Triple-Loop Social Learning in Albania: Fighting HPPs in Protected Areas from the Vjosa River Basin to the Canyons of Osumi

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Abstract: This paper traces the learning experiences of communities, living near protected areas, taking to the Administrative Court, in view of a lack of environmental crime law that would render these cases penal procedures, government decisions awarding the right to build hydropower plants to several national and international companies. We focus on the first four such administrative lawsuits in Albania, arguing against the construction of HPPs in the protected areas of the Vjosa river basin, the Valbona Valley National Park, the Seta river, and the Canyons of Osumi, from 2016 to 2018. Based on Brown et al.'s definition of triple-learning loops as a process transformative of decision-making paradigms and of the learning process itself (2015, pg. 1685), we demonstrate how the fight to protect national parks, biomonuments and dependent livelihoods, accompanied by social media campaigns and protests, have informed practices of participatory social learning (Brown 2015, 1686). We break down the dynamics of the multi-level and multi-agency approaches of these claims, to denote and explain the role of multiple social actors opposing the lack of compliance with environmental legislation on protected areas. We, ultimately, argue that the switch in feedback loops has acted as a catalyst for sustained behavioural change, and rendered possible the transposition of advocacy practices across different communities.

Keywords: triple learning loops; protected areas; environmental law; adaptability; Albania

Introduction

Since 2008, one of the main priorities of the Albanian government has been the exploitation of water resources in the country. First and foremost, the idea for the exploitation of water resources in Albania is based on the wrong conviction that given how the per capita water use in the country is among the highest in Europe this resource is endurable and associated benefits are permanent. Thus, the Albanian government focused on the massive development of hydropower plants (HPPs) of different sizes and types. These efforts however, have been accompanied by an indiscriminate action to exploit all water resources, independently of their ecological and biological values and approved permits for HPP constructions have been awarded independently of their social and environmental impacts. This way "[t]o date there are around 500 hydropower plants in Albania that are either operative, under construction, or planned. Of these, 105 are located in protected areas. Such power plants have had a significant impact on local biodiversity (Gjoka, 2018)." The lack of transparency that surrounded the processes of concessions the government made to private, foreign and in-country companies contributed to a widely chaotic misinformation process that made for a powerless citizen. At present, 95% of

Albania's electrical consumption needs are covered by production from hydro sources (Ministry of Infrastructure).

However, the implementation of such policies is not backed up by any significant, or meaningful study, on water resources in Albania and any proof that the production capacities of existing and proposed HPPs would eventually outweigh the permanent destruction of the natural ecosystems where they were built or are planned (Revista Monitor, 2013). The case is even more so when it comes to HPPs built in protected areas (PA). More to this point, several environmental NGOs and activists in Albania and elsewhere argued against these measures. The various privately-owned HPPs have brought about significant alterations to the Albanian landscape. The most prominent biologists in Albania saw themselves improvising as activists and arguing in favor of protecting the flora and fauna (Miho 2015a; Miho 2015b; Miho 2015c).

More specifically, just to briefly reference the average drop in annual rainfalls, the Albanian Institute of Statistics (INSTAT) reports, net domestic production of electricity decreased by 36.6% in 2017, with "public hydro plants decreas[ing production] by 42.7% and independent and concessionaire power producers decreased [production] by 21.3%" (INSTAT). The contrary was true a year later, to be fair. According to the same data gathering and interpretation process, in 2018, a good year given the rise in 89% gross domestic production of electricity, "public hydro plants contributed 68.4%, while independent hydropower plants realized 31.6% of the net domestic electricity production" (INSTAT).

As studies on the impact of HPPs, small and medium, that have sprung everywhere are beginning to be carried out either by Albanian biologists and scientists, or international bodies concerned with the environment it is obvious that the abovementioned premise does not hold true. While Albania might have a high water resource per capita in general, the relatively low and fluctuating productivity of HPPs when compared to their environmental impact does not always justify their presence.

Furthermore, the indiscriminate construction of HPPs has forever altered the landscape of the livelihoods of the communities that reside near them. While often advertised as one of the last unexploited European gems, local eco-tourism has suffered, especially in the case of touristic initiatives relying on the Valbona river PA, as we will show later on in this paper.

