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**Kosovo and the World Bank Inspection Panel:  
Can the subaltern speak?**

**Master's Thesis**

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Supervisors:

**Prof. Dr. Aram Ziai**, University of Kassel

**Dr. Franziska Müller**, University of Kassel

Submitted by

**László Szerencsés**

Matriculation Nr.: 33422820

E-mail: laszloszerencses@gmail.com

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## List of Abbreviations

BIRN	Balkan Investigative Reporting Network
CLRP	Cleanup and Land Reclamation Project
EB	Executive Board
EBERD	European Bank on Reconstruction and Development
ESIA	Environmental and Social Impact Assessment
ESTAP	Energy Sector Technical Assistance Kosovo
FIQ	Forum for Civic Initiatives
GAP	GAP Institute for Advanced Studies
IAM	Independent Accountability Mechanism
IDA	International Development Agency
IFIs	International Financial Institutions
INDEP	Institute for Development Policy
IOs	International Organizations
IP	Inspection Panel
IR	International Relations
JFCU	Joy for Children Uganda
KEDS	Kosovo Energy Distribution Services
KEK	Kosovo Energy Corporation
KLA	Kosovo Liberation Army
KOSID	Kosovo Civil Society Consortium for Sustainable Development
KPP	Kosovo Power Project
LPTAP	Lignite Power Technical Assistance Project
PDK	Democratic Party of Kosovo
RAP	Resettlement Action Plan

RP	Resettlement Plan
RPF	Resettlement Policy Framework
SAF – CLRP	Second Additional Financing for the Energy Sector Clean-Up and Land Reclamation Project
SESA	Strategic Environmental and Social Assessment
SMELT	Stepwise Mining Expansion and Land Take
UNMIK	United Nations Interim Administration Mission in Kosovo
USAID	United States Agency for International Development
WB	World Bank

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## 1. Introduction

According to most International Relations (IR) theories, international organizations (IOs) are accountable to their member states; however, there are only a few examples where the accountability is existent towards the affected citizens. As a rule, people vote for their governments who represent their interests in the respective IO. In case the population is unsatisfied with the workings of an IO, they can exert influence by voting for a new government which may render a more effective representation. Generally, international law has provided a little room for the voice of non-state actors because of the state's relative monopoly in IR. However, the accountability mechanism of the World Bank (WB) belongs to the rare examples where the IO is accountable to the citizens affected by its projects (Ziai, 2016a: 257).

The WB Inspection Panel (IP) was founded in 1993 as an independent body of the WB aiming to monitor whether the institution complies with its own policies and procedures (World Bank, 2009). The peculiarity of the IP lies in the possibility that two or more individuals can file a claim in case they suspect the WB does not comply with its own policies and procedures when implementing a project. The IP aims to empower civil society with the ability to exert pressure on the bank to honor its own social and environmental policy framework, which means financing projects that alleviate poverty and avoid destruction (Clark, 2003: 1). Thus, the IP empowers the people to hold the institution accountable for its own projects (World Bank, 2009: 6). The core principles of the IP are independence, impartiality and integrity and to assure this, the members of the body are selected on a five years term and they can never work for the WB in their remaining career (ibid: 18).

If two or more individuals or NGOs claim, that they are negatively affected by a Bank project, they can firstly report their complaints to the WB itself. If the WB does not satisfactorily answers to the claims, the affected have the right to turn to the IP. The IP only investigates WB projects; therefore, they do not oversee the contingent violation of international law or Bank policies of other IOs or governments. Although the IP does not have jurisdiction over WB projects, in case of noncompliance it can recommend amendments to the WB Executive Board (EB) (Ziai, 2016a: 259).

However, the IP frequently faces the critique that it cannot oversee the implementation of its recommendations; therefore it cannot fulfil its mission to make the WB accountable to the affected citizens. The WB's Management usually attempts to legally challenge the claims, while the highest decision making body, the EB is split along North-South lines. As a consequence, the WB faces challenges with empowering the IP with the necessary

competences to stop or considerably amend a project (Freakle, Fox and Clark, 2003: 254-258; Carrasco, 2008). As a further complication, submitting a claim is relatively complicated due to technical difficulties; therefore the local individuals are often reliant on NGOs while completing the procedure. This practice jeopardizes the success of the WB's initial intention, that the locally affected people should have a direct communication channel towards the decision making body of the WB. The involvement of third parties in the form of NGOs raises the question whether the IP and the assisting civil society actors are really representing the people affected by the projects, or they are giving voices to environmental and social standards which rather withhold economic development. The open question that is often raised is the following: how can NGOs represent the interests of affected people? Are the issues the NGOs represent really considered as problems by the project affected people? (Freakle, Fox and Clark, 2003: 266).

The majority of the claims are filed to the IP as a result of infrastructure development projects. The cases of Kosovo from 2012 and 2015 are concerning the social and environmental impacts of the Kosovo Power Project (KPP), a coal based power plant and its accompanying mining operations. Thus, the Kosovar context is chosen as a case study of the thesis because it fits into the trend of occurring policy violations along infrastructure related investments.

The question of energy sector, especially when it comes to discuss the electricity production has been an intensely discussed issue in Kosovo since the declaration of independence in 2008 (Hashani and Shllaku, 2015: 5). Near the entire electricity production of Kosovo stems from thermal plants which burn lignite, one of the lowest quality forms of coal (Uvalic, 2012: 137). At the moment two lignite-fired power plants, Kosovo A and Kosovo B provide the country with electricity, but they are not able to satisfy the demand of the population. Moreover, due to its technological backwardness Kosovo A is supposed to be shut down in 2017 which poses even greater challenges for Kosovo with regards to energy supply (Inspection Panel, 2015a: 2-3).

To contribute to Kosovo's energy safety, the WB is considering to support the construction of a coal power plant referred to as Kosovo C under the umbrella of the Kosovo Power Project (KPP - Project ID: P118287). The Second Clean-up & Land Reclamation Project (SCLCP - Project ID: P131539) is already running, which assists the preparation of fieldwork for the power-plant and a mine as a fuel source (Inspection Panel, 2015a). What makes the situation complicated is that the coal reserves of Kosovo are located on a broad, densely populated territory with highly arable land; therefore its exploration requires involuntary resettlement from the residing population (Hashani and Shllaku, 2015: 10).



According to international norms to which the WB should adhere, the resettlement should be carried out according to the WB's standards, fulfilling the needs and respecting the rights of the resettled population (Inspection Panel, 2015a).

