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# A Step Closer or a Step Further from Corporate Social Responsibility: Building Hydropower Plants in Albania and Bosnia and Herzegovina



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# A Step Closer or a Step Further from Corporate Social Responsibility: Building Hydropower Plants in Albania and Bosnia and Herzegovina

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## EXECUTIVE SUMMARY

The policy paper examines how can corporate social responsibility be applied within the landscape of Western Balkans, having a focus on Albania and Bosnia and Herzegovina (BiH). This paper analyses the environmental aspect of corporate social responsibility in these two respective countries, more specifically, it will evaluate existing regulations and practices in building hydropower plants and small hydropower plants in local communities. It will tackle the effects of developing hydropower plants on the right to life, right to clean and healthy environment, water rights and what role can companies play in respecting these rights. The sustainable development perspective will also be included in the policy analyses. It will particularly address disputed cases of building and developing hydropower plants in Albania and BiH and provide an overview of protective mechanisms in similar cases. The paper will end with policy recommendations towards both the states and companies.

## INTRODUCTION

Corporate social responsibility (CSR) is a concept that firstly appeared in the 1930s (US Institute of Medicine 2007: 5) and has been evolving since. CSR is a way companies can mitigate their impact on society and extend their compliance with the law (ILO 2017). CSR expects companies to both refrain from activities that can result in negative impacts on society and also encourages positive contributions that companies can make to economic and social progress (ILO 2017). CSR is a very common term in today's business, and we can see companies incorporating socially desirable policies into their corporate culture and core values. CSR has developed as a response to increasing pressure on big companies to comply with human rights standards and environmental protection (Miller & Guthrie 2007: 7-22). Many authors agree that CSR is not static and can be interpreted in various ways, varying from country to country, region to region. The United Nations Industrial Development Organisation (UNIDO) has published that CSR balances economic, social, and environmental performances (UNIDO n.d.). In practice, it means that companies should balance financial income and sustainability, show sensitivity to relevant social issues and marginalised minorities, and engage in philanthropy and volunteerism.

CSR is a subject of numerous international instruments such as the Organisation for Economic Co-operation and Development (OECD) Guidelines, International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, Council of Europe Recommendation CM/REC (2016)<sup>3</sup>, the United Nations Global Compact, the Caux Principles for Business, the Global Reporting Initiative, Global Sullivan Principles, the Principles for Global Corporate Responsibility: Benchmarks, Social Accountability 8000 (SA 8000) and many others. All of these instruments represent non-binding recommendations and guidelines to multinational enterprises of how to cooperate with the governments, how to incorporate, monitor and report on CSR policies, to create a platform for sharing experiences and expertise, and to liaise with different stakeholders (Gordon 2001: 3-4).

Towards the end of the 20th century, the United Nations (UN) has shed light on the most burning human rights issues, which set the base for creating the Millennium Development Goals. The private sector was very poorly included due to its focus on poorer countries. This approach has shifted when drafting the Sustainable Development Goals (SDGs), and CSR has been identified as one of the key elements of improving the set of rights (Hopkins 2016: 2-4).

In search for clean, low-cost and renewable electricity, Albania and Bosnia and Herzegovina (BiH) have been building hydropower plants (HPP) of different strengths, regardless of the severe environmental impact on the ecosystem and local communities. In order to maximise the electricity output, river flows are often subject to alterations, which further contributes to ecosystem degradation, deterioration of river belts, loss of flood control and fisheries (Collier 2004: 3-5). The local community and the poorest among them will be ones to face the consequences of these damages, thus, inclusive decision-making processes must be ensured. Besides public hearing and debates with local communities, proper environmental damage and risk assessment must be conducted flawlessly.

In this paper, we will look closer into the environmental aspect of CSR and analyse how is this implemented in Albania and BiH. In the last ten years, both countries recorded a higher interest in environmental issues (UNECE 2011 & 2012). Many local associations and groups of citizens have been formed, and we can see that awareness around these issues is raised and that ordinary citizens are participating more actively in these processes. Main coalitions of non-governmental organisations (NGOs) working on environmental issues and river protection were only founded in 2012 (EKO BiH) and 2016 (Coalition for river protection in BiH). At the same time, main environmental organisations in Albania were founded in 2008 (Institute for Environmental Policy) and in 2014 (Centre for Protection of the Natural Ecosystems in Albania-EcoAlbania). As both countries are relatively young, green politics is still treated scarcely. However, major international organisations have shed light on the green agenda either through the accession process to the European Union (EU) or UN with SDGs.