The current government came into power in 2013 with the promise they would halt the ferocious HPP development, but this did not prove to be the case and personal and corruptive interests have since often prevailed. Then again, the Albanian government is paying lip service to European integration strategies aiming at supporting and developing sustainable tourism, increasing environmental quality and contributing to 'blue growth', such as the EU Strategy for the Adriatic and Ionian Region (EUSAIR).

The situation escalated to the point that an assessment study, titled 'Identification of water related conflicts linked to hydropower project in Albania' (Qendro, 2017) carried out as a joint effort of several main environmentally focused think tanks and NGOs operating in Albania in 2017 showed the dire consequences of the clashes between communities threatened by the construction of HPPs and state authorities. More specifically, between 2012 and 2016, 34 people were arrested, among whom protesting the Cernaleva HPP three women and one minor, while six casualties were recorded overall.

Meanwhile, the negative impact of HPPs on ecosystems and the communities left without water became the subject of several journalist denouncements both at home and abroad. Among the most outrageous examples, the Rapuni 1 and 2 projects built in the Shebenik-Jablenica national park registered the desertification of much of the protected area and failed local mini businesses relying on water mills (Qendro, 2017).

Community Organization and Knowledge Transfer

This section of the paper traces the learning experiences of communities, living near protected areas, taking to Administrative Court, in view of a lack of environmental crime law that would render these cases penal procedures, government decisions awarding the right to build hydropower plants to several national and international companies. We focus on the first four such administrative lawsuits in Albania, arguing against the construction of HPPs in protected areas and more precisely those of Poçem in the Vjosa river basin, the Valbona Valley National Park, the Seta river in the Dibër Municipality, and in the Canyons of Osumi, from 2016 to 2018. We demonstrate how the fight to protect national parks, biomonuments and dependent livelihoods, accompanied by social media campaigns and protests, have informed practices of participatory social learning (Brown et al. 2015, 1686).

The most sensational case of an HPP being built on a river while highly disrupting its ecosystem was that of the HPP planned in Poçem, in the Vjosa river, one of the few existing wild rivers in Europe. The plans for Poçem made the round of the news and of the European community of environmentalists, whom organized and staged several protests in Tirana, in front of governmental buildings. What gave protesters a leg up in this fight was the successful association of Vjosa with the 'Blue Heart of Europe' area of which the river is part, tracing the beginning of the river as the Aoos in Greece and making casual references to the mythologies the latter is tied to. Biologists, nature conservationists and both traditional and social media jumped on the branding. Although within national parks from Slovenia to Greece a total of 1,003 HPPs were estimated to exist in 2018, while 188 were being built and 2,798 were planned (Morris, 2018), the argument that the dam in Poçem would forever alter the landscape of Vjosa caught up. Poçem's case altered the landscape of protests organized by small and poor communities, which often were paid fleeting attention by traditional media, but never received any support from outside civil society organizations (CSOs) and/or environmental actors. The community protest in Poçem benefitted from visual materials and strategic protest tools, such as people chaining themselves to block nearby national roads (Koha Jonë, 2016). Another peculiarity of the protests in favour of the preservation of the Vjosa River was the public stance against the governmental decision on the part of five Mayors, belonging to the Përmet, Tepelenë, Memaliaj, Mallakastër and Selenicë Municipalities, who argued against the Environmental Impact Assessment that informed such decision, in February 2017 (BIRN, 2017).