Individuals and NGOs, among others the Forum for Civic Initiatives (FIQ), GAP Institute of Advanced Studies (GAP) and the Institute for Development Policy (INDEP) from Kosovo have filed two complaints to the IP in 2012 (Case no. 78) and 2015 (Case No. 103) in connection with the planned construction of the coal power plant and the field-works preceding it, with a great concern to involuntary resettlement (Inspection Panel, 2012; 2015b). The claims affect the power plant's two, widely accepted negative consequences: its environmental impact is adverse, and the involuntary resettlements are deteriorating the livelihood possibilities of the population in the surrounding area (IEEFA, 2016: 24). According to the claims, the WB has not fulfilled its duty to satisfactorily monitor the resettlement, and due to their "improper technical assistance" the displacement was not in compliance with either international or WB standards (Inspection Panel, 2015a: 3)

Again, the establishment of the IP at the WB provides an accountability mechanism for the affected people in Kosovo, assuming that the negatively affected would be able to articulate their interests. Nonetheless, giving voice to the individuals faces two vital challenges. At first, NGOs are present in the application, because without their technical knowledge individuals could not file their claims (Treacle et al., 2003: 266); therefore, the attempt for interest articulation of local citizens becomes indirect. Secondly, in the post-conflict Kosovo, often deeply convinced by the neoliberal agenda pursued by the widely present international actors, it is doubtful that all of the affected individuals are able to articulate their interest even with the representative assistance of NGOs (Uberti et al. 2014: 431). Thus, this research attempts to answer the general research question: *To what extent can the NGOs act as a voice of the subaltern and have an impact on the World Bank, through the Inspection Panel in the case of the Kosovo Power Project?*

To answer this question, the research needs to elaborate on three sub-research questions. Firstly, it has to define *who are deemed as the subaltern in this particular case*. Secondly, the research needs to investigate *to what extent can the subaltern articulate its interest through NGOs*. And thirdly, it is crucial to examine *whether the IP provides an effective mechanism to ensure that the voice of the subaltern is listened to and have political consequences*.

In order to answer these questions the research turns to the postcolonial field and implements Gayatri Chakravorty Spivak's theory on the voice of the subaltern (Spivak, 1988). The subaltern in her works refers to *"everything that has limited or no access to the cultural*

*imperialism*”, so to say to the people or groups of people who are not integrated into the hegemonic order (Spivak, 1992: 45). Spivak asserts, that even if the oppressed is given a chance to speak, they are not able to articulate their voices because their own development is “*complicated by the imperialist project*” (Spivak, 1988: 79). However, Spivak also confronts the belief that Western representation can under all circumstances help the case of the subaltern (ibid 78). Thus, the theory on subaltern articulation provides a framework to analyse the NGOs involvement in the IP process and to investigate whether their support helps the representation of the subaltern

To begin, the second chapter of the thesis introduces the emergence and the main trends of the IP, which is followed in the third chapter by a review of the existing research done on the IP and the IP cases of Kosovo. The fourth chapter presents the theoretical background of the thesis, with contextual information provided about the emergence of the term subaltern. After describing the methodology in the fifth chapter, the sixth chapter examines the situation of Kosovo’s energy sector and the WB’s involvement. The seventh chapter reconstructs the IP cases of Kosovo, based on the documents issued by the WB and the IP, while the eighth chapter which is based on qualitative data generation examines whether the subaltern can be represented by the IP in Kosovo.

## **2. The World Bank Inspection Panel**

The introduction of the IP as an accountability mechanism has been a remarkable development from at least two perspectives: IR and international law theory. Firstly, realism in IR would require the IOs to be accountable to their member states while liberal institutionalism would let the IO extend its mandate. Secondly, international law conventionally did not give a significant space for individual voices to be heard in its realm: the subject of international accountability has usually been countries with international sovereignty (Ziai, 2016a: 257).

The WB IP was founded in 1993 by the highest decision making unit, the EB of the WB as an independent body inside the WB’s institutional system. The IP aims to monitor whether the institution has violated its own policy framework and in case of noncompliance it advises the Management and the EB to take the necessary steps to remedy the situation (Clark, 2003: 10). The creation of the institution hoped to make the WB accountable for its own lending decisions and to avoid further violations of social and environmental standards when implementing a project (ibid: 2).

## 2.1. Emergence of the Inspection Panel

The foundation of the IP is rooted in an attitude change in international development policy in the 1980s and early 1990s. These times the institution adopted its social and environmental policies as a result of an external pressure lamenting the detrimental impacts of WB projects on the environment and an internal demand shifting its policy framework towards sustainable development. The social and environmental policies adopted in the 1980s and 1990s required the Bank to evaluate the risks of a planned project, to consult locals who are affected by the construction works or the project itself, to minimize resettlement and to respect the rights of indigenous people and cultural property. However, the implementation of the policies faced challenges due to the WB's annual lending targets and the rewards to staff members in case they managed to lend a significant amount of money (Clark, 2003: 1-2).

As the WB failed to adhere to its own rules, the civil society and project-affected people voiced displeasure with the institution's operations. The most notable outrage followed the Sardar Sarovar Dam and Canal Projects on the Narmada River in India, which caused the involuntary resettlement of 120 000 people (World Bank, 2009: 3). As it turned out to be, the project had not prepared environmental and social impact studies and despite the deficiencies, the WB approved the financial support for the dam. A grassroots level organization the Narmada Bachao Andolan movement protested against the construction of the dam and resisted resettlement with the slogan: "*we will drown but we will not move*" (Clark, 2003: 3). They urged the WB to be held accountable for its role in the project because the institution pushed the constructions forward without considering its social impacts (Clark, 2003: 3).

The Narmada case gathered supporters from Europe, Japan and North-America and as a result of the strong opposition the WB agreed to review the project. The WB set up the Morse Commission in 1991 which was composed of external experts gauging the possibly detrimental impacts of the dam project on locals. In 1992, the commission came to the conclusion that the WB was responsible for the involuntary resettlement and for not considering the environmental and social effects of the constructions (World Bank, 2009: 4-5). Furthermore, the report asserted that the Indian case was not an exception and the WB as a rule agrees to projects without resettlement plans, budgets and timetables which are not in line with the Bank's policy framework (Clark, 2003: 4). Following a six month long internal debate between the EB and the Management, the WB suspended the project (World Bank, 2009: 4-5). Although the government of India decided to continue the project without WB support, and the WB EB voted to go on with an action plan addressing environmental and resettlement problems, the process led by grassroots level organizations developed a

normative framework for resettlement and rehabilitation, which had an impact on further design of WB projects (Clark, 2003: 5).