## EXISTING CSR INITIATIVES IN ALBANIA AND BIH

CSR in both countries is seen as philanthropy, donations, employment benefits and similar (Ćatić-Kajtažović 2011), or as a luxury that they cannot afford (Van Yperen M & Van der Graaf M 2015: 6). In comparison to BiH which has not developed any other institutional mechanism for enhancing CSR (Čavalić & Bećirović 2017: 28), Albania has initiated this process. Although led by the international community, Albania has become more committed to promote CSR and is more keen to utilise CSR to become a reliable country for investments in Europe. Albania has developed several national strategies, such as the National Action Plan on CSR 2011-2014, National CSR Report 2013 and Business and Investment Development Strategy 2013-2020 (Van Yperen M & Van der Graaf M 2015: 7). These documents have not imposed an obligation for companies to implement CSR, but it remains an entirely voluntary concept (Albanian Center for Competitiveness and International Trade 2020: 10). They have pointed out that it is necessary to focus more on social, environmental and other concerns. It is also necessary to create an enabling environment for incorporating CSR policies (Albanian Center for Competitiveness and International Trade 2020: 10). A CSR Forum was established in 2013, however it was not possible to identify their activities or results (Albanian Center for Competitiveness and International Trade 2020: 10). There is no data showing that HPP companies are implementing CSR in Albania, but rather companies such as Vodafone, Albtelecom and Eagle Mobile, AMC, Intesa San Paolo Bank, ProCredit Bank, Raiffeisen Bank and BKT (Turan & Hoxhaj 2015: 505). The research conducted by Prime Communications on CSR practices in BiH indicate that 92% of company representatives state that their companies' annual plans include CSR, and the same research showed that companies who do have CSR policies present their CSR activities publicly (Čavalić & Bećirović 2017: 28). The UN Global Agreement Network has been established and gathers 72 representatives of local companies and NGOs in BiH (Čavalić & Bećirović 2017: 28).

In conclusion, Albania has seen a higher degree of progress in introducing CSR policies, unlike BiH, which has been stagnating since 1995.

## WHY ARE HPPS RELEVANT?

Albanian electricity is dependent on hydropower as 99.8% of the electricity production is generated by hydropower (WWF Adria & EcoAlbania 2020: 7). There are a variety of reasons for this phenomenon, but the main ones are lack of possibilities to introduce other sources of electricity production (WWF Adria & EcoAlbania 2020: 7) and has great hydro potential, high amounts of watershed and great hydrograph distribution across the country (EcoAlbania, Miliekontakt Albania & LexFerenda 2017). The first HPPs were built in the 1980s (Balkan Green Energy News 2018) and 83 small HPPs (SHPPs) were built until 1988 (Albania Energy Association 2013). Due to changing law regarding concessions in 2007, the hydropower sector grew rapidly, regardless of the environmental and social affects (EcoAlbania, Miliekontakt Albania & LexFerenda 2017). At the same time, the European Bank for Reconstruction and Development (EBRD) noted a progress in Albania moving forward to diversify sources of energy (EBRD 2021: 3). Focus on increasing electricity production, in general, comes from the fact that Albania was forced to import electricity due to rising consumption but also outdated capacity installations. The country has experienced grave shortages and has been unable to cover the demand for electricity since 1985, except in 2016 and 2018 (WWF Adria & EcoAlbania 2020: 8).

Albania's state-owned company KESH (Albanian Electricity Corporation) owns three HPPs on the Drin River, which are considered to be the largest HPPs, amounting to 1350 MW. There is not available data on precise numbers of HPPs in the country, but according to The Political Economy of Energy Transition in Southeast Europe, there are 197 privately-owned generation facilities of whom most of them are SHPPs. Since 2002, no fewer than 540 HPPs were granted concessions. Large HPPs produced 70.6% of installed capacity and SHPPs installed only 24.7% (Friedrich Ebert Stiftung 2021: 23).

Several HPPs have been operational in BiH since the early 19th century but after 1995 building SHPPs has intensified across the country. 119 SHPPs are operational currently in BiH and at least 339 are in various phases of planning, preparation and building. Moreover, it is estimated that around 600 SHPPs are planned to be built, which could mean that at least one hydropower plan will be built on every river in BiH (Eko Akcija 2021). As of 2020, all 108 existing SHPPs in BiH participated in the total production of electricity with only 2.2% or 341.02 GWh (Balkan Green Energy News 2022).