Thus, Poçem marked the first instance of a community, 37 individuals supported by three national NGOs, taking the state to court, and more precisely sued the now former Ministry of Energy and Industry, the now former Ministry of Environment and the National Environmental Agency, over the approval of an HPP permit. The sensationalism had turned into excitement and hope and the materialization of the protest into a court case, the first of its kind. CSOs felt more compelled and secure enough to speak up and insisted on the government's obligations to several international agreements, such as the Bern Convention (ecoalbania, 2018). On 2 may 2017, via Decision no. 1813 (ecoalbania, 2017), the Administrative Court of First Instance of Tirana found the approval of the HPP permit on Poçem to be invalid and stated that the expenses incurred by the plaintiff were to be covered by the indicted parties. More precisely, the decision of the Court stated that the developer did not fulfill his duty, and did not inform the general public on the public hearing, according to conditions specified in point 6 of DCM no. 247, date 30.04.2014, 'On the definition of rules, requirements for informing procedures and the involvement of the general public in environmental decision-making processes'. The latter states that the developer must notify and inform the public via audiovisual media channels, printed local and national media, given the national character of the HPP project, the placement of informative tables at the place where the project is to be developed, and making available material concerning the public hearing at the offices of the Local Government Unit (ecoalbania, 2017).

Although the victory of the community impeding the construction of an HPP in Poçem was historical and ground-breaking, the practice of building HPPs in protected areas did not stop there. Another, more sensationalist, case was that of the HPP permits approved on the Valbona river.

> "In January 2016, local people in Valbona Valley National Park learned of the plans to build as many as 14 hydropower plants along 30km of Valbona River, 8 of them wholly within the National Park. The procedure and content of the projects' environmental impact assessments demonstrate non-transparent decision making, disregard for local communities' well-being and indifference towards high conservation value ecosystems, including a complete disregard of the fact that the development is occurring in a protected area" (Toka, 2018).

Here the Valbona community benefitted from a relatively long, taking into account the history of the nation, and stable operations of eco-tourism. The Valbona community had been attracting tourists from all over the world as one of two most popular mountain destination, together with Theth, and had been advertised internationally by big international actors acting in the country, such as The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Albania, which supported the development of the Peaks of the Balkans trail. Needless to say, the Valbona community protests made use of the momentum built by the protests still occurring with regard to the Poçem HPP and representatives of the cultural community in Albania, who had supported the electoral campaign of the ruling party or the Prime Minister himself given his role in the cultural promotion of the country abroad, voiced their stance against the HPPs. A series of events and actions were organized by different stakeholders, among which the most popular proved to be two concerts: one organized in Valbona, which attracted Albanians from all over the country and from Kosovo as well, and another one in Tirana in the city center. Protest supporting the conservation of the Valbona River were also held in New York. The concerts were played by internationally renowned figures. The events were accompanied by some ongoing fund-raising that goes toward the legal battle.

The court case regarding Valbona proved to be a harsher battle, accompanied by some outrageous court standings. First and foremost, the suing community, the Valbona community, at a certain time was not even recognized as a lawful representative of the region by the Administrative Court of First Instance of Tirana. The first lawsuit "was thrown out by the court after 14 hearings and 5 months," as the Court stating that the government makes decision with the best interest of the citizen in mind. The plaintiff argued that their rights to free speech and "right to information, involvement in decision making and judicial recourse in development decisions with environmental impacts," (Toka, 2018) deriving from the Aarhus Convention of which Albania is a signatory, were not respected. The case is still being processed, while the construction company, or the HPP company, is sporadically working on the project, excavating and permanently altering the environment. Conversely, the developer Gener-2 and their subsidiary company Dragobia Energy have taken to court one of the main organizers of the protest over damages on their image. The Toka NGO, as the leader of the lawsuits and any other organization against the HPPs in Valbona, nevertheless states that the experience so far has been overall a positive one. "The battle so far has been notable in helping to change the national perception of protected areas and National Parks, from distrusted, 'mysterious' zones created by the government to limit the rights of inhabitants to national treasures belonging to the people" (Toka, 2018).

In 2015, the National Territorial Council, part of the National Territorial Planning Agency, released a permit for the construction of four HPPs onto the Seta River, to the HydroSeta Power company. Given how the area is protected by Albanian law, and more precisely via Decision of the Council of Ministers no. 676, date 20.12.2002, "On the provision of protected natural areas" and Law no. 112/2012 "On the integrated management of water resources", inhabitants of the area brought their claim to court asking for the partial annulment of the concession contract concerning the construction of the last HPP, SETA 4. The inhabitants claimed that this particular HPP would impact two, out of four, canyons which are within the protected area. While the inhabitants of the area argued that the deviation of the water resources would impact PAs and decimate the trout population, the representative of the former Ministry of Infrastructure and Energy argued that given how the HPP would not be built on PAs or biomonuments the plaintiff's claim had no grounds. The inhabitants of Çidhën faced the state in court since 27 July 2017 and during 17 months they participated in a total of 20 judicial sessions. In August 2017 the police prosecuted 20 inhabitants that tried to block construction

in the area. In December 2018, the Administrative Court of First Instance definitely dismissed the plaintiff's claims and although the case was presided by a judge, "the decision was taken by a majority of votes" (Curri, 2018).