An internal report (Wapenhan Report) written after the findings of the Morse Commission in 1992 shed light on the institution's structural problems. According to the findings, 37.5% of the WB's projects were "ranked as unsatisfactory" and violated loan-agreements. As it was revealed, the Indian case was not an anomaly itself but a frequent phenomenon accompanying infrastructure development projects financed by the Bank. In addition, the year of 1992 was hallmarked by an even more important event in international development cooperation, namely the United Nation's Conference on Environment and Development in Rio de Janeiro. The conference encouraged the participating states to provide an increased role for civil society involvement in development projects and to take into consideration their incurring impacts on affected individuals (Clark, 2003: 6).

Consequently, the internal debates in the WB and the parallel changes in the international environment after the Rio Summit paved the way for the foundation of the IP. Some NGOs involved in the Narmada case turned to the Morse Commission and the Wapenhans report to argue that an institutional reform of the WB would be legitimate. After the EB voted to continue the funding of the Narmada project, a number of US based organizations lobbied to block US contributions to the WB's International Development Agency (IDA). In 1993 US Congressman Barney Frank and his colleague Dr. Sydney Key stood behind the NGOs' proposals to improve transparency and supported the Environmental Defense Fund's idea to establish a three member body which would investigate complaints filed by project-affected people (Clark, 2003: 7).

In February 1993 with the support of the Executive Directors from Germany, The Netherlands, Malaysia, Chile and Switzerland the idea trickled up to the highest decision making body of the WB in form of a proposal (Clark, 2003: 8). On 22 September 1993 the EB issued a resolution calling on to the creation of the IP and in September 1994 the IP began to function. The first three IP members were Richard Bissell from the US, Alvaro Umaña from Costa Rica, and Ernst-Günther Bröder from Germany (ibid: 9).

## **2.2. The structure and mandate of the Inspection Panel**

The IP provides a possibility for citizens who are affected by a WB project to submit a complaint and make the institution accountable for its possible policy violations. Before the existence of the IP the local's struggling due to development projects were marginalized and were deemed as the collateral damage needed to achieve a greater good: development. As Clark puts it: *"you have to break a few eggs to get an omelet"* (Clark, 2003: 9).

The IP's operations are completely separate from the WB Management because the projects executed by the Management are the subject of the IP's investigations (World Bank, 2009: 15). The IP consists of three members nominated by the president of the WB and approved by the EB (Clark, 2013: 10). They are always of different nationalities and chosen for a nonrenewable mandate of five years (World Bank, 2009: 15). The members are forbidden to work for the Bank after being employed by the IP, and they cannot have been employed by the WB in the two years preceding their appointment (Clark, 2013: 10). Although the three members of the IP are the hallmark of the institution, their job is supported by a team in the background. The constant part of this team is the Executive Secretariat which has an annual budget of about US\$ 2 million. However, the IP's investigations are also underpinned by hired expert consultants who have up-to date information about the given field and project (World Bank, 2009: 15).

The IP investigates whether the WB has complied with its own policy framework but it does not work on complaints which result of the actions of non-bank actors, such as governments, firms or other implementing agencies. However, if the WB had a supervising role in monitoring the actions of non-bank actors, it can be hold accountable for its misbehavior. When it comes to an investigation, the IP can visit the project area, hold public discussions with communities affected, conduct interviews with Bank and government officials and have access to documents relevant to the inspection (Clark, 2003: 10).

Either two or more affected individuals or Executive Directors can turn to the IP in case they find that the WB does not abide by its own rules and regulations. Before submitting a claim, they have to contact the Management with their complaints and if they failed to remedy the situation, the affected persons can turn to the IP (World Bank, 2009: 26). If they wish so, the individual's identity can remain in incognito and they can submit the claim through representatives. The claim itself can be written in any languages and does not need to be longer than a single page and the policies violated do not necessarily have to be mentioned, since the locals are not always aware of the legal background of the case (World Bank, 2009: 23). After investigating the issue at hand the IP contacts the WB Management asking for a response and in many cases even visits the project site to discuss the case with affected people. After that, the IP creates a report which is sent to the Bank Management and the EB. The content of this report can be twofold: the IP either recommends an inspection or does not find the case eligible for further investigation. The Management then has 6 weeks to prepare a report for the EB outlining how to remedy the IP's findings. At the end of the process, the EB has the responsibility to decide if any actions are to be taken. If the EB finds the case eligible after the IP's recommendation, the IP conducts a fact-visit to the project area and presents an

investigation report to the EB and the President of the WB. Then, the Management has 6 weeks to react and it submits its recommendations to the EB which decides on final actions to be taken. As it is clear from the process, the IP cannot decide itself but it is able to suspend, amend or even stop projects (Clark, 2003: 10; Ziai, 2016a: 259). Critiques addressed to the IP most frequently affect the management's involvement in the IP decisions' implementation, because in effect the management is the body who is the cause of the problems, therefore it is most probable that they will not admit that they committed a mistake. Hence, the management often denies any violations, but even if it admits, the IP investigation cannot stop the project. Nonetheless, at least it is able to mitigate its negative impact on the affected individuals (Ziai, 2016b: 47-48; Treacle et al: 265-266).

The prevailing critique on the IP can be split into two main categories. The first tackles the results of investigations from a general bureaucratic perspective, raising the complaint that the IP lacks the executive power and remedies to implement its recommendations (Treacle et al., 2003: 265-266). The second category of the critique addresses the debate, whether the implemented recommendations have a positive consequence on the life of the affected people at all. Submitting a claim is relatively complicated due to technical difficulties, therefore the local individuals are often reliant on NGOs while completing the procedure. This practice questions the success of the WB's initial intention, that the locally affected people should have a direct communication channel towards the decision making body of the institution (Ziai, 2016a: 266). They conclude, that the complaints' success is probable if the violated community is highly mobilized and manages to raise media attention (Ziai, 2016b: 60).

To summarize, the IP attempts to give voice to individuals who otherwise would not have the possibility to raise their concerns with regards to the WB's projects. However, the IP's functioning is problematized by internal and external factors, such as the complicated decision-making system concerning the complaints and the predicament that most of the affected individuals simply do not know about the existence of the Panel; therefore they need to rely on the civil society when it comes to filing a complaint (Ziai, 2016b: 47).

### **3. Literature review**

The literature on the IP and the Kosovar context can be split into two main thematic categories and are discussed separately: the discussion in the IP in general (chapter 3.1) and the public debate on the proposed power plant in Kosovo (chapter 3.2). Firstly, the existing contributions on the IP are grouped into four categories: the literature produced by the WB (chapter 3.1.1), a legal approach (chapter 3.1.2), critique from a political science perspective

(chapter 3.1.3) and the experience with filing claims (chapter 3.1.4). Secondly, the public debate on the proposed power plant in Kosovo is separated to two parts: the supporters (chapter 3.2.1) and the opponents (chapter 3.1.2) of the construction of the coal power plant. The literature review introduces the literature already covered on the IP and sheds light on the literature gap when it comes to investigate the role of the civil society in the IP process.