HPPs have three-dimensional consequences: environmental, social and financial. Some of the environmental aspects are that building HPPs leads to permanent devastation of river ecosystems, alterations in morphology of rivers, habitat extinctions and prevents movement of various species. One of the most visible types of evidence one can find is dry riverbeds or riverbeds with insufficient amount of water for the ecosystem. Moreover, HPPs can affect fish migration, by changing water temperature, water chemistry, river flow characteristics and silt load, which can further affect the biodiversity around the river (US Energy Information Administration 2021). CEE Bankwatch Network reported in 2017 that Rapuni 1 and 2 HPPs are recognised as the main threat to water resources in the river Qarrishte, flowing through Shebenik-Jabllanic National Park in Albania. Their visual estimate of the residual flow was only 2% of the river's average annual flow. Moreover, it was reported to them by local organisations that the riverbed has dried up entirely in the recent years (CEE Bankwatch Network 2017). In 2019, the Centre for Environment in BiH reported about a case where many fish died of sludge discharge that occurred due to SHPPs built on Lašva and Drinjača rivers. This was confirmed by experts and a compensation agreement was signed. In addition to this, Lašva river was turned into a waste drain threatening the ecosystem even more. It was also brought to their attention that very soon there will be no more fish migration in Lašva river. As there are already 20 HPPs on it, and if the water temperature rises by one degree which is already occurring, brown trout will become extinct (Centre for Environment in BiH 2019).

Socially speaking, all these abovementioned results of building HPP are that local communities often struggle with flood supplies, access to clean and drinkable water, and watering livestock, thus violating the right to a healthy environment. This usually affects people living in villages who mainly rely on agriculture for a living and pursue sustainable development. Other effects such as forced displacement, impoverishment and loss of cultural heritage might occur (Cernea 2004). One of the examples is Ternove HPP that draws water from several lakes, one of them is the glacial Black Lake, marked as a natural monument. Local communities nearby used water from Black Lake and other lakes around for irrigation. The investor did not consult the local communities regardless of the fact that the constructions would limit access to water and did not introduce a substituting system for irrigation. This particular HPP caused deforestation from the excavation work and the penstock is affected by erosions, increasing the risk of landslides (CEE Bankwatch Network 2017). HPPs were also built at national parks and other tourist destinations, decreasing the revenues from tourism. Decision-making processes are not always transparent and inclusive of people who will be affected by building the HPP. Regardless of the fact that the law prescribes a public hearing with local people, in many cases this is avoided or not publicly published so very few people actually appear. A set of legal irregularities linked to corruption are very often associated with the hydropower industry (WWF Adria & EcoAlbania 2020). Local associations and the local population are still fighting two HPPs planned to build on Valbona River in Valbona National Park in Albania (Balkan Insight 2021).

Governments that endorse building HPPs usually focus on the financial benefits when promoting them. However, taking into account that the state provides incentives for building HPPs, prescribes minimal concession fees and keep low price rates for electricity, it results in minimal revenue rates. HPPs are nowadays operated automatically, which means that they do not provide jobs for people in affected villages, hence the environmental and social damages overcome all other aspects. Revenues achieved

from HPP in Albania for 2019 amount to less than EUR 24 million, while the government spent EUR 27 million on feed-in costs (WWF Adria & EcoAlbania 2020: 32). Concession fees in BiH are relatively low, 1-3% of the total revenue from each SHPP. In Central Bosnia Canton, revenues from concession agreements from 35 SHPPs amount to 0.46% of its budget in 2019 (Eko Akcija 2021). These figures do not take into account any negative social and environmental impacts.

## WHAT'S IN FOR THE COMPANIES?

Albania has defined HPPs up to 15MW as SHPPs due to substantial dependence on hydropower. In 2007, Albania offered feed-in-tariffs to SHPPs solely, which resulted in a significant increase in the number of SHPPs. In reality, electricity produced was purchased at a preferential fixed price by the state-owned company KESH for the next 15 years (WWF Adria & EcoAlbania 2020: 14). Before 2009, only 32 HPPs were operating within the incentives scheme, whereas this number has increased to 196 HPPs by the end of 2020 (Energy Regulatory Authority 2021). By 2018, the cost of incentives in 2018 amounted to EUR 95.3 million, without calculating the cost related to Energy Ashta shpk large HPPs, which is the fourth largest HPP in the country (CEE Bankwatch Network 2019). Additionally, the costs of incentives in 2009 in total amounted to EUR 4.42 million (CEE Bankwatch Network 2019).

Both private and public companies are eager to invest in building HPPs in BiH, as it is one of the most secure financial investments (DeutscheWelle 2019). As explained in the section before, the state benefits are very limited, but on the other hand, the investors have a very high profit margin. Investors receive feed-in-tariffs and sign a contract on mandatory purchase of electricity for 12 (in Federation of BiH) or 15 years (in Republika Srpska) and are guaranteed a preferential price for electricity that is constant and does not depend on the market price of electricity. Everything they produce in those 12 or 15 years will be redeemed at that price (DeutscheWelle 2019). This shows why is HPP business is desirable in both countries, and why investors lobby for enabling them.