Nevertheless, a last case arguing for the protection of PAs, was still won by a community taking on the role of the plaintiff. A concession to the HEC Bigas and Veleshnje company, to build two HPPs in the Bigas watershed, in the Canyons of the Osumi River was kept secret for years, from 2013 to 2018 to be precise, until the case was uncovered by one of the top media channels in the country. Following the highly unpopular news, and how the Canyons of Osumi have become one of the main touristic attractions in the country, highly advertised via celebrities and high-level politicians, and hence a meaningful generator of revenues for the areas, adjacent communities, touristic operators and the general public started protesting the decision both in the streets and online. In a very successful first, the construction permit given to the developer was found to be irregular by the Ministry of Tourism and Environment and the Ministry of Infrastructure and Energy (MIE). More precisely, the MIE announced on 15.02.2018 that the administrative act concerning this case's Environmental Impact Assessment was null. Ultimately, the developer would sue the government on the rescission of the permit to no avail.

Figure 1. Map of hydropower plants in protected areas throughout Albania (source: exit.al)

A successful series of community protests was that of the inhabitants of Zagoria. The Albanian branch of the Dutch giant, Shell, had signed another silent contract with the National Agency of Natural Resources, representing the former Ministry of Energy and Industry, to drill in four different blocks in Albania via DCM 350, date 12.6.2018, "On the approval of the contract dividing production on the research, development and production of hydrocarbons in the soil, in Albania, Block 4, between the Ministry of Infrastructure and Energy, represented by the National Agency for Natural Resources and Shell Upstream Albania B.V.". When the Dutch

company announced community hearings, as per Law no. 10281, date 20.05.2010, "On concessions", protests ensured. The popularity of the region, deriving not just from its touristic destination status but from the fact that one of the most popular bottled waters comes from Zagoria and is named after the region, social media followed up with online petitions and denouncing the nature of the arrangement. Ultimately, unable to conduct public hearings with the communities and overwhelmed by the pressure coming from public opinion, Shell Upstream Albania declared it was giving up its search for oil in Zagoria.

Indeed, the transformation of the overall situation regarding translated into such pressure for the next Minister of Infrastructure and Energy, after the restructuring of the Ministry and the government even more widely, that in February 2019 she declared that she would freeze works on the two HPPs that were to be built in Gramsh, near the Holta Canyon, another very popular tourist spot (Spasić, 2019). The declaration did come after protests were organized by inhabitants of Gramsh and villages near the Holta Canyon. In a first, the Minister also stated that she would investigate 182 licenses issued to build a total of 440 HPPs (Spasić, 2019), and backed her statement with thefact that the damages these SHPPs would cause outweigh the economic gain they generate (Spasić, 2019).

What had occurred at a national level, thanks to social media, traditional media and journalists that were willing to challenge the status quo of silent deals, agreed upon away from the public eye, was participatory social learning which had translated these actions into "knowledge exchange, adaptive management and local leadership, together with recognition of informal or tacit knowledge systems that extend beyond conventional scientific knowledge (Nazarea 2006 in Brown 2015, 1686)." Participatory social learning allows for "[p]luralistic approaches to knowledge development can provide an important enabler for engagement of civil society in sustainability planning if they can incorporate longer time horizons, adaptability and feedbacks, integrated approaches, and systems thinking (Burch et al. 2014 in Brown 2015, 1686)."