### **3.1. Research on the World Bank Inspection Panel**

#### **3.1.1. The World Bank's contribution**

The WB's literature on the IP is rather descriptive; however, it contains important elements with regards to the admitted challenges of the institution. Kristen's (2012) review on the literature from the IP database provides a satisfying overview of the developments in the field of independent accountability mechanisms (IAMs) in IOs since 1992. The scope of her research is narrowed down to international financial institutions (IFIs) where the WB also belongs, and it discusses the increment in "citizen-driven accountability" in general. According to her interpretation, IAMs provide affected citizens a remedy in case they find that an IFI funded project does not follow its own social and environment standards, guidelines or procedures (Ibid: 1).

The very first IAM was the WB IP, established in 1993 by the Executive Directors of the WB in a response to a public outrage which erupted due to the institutions negligence to follow its own rules on social and environmental policies. Recently, such accountability mechanisms can be found at, among others, at the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the European Investment Bank, the Inter-American Development Bank, the International Finance Corporation and Multilateral Investment Guarantee Agency, Japan Bank for International Cooperation, the Overseas Private Investment Corporation, and Nippon Export and Investment Insurance as well as at the WB (ibid: 1). As Table 1. demonstrates, until 2017 the aforementioned organizations have dealt with 866 cases around the world, out of the WB IP had 118 registered claims. These institutions form the Independent Accountability Mechanisms Network which aims to foster the regular exchange of ideas and best practices among the stakeholders (ibid: 2).

**Table 1.: The main organizations with international accountability mechanisms, and the number of cases they dealt with until 22<sup>nd</sup> May 2017**

<b>Organization</b>	<b>Cases registered until 22<sup>nd</sup> May 2017</b>
World Bank Inspection Panel (IBRD + IDA)	118
African Development Bank Group Compliance Review and Mediation Unit	14
Asian Development Bank Compliance Review Panel	13
European Bank for Reconstruction and Development Project Complaint Mechanism	26
European Investment Bank Complaint Mechanism	489
Inter-American Development Bank Public Registry of Complaints	37
International Finance Corporation and Multilateral Investment Guarantee Agency	161
Japan Bank for International Cooperation	3
Overseas Private Investment Cooperation	5
Nippon Export and Investment Insurance	49
All	866

Sources: Edited by the author on the basis of data from: Inspection Panel, 2017b; African DB, 2017; Asian DB, 2017; EBRD, 2017; EIB, 2017; IADB, 2017; CAO, 2017; JBIC, 2017; OPIC, 2017 and NEXI, 2017

According to Kristen's (2012: 18-19) analysis, until 2012 most of the complaints to the organizations stemmed from projects with a larger physical footprint, such as extractive industries (oil, gas and mining), infrastructure (transportation) and energy (hydropower). As a general critique, she raises the difficult accessibility of IAMs what is due the practice that the project affected people on the ground only meet the governments', companies' and subcontractors' officials, but they have no information about the financier of the respective project – for an example the WB. Since the accountability mechanism is attached to the financier and they are not informed of it, in several cases the population fails to reach the IP or its counterparts in other organizations due to the system's opaqueness (ibid: 25).

The WB has so far published three comprehensive volumes on the IP, four, ten and 14 years after its foundation (World Bank, 1998; 2003a; 2009). All of the contributions give an



overview of the mandate, purpose and structure of the IP and of the experience with the closed cases in the examined period, while the annual reports serve as a database for the status of current projects (Inspection Panel, 2017a; World Bank, 2016). The publications admit several shortcomings of the IP, such as the need for increased staff capabilities (World Bank, 1998: 284), the accessibility of the IP for affected people (World Bank, 2009: 47; Kristen, 2012), but their core message is positive: the creation of the IP makes the WB accountable to the people affected (Kristen, 2012: 7).

The accessibility of the IP is the most severe problem that the WB literature emphasizes. Although the first two comprehensive reviews (World Bank, 1998; 2003a) did not refer to such challenges, the contributions after 2009 are consistently discussing this critique (World Bank, 2009; World Bank, 2016; Kristen, 2012). At the beginning, the WB claimed that the accessibility of the IP is made possible because the complaints can be written in any language in a simple letter form without referring to specific Bank policies. However, the population had not been aware of this simplicity, and fearing from a complicated procedure they abandoned their will to file a claim (World Bank, 2009: 47). The WB publication from 2009 *“Accountability at the World Bank. The Inspection Panel at 15 Years”* recommends measures to be taken to spread the knowledge about the existence of the IP, for instance making it more prominent on the WB’s website or improved visibility through Public Information Centers (ibid: 48). Although these suggestions are relevant, they all assume that the affected population is already aware of the WB’s presence in the financing of the project, which is not the case. Thus, the critique rose by Kristen (2012: 25) describing the IAMs’ lack of accessibility on a general level holds water if we look at the specific case of the IP as well.

### **3.1.2. Research from a legal perspective**

The second sub-group of significant contributions to the literature is from a legal perspective, but its judgment is rather positive because of the IP’s triggering effect on the application of international law on non-state actors. The WB took a pioneering role by creating the first accountability mechanism of an international organization towards non-state actors who are not directly contractual partners of it (Schlemme and Schulte, 2000; Bissell, 1997). Suzuki and Nanwani (2005: 187-189) go further and utter that the IP *“has fundamentally altered the relationship between international organizations on the one hand and private individuals and groups on the other”*. Fourie’s (2012) relatively fresh study digs deeper and uses the concept of “quasi-judicial oversight” to explain the IP’s relationship to international law. The “quasi-judicial oversight” refers to the IP’s attempt to bolster its independence from the political institutions in its own framework, more precisely from the

WB (ibid: 203). The article focuses on the contributions that the IP made to incorporate public participation in the decision-making process, however, its scope skips over the problematic of credible representation in general and the role of NGOs on a local level in particular.

Still in the context of the legal approach but apart from the international law debate, there is an ongoing discussion on the question whether the IP should investigate cases in relation to human rights violations (Herz and Perrault, 2009; Fourie, 2012). Elaborating on that, Herz and Perrault (2009) give recommendations to potential claimants, what to do if they intend to issue a claim based on human rights violations. According to them, claimants have to first look at a Bank policy as the trigger of their claim, and then examine whether the human rights violations discerned are directly linked to the respective policy violations (ibid: 14). Fourie (2012: 222) gives credit to the IP for bringing human right issues under spotlight as well. To conclude, The IP has contributed to the creation of normative standards in international law and this practice serves as a precedence for other IAMs (ibid: 231).