Compared to EU states, both countries have a very sporadic and limited plan for green politics and policies. This is also mirrored in the corporate culture, where it is a rarity to find a company that has a CSR policy developed and implemented. A uniform approach to CSR in rich and developing countries has shown limited results in increasing socially responsible behaviour (UN 2007). As the initiation of CSR has come from the rich countries (UN 2007), it is still associated with well-developed and rich countries and is sided in the context of these two countries. Many investments and loans for building HPPs in BiH come from EU countries that are considered to be leading in combating climate changes (Eko Akcija 2021) and the case is similar in Albania (Open Data Albania 2022).

## RATIONALE FOR ACTION

For a long period of time, members of local communities were not empowered and not aware of their right to protest building HPPs and damaging the environment (Bavčić 2019: 45). This phenomenon is also intertwined with the political history of both states, where political and civic literacy is on a relatively low level, especially in rural areas. Both countries are post-conflict countries, which are still enduring consequences of communism and wars, in terms of state-building, democratisation and privatisation. Only the EU accession has shed light on green rights and put this issue on the agenda in the 2010s. Prior to that, it was reasonable that Albania and BiH would prioritise hydropower over wind and solar as they were deemed as too poor to afford these technologies, however, today's assessment is that the two respective countries could afford the new technologies (CEE Bankwatch Network 2022: 2). This goes hand in hand with incorporation of CSR. In general, developing countries are more inclined to put emphasis on socio-economic responsibilities rather than on climate change, socially responsible investments and similar (Visser 2019: 482). During the course of time, environmental activism was formed and was able to reach the local people and engage local people and inspire other local communities, on a rolling basis. Grassroot initiatives and environmental

activism contributed to raising awareness and resilience of members of local communities. Reports indicate that intimidation and abuse of force occurred often in cases where people were physically defending the rivers from bulldozers, as the last resort to prevent building HPPs (Bavčić 2019: 45; Kosanović 2020: 16; Pilipović 2022). This, together with public campaigning, including media, public figures, influencers and engaging on social media, contributed to the progress BiH made.

Lastly, environmental and human rights are linked and co-dependent. The UN has recognised the right to clean, healthy and sustainable environment as a universal human right (UN News 2021). Due to the severe environmental impact listed in the section above and limited gain, building HPPs should be restricted. Having in mind the corruption perceptions indexes for both countries is 110/180 (Transparency International n.d.), the governments are not likely to entirely refrain from building HPPs. After the governments, companies are the next direct instance to address, as they are the ones who perform business activities and gain the profit. Companies could potentially mitigate the risks and negative impacts of HPPs by introducing CSR and environmental awareness policies, following the example of Germany's Development Bank KfW who has given up on financing a 16MW HPP on the Bosna River (Balkan Insight 2022). Companies could act in due diligence in regard to environmental and risk assessments, democratic participation and consultation with local populations and refrain from building HPPs in places that meet requirements for additional environmental protection, regardless of the fact whether the river is indeed protected. This would altogether prevent further devastation of environment in the two countries.

## PROGRESS IN ALBANIA AND BIH

Albania introduced a new law on renewable energy sources in 2017 regulating that only HPPs up to 2MW can enter the feed-in tariff system and provisions for wind and solar were included (CEE Bankwatch Network 2019: 2). Only around 17 new SHPPs have started operating in 2020 (CEE Bankwatch Network 2022), however, by

2019, 714 big and medium HPPs were approved (Exit.al 2019). The total amount of Albania's incentives was less in 2020 than in 2019 and 2018 (CEE Bankwatch Network 2022). The Law on Protected Areas was adopted in 2017 and forbid construction of new HPPs in national parks in Albania (CEE Bankwatch Network 2017). A situation analyses from 2013 recognised that two companies in Albania were implementing positive CSR policies, namely: Energy Ashta shpk and Devoll Hydropower sh.a. Both companies were proactively engaging in conversation with local population and were timely informing them about the project, Energy Ashta shpk introduced a hotline where all raised concerns were addressed within a week, however, a major part of their CSR policies were related to labour conditions and socio-economic conditions (OSCE & Embassy of Canada 2013: 28).