As Löf explains in his paper, *Exploring Adaptability Through Learning Layers and Learning Loops*, the need of small communities, that depend on water resources and rely on protected areas statuses in various locales throughout Albania to sustain their livelihoods, to adapt and react against a situation always in their disfavor led to various learning loops (2010). Social learning with relation to environmental protection and conservation has also been the subject of relatively recent studies (e.g. Keen and Mahanty 2006; Maarleveld and Dabgbégnon 1999; Pahl-Wostl et al. 2008; Stagl 2007; Wals 2007 in Löf 2010, pg. 534).

> "Social learning has for instance been applied to denote individual learning in a social context; learning by social aggregates (Stagl 2007); or synonymously with participatory processes, co-management and collaborative governance (Mostert et al. 2007). The latter conceptualization emphasises that multiple-loop (group-layer) learning does not come automatically but requires deliberate and strategic efforts. (Löf 2010, pg. 534)."

Transformation of Feedback and New Learning Loops

Based on Brown et al.'s definition of triple-learning loops as a process transformative of decision-making paradigms and of the learning process itself (2015, pg. 1685), we demonstrate how the fight to protect national parks, biomonuments and dependent livelihoods, accompanied by social media campaigns and protests, have informed practices of participatory social learning (Brown 2015, 1686). We, further, argue that these communities have been able to turn a self-reinforcing feedback loop, one where economic laws undermine national and international environmental legislation contributing to the mismanagement of national natural resources for over a decade, to a balancing one, where implementation of environmental legislation is equated to higher community awareness and organization. Employing Löf's distinction of governance versus government and governing (2010, pg. 534), we break down the dynamics of the multi-level and multi-agency

approaches of these claims, to denote and explain the role of multiple social actors opposing the lack of compliance with environmental legislation on protected areas.

For years, and more precisely since the communist regime in Albania, HPPs were built in PAs altering the livelihoods of the communities living near them and making use of protected resources. Caught in a negative feedback loop where corruption weakened democracy and left no space for governance, Albanian citizens kept quiet. Switching to a double-learning loop would have meant that the citizens in the communities of Osum, Vjosa, Seta and Valbona would have had to put up with the at least one of the elements represented in the loop diagram in Figure 2, - ultimately, an impossible task if they wanted to achieve social and environmental justice.