### **3.1.3. Research from a political science perspective**

Unlike the legal approach, the research from a political science perspective is relatively scarce but more critical in its essence. Ed. Fox and Brown (1998), Treacle et. al. (2003) and Clark (2003) provide primary critique on the IP while Ziai (2016b) summarizes the recent developments in the field. The most often mentioned shortcoming of the IP process is that the Management has tended to be defensive when it comes to the need to practice self-criticism. Furthermore, the highest decision-making body of the WB, the EB is split among North-South lines, which has impeded the empowerment of the IP (Treacle et. al., 2003: 256-257; Clark, 2003: 14). These concerns were addressed by the WB's second review in 1998-1999 which regulates that the management's action plan can only be published after the IP has given its findings and the EB needs to agree on an investigation if asked by the IP (Ziai, 2016b: 46).

As a further important issue, there are a relatively small number of claims which phenomenon has been interpreted in two ways. On one hand, the optimist side claims that most of the WB projects are in compliance with environmental and social standards of the WB, hence there is no need for investigation. On the other hand the rather pessimistic research believes that most of the affected people simply do not know about the existence of the IP (Hunter, 2003: 208 cited in Ziai, 2016b: 47). According to the trend, in case they knew and filed a claim, civil society attempts usually would not stop the projects but would often lead to compensation or at best, to an effect on future WB policy (Ziai, 2016b: 47).

### **3.1.4. Experience with filing claims to the IP**

To move the discussion from the theoretical to a rather practical level, the experience with filing claims to the IP has to be summarized. Although there is a significant input from the WB in form of case studies of IP related projects (World Bank, 1998; 2003a; 2009), they only sum up the documents issued by the management and the IP without a critical angle on the civil society's role in the process. As a further limitation, most of the case studies date back to 1998 and 2003; therefore the developments of the last 15 years are incomplete (Ziai, 2016b: 48). The academic literature on IP cases with first-hand data from the field is scarce, but the recent articles from Pereira et. al (2017), ed. Daniel et. al (2016), Ziai (2016a; 2016b) and Schäfer (2016) and the older paper from, Mallaby (2004) provide a fitting overview regarding civil society representation in an IP context.

To understand the whole picture and the reliance of affected individuals on the civil society, it is worth to have a look at the trends of the source of the claims. Even the WB (2009) pointed out that the accessibility of the IP faces gradual challenges due to the technical nature of the process and the lack of information at the population's side. Thus, the civil society plays an important role in giving voice to communities negatively affected by WB financed projects (Pereira et. al., 2017: 14). The following numbers underpin this statement: the IP registered 118 cases until 24<sup>th</sup> May 2017 and out of the 103 cases until 2015, 50 stemmed from individuals, 52 from the civil society groups and only one from a private firm (ibid: 15-17). Most of the claims are coming from South-led NGOs, they are followed by South- North coalitions and Northern based NGOs are on the last place (Treacle et. al., 2003:251-252). In countries with democratic deficit the reliance of individuals on NGOs is heavier because the individuals may be more afraid of the consequences of a complaint on their private life (Pereira et. al., 2017: 20). However, there is not enough research done on the question whether the NGOs participating in these IP claims are representing the will of the people on ground, or they are rather withholding development projects while trying to protect economically underdeveloped communities from some environmental or social harm.

An initiative of the University of Kassel attempts to contribute to filling this gap of literature. The Department of Development and Postcolonial Studies grounded a project-seminar with the name "The Inspection Panel of the World Bank" (Universität Kassel, 2017). As part of the initiative Schäfer (2016) made a field-trip to Uganda to study the circumstances of the IP Case No. 98. Uganda Transport Sector Development Project. In this case, local people and NGOs turned to the IP because during the implementation of the road project the inhabitants of the affected area experienced child labour, poor labour environment, the lack of

road safety and underage sex committed by the road workers to local girls (ibid: 4). The paper provides a great insight into the workings of an IP process in practice with data based on expert-interviews from the field. According to his conclusions, the Transport Sector Development Project of Uganda is a positive example of NGO involvement in the IP investigation. The Joy for Children Uganda (JFCU) had success in empowering the project affected individuals, building trust within the community and organize their complaints into a single voiced message. Thus, JFCU certainly acted as a bridge between the affected individuals and the project stakeholders and as a result they managed firstly to suspend and later to cancel the WB's financial support to the road works. While practicing self-criticism, the author admits that the results might be more differentiated if project affected people and employees of the Contractor would have been interviewed and suggests to do so in the future (ibid: 15-17). Nevertheless, the study produced precious data on the significance of representation and pointed out, that NGOs can be decisive actors in IR through the IP.

Staying with representation but supporting it with a theoretical angle, it is a novel approach to grasp the IP and the civil society from a postcolonial perspective. This input is coming from Ziai (2016a) who turns to Spivak's (1988) theory on subalternity and asks the question "*Can the subaltern speak?*" in the context of the IP. The theory is applied on the IP case of the Bujagali hydropower project in Uganda because it had been disputed whether the involved NGOs could represent the interest of the project affected people. The NGOs filing a claim lamented that the project would increase electricity prices in the country and it would also have a negative impact on fishing and tourism (Ziai, 2016a: 259). Ziai often refers to Mallaby's (2004) field research which questions whether the involved NGOs were withholding the possibility for economic development or they were representing the involved NGOs interests that the WB had neglected. However, Mallaby neglects a differentiation between the different forms of opposition: different social groups were opposing the dam for different reasons (Ziai, 2016a: 259-261). Ziai concludes, that the example of the Bujagali dam in Uganda show that NGOs were neither representing all of the villagers interest, since a remarkable proportion was in favor of the dam, nor they represented all of the opponent's views because the arguments of indigenous groups were not present in the IP request. However, it is clear that even if some of the groups did not participate in the IP process, it helped them to have their voices heard much more significantly than before and improved their negotiation position vis á vis the government and the constructor (ibid: 263).

All in all, the existing literature on the WB IP concentrates on the cases mainly before 2003 and there is only a limited number of research done on the civil society's involvement; therefore there is a great need to study new cases, especially from a postcolonial perspective.

Such an approach was only attempted by Ziai (2016a) on the aforementioned Bujagali Dam case of Uganda, but its relevance is justified because of the subjugated nature of certain communities affected by WB projects. The academic contribution on the IP cases of Kosovo is non-existent; therefore studying the South-East European country contributes to the existing gap in the elaboration of recent cases of the IP as well.