In April 2022, the Government of FBiH has adopted the amendments on Law on Electricity, however, the House of Representatives of the Parliament of the FBiH has not put the amendments on vote yet (Fondacija Atelje za društvene promjene 2022). In 2021, the House of Representatives of the Parliament of the FBiH adopted the Declaration of the Protection of Rivers and voted on a conclusion on a complete ban on the construction of SHPPs in the entire FBiH. In November 2021, FBiH announced that starting in 2022, the government would no longer provide subsidies that support the construction of SHPPs. The National Assembly of the Republika Srpska (RS) has adopted a new Law on Renewable Energy Sources, which abolishes incentives for SHPPs with a capacity of more than 150 kW and larger plants from 150 kW to 10 MW will not be subject to incentives at all (Voice of America 2022). In FBiH, ten concessions for the construction of SHPPs have been annulled, and a public debate is underway on a complete ban on their construction on the territory of the entities, at the suggestion of the Coalition for the Protection of Rivers of BiH (Balkan Insight 2022).

Many countries have opted for providing subsidies in various forms to stimulate the growth of renewable energy in Europe. It is optimal as it guarantees to the investor purchase of electricity at a fixed price, so it is a profitable investment.

The practice in Western Balkans, including Albania and BiH, has shown that the governments have been favouring hydropower, as that is the best-known technology to both the region and affiliated companies. This was understandable and tolerated during the past, as solar and wind energy were too costly for post-conflict countries, however, nowadays both countries are considered to be ready for introducing other sources of renewable energy (CEE Bankwatch Network 2022: 2). The EU Guidelines of State aid for environmental protection and energy 2014-2020 and the Renewable Energy Directive recommend introducing paying premiums and ensuring that producers have to participate in auctions and thus competing with each other. The producer with the most favourable prices in comparison to market price will be awarded with the premium. In this way, it is possible to achieve higher level of cost-efficiency (Balkan Green Energy News 2018).

## POLICY RECOMMENDATIONS

- In order for companies to get more acquainted with CSR in general and to start creating CSR policies, it is necessary that state-owned companies adopt self-regulatory CSR policies on human rights related issues, environmental and social issues and others. This could potentially steer local companies to introduce CSR policies themselves.
- International companies more often have CSR policies incorporated in mother companies than local companies. In order to inspire and motivate local companies to do the same, international companies should revise their CSR policies and adapt them to the location they are operating in. Companies should refrain from greenwashing policies and not abuse the lack of existence of legislation on the environment.
- EU-based institutions and companies should refrain from allowing loans for building HPPs that are not compliant with EU standards in terms of minimum requirements, permits, risk assessments and similar.
- Companies should shift their understanding of CSR from exclusively ensuring labour rights to other aspects, including the environment.
- Companies should proactively campaign and promote environmental rights, and companies not in the HPP business should campaign against HPPs.
- Awareness should be raised towards companies to clarify that by refraining from damaging nature, they are participating in the fight against global climate changes. This can rely on a) state-owned companies implementing CSR and sharing knowledge and experiences on their journey, b) creating a network where all companies operating in a country could measure the impact of CSR on their businesses, c) mitigating the assumption that by introducing CSR, companies are potentially limiting their financial successes and gains.
- Governments should introduce a national strategy which recognises CSR as an instrument in achieving development goals. There should be clear governmental policy on how CSR can contribute to achieve public policy goals, in this case, not building HPPs. This should be marked as one of the priority areas of competent ministries in both countries.
- States must make an effort in ensuring a transparent procedure of issuing environmental risk assessments, permits and participatory decision-making processes and should investigate any suspicion of corruption in this regard.
- Legislative bodies should pass a law increasing liability for damages for building HPPs. Courts should be more informed about environmental rights and how to interpret laws aligned with international standards.
- States should establish inter-institutional working groups to prepare a working plan, review existing and prepare new amendments and initiatives for implementing CSR in both countries. The working groups should include all relevant stakeholders: NGOs, company associations and trade unions, independent experts and similar.
- Local governments should be consistent in organising public discussions and consultations prior to starting the building process. On the other side, local communities need to be able to substantially participate in the consultation process and have equal representation. In order to achieve this, it

is necessary to increase capacities of representatives of local communities to be able to represent their case, through educational and engaging activities.

- Activists should continue creating public campaigns on social media and traditional media about the consequences about HPPs.
- Activists should continue to engage and educate citizens on their environmental rights and to continue to increase awareness of the impacts of HPPs.
- Citizens together with activists should use all legal remedies to exercise their rights.
- There should be more research about CSR in the specific contexts of these countries.

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The Observatory is a 'virtual hub' which comprehends a team of seven researches from the regional programmes to produce, publish and publicly present seven different policy analyses in form of policy briefs, with the aim of making of each regional programme a solid focal point for policy expert advisory in human rights issues.

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