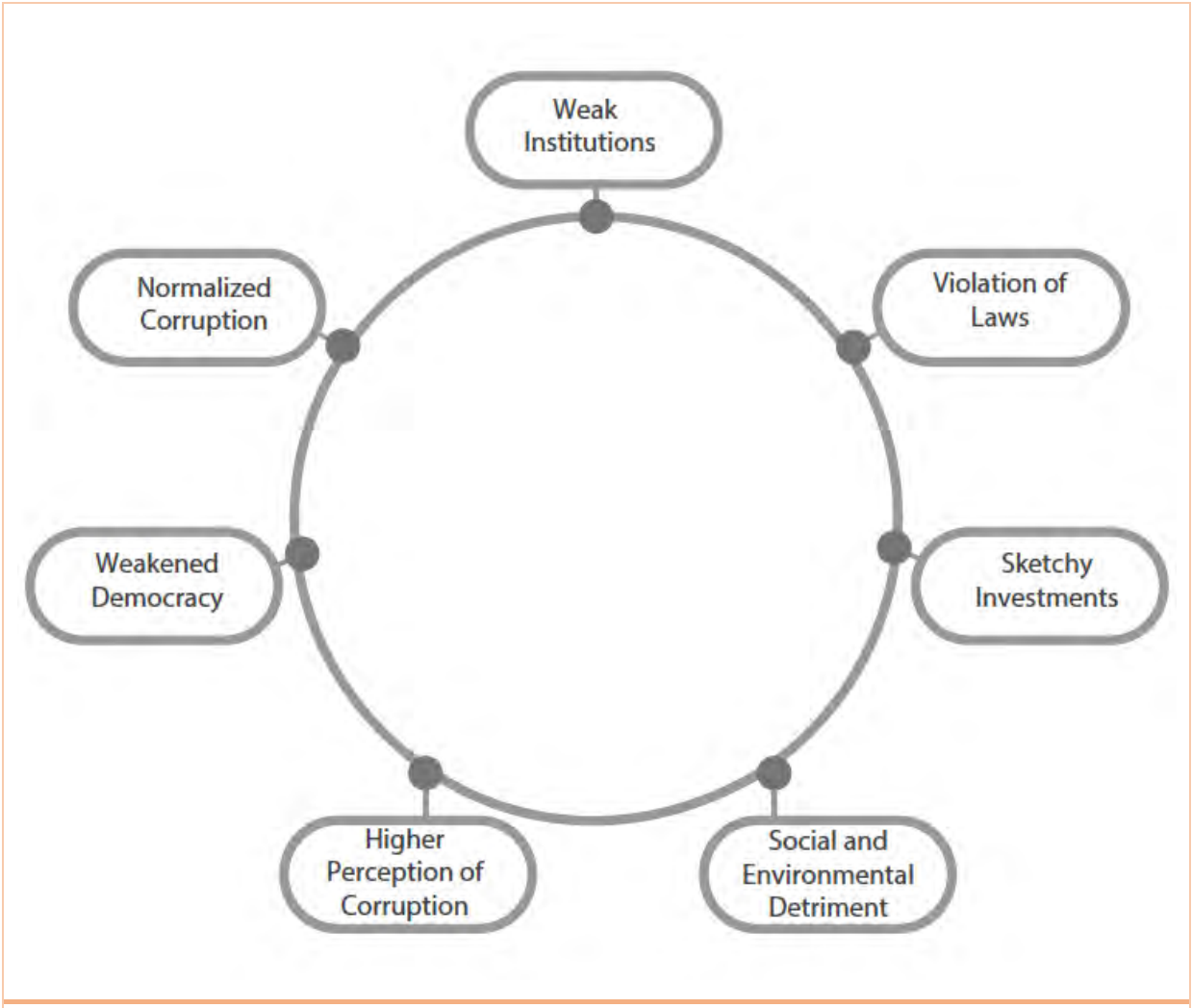

Figure 2. Reinforcing feedback loop (authors work)

In the previous section of the paper, we have shown how communities, together with other key actors, were able to switch to a balancing loop (Drutman, 2015), in which corruptive practices of economic legislation were countered by pro-active communities arguing in favour of the rightful application of national environmental legislation, thus, bringing the democratic system in Albania to a new stable system.

To better support the claim of this paper, that is to say that the learning loops in Albania represent a case of triple-loop learning rather than a double-loop one, it is worth shortly focusing on the distinction between the two.

As Petersen points out, landscape conservation has usually made use of single-loop learning processes, where problem solving was directed by the desired achievement, with new strategies being continually envisioned and

implemented after initial failures (2014, pg. 784). Nevertheless, this kind of learning loop only led extremely low successful percentages, and it led to even less operational changes (Petersen 2014, pg. 784). In other respects, double-loop learning requires the identification, development and integration of new behavioral changes, "as informed by the new values and frames, into group norms and relationships so that it becomes the new normal (Putnam 2014)." While Brown et al. provide the best definition of a triple-loop learning process:

> "Triple-loop learning takes actors beyond pre-existing structures by challenging existing decision paradigms and the contexts which frame the decision-making process, including underlying principles and norms (Maarleveld and Dabgbe´gnon 1999; Pahl-Wostl 2009). Full triple-loop learning may therefore be conceptualised as learning about the learning process itself and how this process can be further enhanced to tackle new challenges and opportunities (Brown et al. 2015, 1686)."

In short, the differences between the different learning loops that have wanted to specify in this paper, with regards to the events that have taken place in Albania following the approval of HPPs in nationally protected parks, is also presented by Löf, in his publication with the *Environmental Education Research* journal:

> "*Single-loop* learning refers to ad hoc or routine learning, simply responding to errors by making smaller adjustments. *Double-loop* learning refers to actively trying to change protocols and organisational norms in response to detected errors (Argyris and Schön 1978). *Triple-loop* learning entails fundamental change of the entire mental model the governance or management process is based on (Keen and Mahanty 2006 in Löf 2010, pg. 533, authors' emphases)."