### **3.2. The Kosovo Power Project and the Inspection Panel**

The cases in relation to the KPP presently at the IP are neglected in the academic literature; therefore the data collection mainly relies on the international and Kosovar media. Although the official documents of the Panel's and the WB's website extensively describe the situation (Inspection Panel, 2012, 2015a, 2015b, 2017; World Bank, 2015), their input does not lead to a critical evaluation of the IP's role; however, serves as a good starting point. What sheds light on the relevance of the case at hand is its wide critical representation in the local and international media (i.e.: KOSID, 2017c, 2016; Prishtina Insight, 2016; Climate Home, 2016a; The Guardian, 2016; Foreign Policy, 2016) and the research done on the power plant's substitutability and Kosovo's energy security (i.e.: Hashani and Shllaku, 2015; Sanzilo, 2016).

#### **3.2.1. The supporters of the Kosovo Power Project**

The arguing parties can clearly be split to two separate sides, the supporters and the opponents of the plant. The Kosovar government and likeminded groups and countries, such as the US, WB, United States Agency for International Development (USAID) and the European Bank on Reconstruction and Development (EBRD) are supporting the project (Kerry, 2015; USAID, 2009: 24; Lamech, 2014; EBRD, 2013: 17; KOSID, 2017c). To explain what is behind the supportive views it is worth to have a look at the main involved bodies, the US and the WB one by one.

As the Guardian's article points out, the US' approach towards the proposed coal power plant in Kosovo is indistinct. At first, the Obama administration in 2013 asserted its will to cut back funds for coal plants overseas (Johnson, 2013). However, John Kerry the then Secretary of State in 2015 assured Kosovo of the US' support for the KPP (Kerry, 2015). In 2015 at times of the preparation of the Paris talks on climate change John Kerry travelled to Prishtina to express his support towards the new plant, and then he travelled back to Paris to make a deal on ending the fossil fuel era (The Guardian, 2016; Kerry, 2015). The only bidder for the tender was a US based firm, the Contour Global (Lamech, 2014; KOSID, 2017c).

This controversy in action and policy is also strengthened by the official documents issued by US governmental institutions and the WB.

According to the US Treasury's press release from October 29<sup>th</sup> 2013 the "*US takes a significant step toward a clean energy future*" as a key element of President Obama's Climate Action Plan (US Treasury, 2013). As Kerry's support towards the plant in Kosovo well depicts, this commitment was not determined enough in the Obama administration. On the top of that, the recently published information of the White House on the "America First Energy Plan" clearly asserts, that "*For too long, we've been held back by burdensome regulations on our energy industry. President Trump is committed to eliminating harmful and unnecessary policies such as the Climate Action Plan and the Waters of the U.S. rule*" (White House, 2017). The possible elimination of the Climate Action Plan would certainly mean an official green light for the beginning not only the preparations but also the actual constructions of the KPP.

The communication of the WB concerning coal power plants is vague as well. In 2013 the institution issued the report "Toward a sustainable energy future for all", which aims to double the global share of renewable energy by 2030 (World Bank, 2003b). In spite of this, the WB president Jim Yong Kim defended the support given to coal power plants, but his arguments considerably nuance the picture. He argued that the new drive towards renewable energy has to be balanced with financial support to countries where access to energy can be crucial and Kosovo belongs to this narrow circle. According to him, the realization of the plant in Kosovo without the WB's involvement would mean lower standards and more pollution emitted (Climate Home, 2013). These words from the WB's president are noteworthy, since his remarks are the only ones touching upon the question, what would happen if the WB decided to withhold its financial support to the plant.

The introduced supportive parties do not refer in any documents to the IP cases of Kosovo regarding the KPP. It is understandable, since their interest lies in the promotion of the project and not in giving publicity to the opponent stakeholders. By contrast, the opponents ostensibly put a greater emphasis on the IP process.

### **3.2.2. The opposers of the Kosovo Power Project**

A significant fraction of the civil society in Kosovo is firmly opposing the construction of the project. Three NGOs, the INDEP the GAP and the FIQ were directly involved as claimants in the 78<sup>th</sup> IP case in 2012, which was not recommended by the EB to be investigated by the IP (Inspection Panel, 2012a; Inspection Panel, 2012b; INDEP, 2013: 27). However, in 103<sup>rd</sup> IP case in 2015 the claimants extended their complaints (Inspection

Panel, 2015b) and based on signatures from community leaders and three NGOs, the FIQ, and a consortium of NGOs the Kosovo Civil Society Consortium for Sustainable Development (KOSID) their words were listened to.

Apart from the IP case, KOSID, a consortium of 10 civil organizations in Kosovo initiated a public debate against the KPP and the Institute for Energy Economics and Financial Analysis (IEEFA) relentlessly struggles to prevent the effectuation of the KPP (KOSID, 2017c; IEEFA, 2016). The history of the filed claims has not been completely documented yet from the locals and NGOs perspectives, but there are news agencies that have been partly covering the process.

The article of the Guardian (2016) introduces the arguments for and against a coal power plant in Kosovo and puts an emphasis on the US' support to the construction and on the only bidder to the procurement the US based CountourGlobal. Based on a leaked e-mail from a WB employee (Lamech, 2014) the piece reveals that the WB in 2014 was keen on educating the new government how to handle a single-bidder procurement without violating the law. The Guardian's article gives a hint about the power-structures behind the project but it does not provide any proof other than the leaked e-mail that there was any act of wrongdoing in the procurement process.

To provide credible opposition to the KPP, KOSID attempts to approach the project from three sides: the question of resettlement, environmental concerns and the economic impact of the proposed plant. As a kick off they turned to John Kerry in a public letter asking him to withdraw from supporting the KPP. Based on their calculations low carbon investments would create more jobs than the lignite fired power plant, and at the same time would be less polluting (KOSID, 2017a). To underpin their economic argument, they continuously refer to a research done by IEEFA, which study concludes that the KPP would cause an increase in prices to an unreasonable level, and they also refer to the IP investigation on the inappropriate resettlement process. Although their reports refer to the IP investigation as a justification of their arguments, the IP process itself is not analyzed extensively by them since they are part of it (KOSID, 2017b; IEEFA, 2016).

The joint article of Climate Home (2016a) and Prishtina Insight (2016) jumps into this gap from the resettled citizens' perspective. The coverage summarizes the complaints of the villagers and one narrow aspect of the civil society assistance provided by the FIC. The contribution is precious, because it bases its report on interviews with locals, but mainly concentrates on the reasons why villagers turned to the IP and not on the expected results of the implementation of the accountability mechanism. As most of the contributions this is also not an academic study but a single article attempting to raise public awareness concerning the

case. Raising awareness is important looking at the possible success of the IP case but these articles are rather the subjects than the objects of a research discussing the civil society's role in the IP process of Kosovo.