In this paper, we, ultimately, argue that the switch in feedback loops has acted as a catalyst for sustained behavioural change, and made possible the transposition of advocacy practices across different communities in Albania. We have focused on these learning loops as they challenge the status quo and disrupt the correlation between poverty, inequality and environmental degradation. Most importantly, we hope this paper serves as a reminder that environmental and social justice are deeply interwoven and that changes with regards to adaptability and governance call for:

> "[b]alancing short term needs with longer-term requirements for sustainability while managing multiple uses, accounting for legacy issues, and integrating the dynamic and complex relationships between human and nature through space and time requires a more complex and integrative approach than is normally used in biodiversity conservation and natural resource management (Thiault et al. 2017, pg. 448)."

We also aimed to show in this paper, that the approach toward the protection of national parks and connected livelihoods employed "[m]ulti-modal (direct, deliberative), multi-level (local, urban, national) and multi-user (policy, [activist], research) learning loops (JPI Urban Europe)", not only as the Looper project distinguishes in general, but also as has become general knowledge when dealing with conservation efforts and/or water management (Petersen 2014, pg. 782; Balazs 2014, pg. 99).

Conclusions

HPPs, be them small or medium, in a time of technological acceleration most often cannot catch up with their own temporalities, - the multiple timelines that include needs for approvals, public hearings feasibility studies, and the upkeep - and the social and political worlds, - often small and already having achieved self-sustainability, just like the ones we have presented in this paper, - where they would be of relevance are already obsolete. The role of the technical/engineering expert becomes irrelevant and the role of the nature conservationist takes crucial importance. The false image these failed megaprojects projected as a necessary

modernity were not only met by a knowledgeable public, but one that was willing to learn and do more. At a time of a new climatic regime, the vision of relying for energy production on the exploitation and alteration of small and medium HPPs proves unsustainable. Drawing from UNFCC data, rainfall in Albania is expected to decrease by approximately 14.37% by 2080 and by more than 18% by 2100, while becoming more unpredictable throughout the year (Gjoka, Hoxha and Bashmili, 2018, 107-8). The overview of the exploitation of water resources in Albania, as a top-down process regulated by central government deepening financial strains for local communities, presents us with what Bruno Latour hypotheses, "the explosion of inequalities and the denial of climate change are one and the same phenomenon (2018, p. 1-2)."

This paper is instrumental in the way it gives out an accurate account of the learning loops through which communities around Albania, living near protected areas and living off of them, passed in an organic manner with on-the-spot organization, guided by the principle of law. The social learning lesson we draw from the above cases is that it is precisely the triple-loop learning that which makes for long-term structural change (Balazs 2014, pg. 100). Furthermore, it is imperative to demonstrate, as this paper does, that these communities shook things up and completely transformed the feedback loop that the news and top-down development approaches dictated daily via the news. These communities were successful in gaining national and international visibility and went from marginalized groups to efficient governing bodies. They transformed a negative feedback loop, one where corruptive practices weakened democracy and public institutions, into a positive feedback loop, one in which governance and adaptability determine the fate of communities and the environment, and the kind of development they seek. The first four cases of citizens taking the state to court over nature conservation marked the forming of a new public, proactive, international, collaborative, engaged and engaging, and a shift from passive to active citizenry. A culture about water, biodiversity, the protection and conservation of ecosystems as values to be upheld not as commodities to be fought upon, and about the support and promotion that remote populations, which perform this kind of work, deserve was set. "[S]ocial learning provides a link between procedural and distributive justice; to the extent that it changes water management institutions (Balazs 2014, pg. 99)."

What this paper ultimately demonstrates is that communities are willing and able to contribute to effective governance even in a developing and problematic context such as that of Albania. However, what is lacking in the latter is the use of online platforms and other traditional methods, such as traditional community planning and design workshops, to effectuate policies. These tools were, however, only employed to resist top-down, environmentally exploitative policies. To conclude, we would very briefly state that the current state of development and planning policies should shift focus from 'sustainability' to inclusive development, which "focus[es] on social wellbeing and protecting the ecosystem services of nature through redefining political priorities, especially in the context of the Anthropocene (Pouw and Gupta, 2016, 104)."

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