Apart from the undoubtedly biased grey literature engendered by civil society actors and the newspaper articles there is no publicly available data on the NGOs involvement in the public debate and protest against the KPP. Who are these organizations, how they are working, whom they are representing and how close are their claims to the arguments of those, who are affected by the project? To get closer to the answers of these questions, the MA thesis resorts to qualitative data collection in form of semi-structured interviews to answer the following main research question: *“To what extent can the NGOs act as a voice of the subaltern and have an impact on the World Bank, through the Inspection Panel in the case of the Kosovo Power Project?”*

#### **4. Theoretical framework**

To conceptualize the research Gayatri Chakravorty Spivak's theory on the voice of the subaltern is chosen as the analytical framework of the study (Spivak, 1988). Spivak belongs to the postcolonial branch of social sciences which attempts to approach power relations in the international system from the perspective of the effects of colonialism (Ziai, 2012: 6). Spivak's work discusses the ability of the marginalized to speak up and she asserts, that even if the oppressed is given a chance to be heard, they are not able to articulate their voices because their own development is “complicated by the imperialist project” (ibid: 79).

Before Spivak's theory on subaltern articulation is discussed the historical context (chapter 4.1) and the key theorists contributing to the field of Subaltern Studies have to be considered (chapter 4.2). Thus, the first part of the following chapter introduces the leading scholars who led Spivak arrive to her assumptions and conclusions. The second part (chapter 4.4) unfolds Spivak's hypothesis that the subaltern cannot speak based on concepts excerpted from her text, *“Can the subaltern speak?”* (Spivak, 1988): the impact of international division of labour and epistemic violence on the subaltern and the critique on their representation and the dislocation of interests and desires.

##### **4.1 Historical context: The origin and the emergence of the Subaltern Studies Group**

At the end of the 1970s Ranajit Guha and a group of likeminded scholars formed the Subaltern Studies group with a common view on the dissatisfaction with the historical interpretations of the Freedom Movement in India. The critique's subject was the elitist nature



of the post-colonialist Indian ruling class that denied the "politics of the people" (Chaturvedi, 2000: VII–VIII). As Morton puts it, the problem for Subaltern Studies historians was that India reached independence from the British empire without the transformative revolution of the class system, and with the reproduction of the same social and political structures that had been present under colonial rule but with just another head of the body (Morton, 2003: 2; 48).

The Subaltern Studies group saw the root of the problematic in the elitist historiography of Indian nationalism. According to them the history of peasantry was codified firstly by the colonial administration, and based on these documents the new Indian elite rewrote it in the same manner after gaining independence (Morton, 2003: 50; Guha, 2000: 1). The critique on elitist historiography was sharp regarding the prejudice that the creation of the Indian nation was exclusively a success of the elite's efforts, administration, policies, institutions and culture. Furthermore, as it is illustrated in the elitist, mainstream Indian historiography, the Indian elite, which was always close to the colonizers, was not exploiting or oppressing the people but "led them from subjugation to freedom". To put it simply, the critique emphasizes that the writing of history after colonialism in India neglected the "people", among others the subjugated women of rural areas, but they put the new elite on a pedestal presenting it wrongly as it was of a benevolent nature (Guha, 2000: 1). According to the Subaltern Studies Group, the Indian bourgeoisie failed to speak for the nation and there were a number of areas of lives of people that were never integrated into their hegemony (Guha 2000: 5).

Thus, Subaltern Studies attempted to alter the writing of colonial Indian history while relying on the concepts of class and state put in form in Antonio Gramsci's Prison Notebooks. The six point programme of the history of subaltern from Gramsci was implemented as a framework for writing about the "politics of the people", which was not possible in a pure Marxist setting (Chaturvedi, 2000: VII–VIII).

However, the question might arise: how did Gramsci and subalternity came into Indian academia when for most of the Western scholars he was still unknown in the 1970s? Guha, the founder of the Subaltern Studies Group in the 1970s was considerably influenced by his former teacher and colleague, Susobhan Sarkar. Sarkar was among the first scholars who reflected on Gramsci's works in the Indian academic world. In the 1950s when Gramsci was mostly unknown for Western scholars, he already began to discuss the Italian revolutionist's works with his own students (Chaturvedi 2000: 8). Gramsci drew parallels between the division of labour in Mussolini's Italy and in colonial India and he suggested that the oppression of peasantry in Southern-Italy could be overcome by the development of class-

consciousness of the peasantry in alliance with the working class (Morton, 2003: 48-49). In 1958-1959 Guha became Sarkar's colleague that influenced his interest towards Gramsci and this experience inspired Guha's future works (Chaturvedi 2000: 8).

Subaltern Studies initially aimed to revise the elitism of bourgeois-nationalists and colonialists in India. At the beginning of the 1980s the research was limited to the colonial India, but the later inputs transcend regional and disciplinary borders. Also, the theoretical foundations of the group had changed with time, and the initially Gramscian Marxist thinking turned to a currently post-Marxist approach (Chaturvedi 2000: VI; Sarkar, 2000: 300). The scholarship transformed into critical theories of discourse challenging the foundations of Enlightenment meanwhile trying to keep the remnants of its Marxist past (Chaturvedi 2000: X-XIII).

#### **4.2 A short history of the notion “the subaltern” before Spivak**

Before discussing Spivak's views on the subaltern it is important to explore the transformation of the notion based on the most relevant intellectual sources for Spivak's definition (Morton, 2003: 48). Conventionally, the word subaltern refers to a junior ranking officer in the British army; however, if we analyse the notion in a postcolonial context there are three scholars who cannot be neglected as a reference: Gramsci, Guha and Spivak. In Marxist literature Gramsci introduced the subaltern for the first time, from the post-colonial camp Guha began to use it and the subaltern became widely known through Spivak's works.

The term subaltern was firstly used by Gramsci in his article *"Notes on Italian History"* as part of his Prison Notebooks written between 1929 and 1935. Gramsci broke the Marxist tradition of economistic approaches and defined the subaltern as a "low rank" person or group of people who suffer under the hegemony of a ruling elite class that does not allow them to participate in the making of local history and culture (Louai, 2012: 5). The groups to which Gramsci is referring to are the workers and peasants oppressed by Mussolini and the National Fascist Party in Italy. What differences Gramsci's notion on the subaltern from traditional Marxist thinking, is that he realised that the social and political practices of the peasantry are not coherent and unified, they lack class-consciousness (Morton, 2003: 49).

Based on Gramsci's ideas, Guha introduced the term subaltern to a relatively wider audience in the 1970s and 1980s in India with the emergence of the Subaltern Studies Group. Their reading of the Indian history was influenced by Gramsci's views expressed in the Prison Notebooks. However, Guha developed the interpretation of the notion further in his ground-breaking essay *"On some Aspects of the Historiography of Colonial India"* and the book titled *"The Elementary Aspects of Peasant Insurgency in Colonial India"* (Louai, 2012: 6). In

Guha's definition *"the social groups and elements included in this category (the subaltern) represent the demographic difference between the total Indian population and all those whom we have described as the elite"* (Guha 2000: 7). In another wording the Subaltern Studies collective define subalterns as *"the general attribute of subordination in South-Asian society, whether this is expressed in terms of class, caste, age, gender and office or in any other way"* (Guha, 1988: 35 cited in Morton, 2003: 48).

Following Gramsci's legacy Guha puts an emphasis on the peasantry as a distinct group in subalternity. In his interpretation, the subaltern peasantry group in India was aware of its own low-status, but could not make its voice heard to overcome its own fragmentation. Two external factors contributed to this: the bourgeoisie failed to realise its mission and the working class lacked a coherent class consciousness, therefore, it could not give a helping hand to the peasantry to make their protests a nationwide movement. This is the point where Guha confronts Gramsci, who believed in the alliance between the workers and the peasantry (Morton, 2003: 48-49), but as Guha pointed out it did not come about in India. As a result, a number of peasant uprisings in this period reached an anti-colonialist consciousness, but the lack of leadership prevented them to become a "national liberation movement" (Guha 2000: 6).

#### **4.3. Spivak and the subaltern**

Gayatri Chakravorty Spivak as one of the most influential contemporary postcolonial scholars following the thought of the Subaltern Studies group, challenges several dominant beliefs of the current global discourse affecting the "Other than Europe" or the so called Third World. Among others, she calls into question the notions that the western world is more civilised than the "non-western world" and that the present era is less aggressive and more progressive than the history of European colonialism (Morton, 2003: 2).

The main purpose of Spivak's works is to find an appropriate vocabulary to explain and describe the histories of groups that have been subjugated by European colonialism (Spivak, 1988: 76). According to her, the "master words" like the colonised, women or the worker did not succeed to unify those people who were often neglected and continuously forgotten by anti-colonial movements. Thus, in spite of these "master words" Spivak suggests the word subaltern because it contains a wide-range of meanings that are not pre-defined by dominant political discourses (Morton, 2003: 45-46).

There is no one single clear unified definition of the subaltern in Spivak's works, but in a broader understanding it refers to *"everything that has limited or no access to the cultural imperialism"*, so to say who are not integrated into the hegemonic order (Spivak, 1992: 45).

On one hand unlike Gramsci she places the term in an international context and analyses the subaltern's position in the international division of labour in times of globalisation (Ziai, 2010: 404). On the other hand Spivak expands the definition of subaltern used by Gramsci to provide more space and flexibility and to include the challenges women face (Spivak, 2000: 324). Consequently, the lower-class connotation of the term is further complicated because women contain individuals not only from the peasantry or the sub-proletariat class but from the upper middle class too (Morton, 2000: 59). This dichotomy of being upper-middle class but at the same time subaltern is explained by Spivak with the positionous nature of subalternity: *"One group that is dominant in one era can be among the dominated in another"* (Guha cited in Spivak 1988 : 79). Thus, it is important to note that the concept of subaltern cannot be applied to an entire country or society, but it is always context dependent.

Spivak attempts to transcend the analytical borders that Marxism provides and uses more categories of liberation struggles than class-struggle to describe subaltern communities, for instance the women's movement, the peasant struggles or the rights of indigenous minorities (Morton, 2000: 51). While unfolding these stories and arguments she uses a number of Indian examples in her texts but her understanding of the subaltern transcends national borders and she focuses on the part of the globe that is described by the dominant discourse as the "Third world". Spivak explains in an interview from 1990 that she prefers the flexible meaning of subalternity because it is situational, and as a word has been used to describe everything that does not fall under strict class analysis (Spivak, 1990: 141).

Class analysis is not thrown away by Spivak but for her its toolset does not serve an appropriate framework to explain the women's, the peasantry's and indigenous group's subjugated situation in India. In Marx's understanding the social and historical change in general originates in the transformation of social and economic relations between the bourgeoisie and the proletariat. Spivak complicates the analysis with introducing new groups besides the proletariat and the bourgeoisie. Why she is turning to this method is partly explained by the Subaltern Studies group's works, namely that Indian colonial and nationalist historiography neglected certain groups when it came to giving credits for gaining independence (Guha, 2000: 1). To realise its adverse effects we need to recognize that in India the transformation of feudalism to capitalism included the colonised national middle class, however, failed to provide an account for disregarded groups, for instance women, peasants and indigenous people (Morton, 2003: 52).

To sum it up, what makes Spivak's contribution to the field significant is firstly, that she recognises that subalternity is deeply gendered; therefore its relationship to feminism is tight, and secondly, she puts the notion in an international context with the international

division of labour. As her main tenet she believes that the subaltern is not a "sovereign political subject" in control of her own destiny. The elite historiography frequently regarded the voice articulation of the subaltern as spontaneous acts of violence with no political content, so in effect mainstream Indian history disregarded the agency of subaltern. For Spivak, this dominant approach of elitism in history writing plays a crucial role as she develops its critique into a clear political agenda that cannot be neglected (Morton 2003: 50–51).

#### **4.4. Can the subaltern speak?**

Spivak's main work "Can the Subaltern Speak?" (1988) is one of the most influential texts in postcolonial studies. In this work Spivak asserts that the subaltern does not have the capability to speak or/and to be heard. Spivak confronts this argument with those of Foucault and Deleuze who claim that the oppressed if given the possibility to speak can do so. The main assumption of the text is that the subaltern are not able to express their interests; therefore, the critical intellectuals have to take a serious responsibility here (Ziai, 2012: 8).

To illustrate the context of subalternity after decolonization and to explain how it can exist even in not-colonised territories, Spivak applies the concept of subalternity on contemporary epistemic violence and the international division of labour. As she asserts Foucault and Deleuze neglect the impact of epistemic violence and international division of labour, which is a great deficiency of their work especially since they are analyzing the third-world; therefore the examination of these questions is unavoidable (Spivak, 1988: 84).

##### **4.4.1. The international division of labour**

Spivak believes that Foucault neglects the question of ideology when it comes to analyze the reproduction of social and political relations because his theory is constructed in the dominant side of the international division of labour (Cheah, 2010: 179). A further consequence of the ignorance towards ideology and the theory of interest is the valorization of concrete experience. This excessive reliance on concrete experience leads him to the belief that the subjugated can speak and they know their conditions. What is the most relevant here is that this assumption supports the "Western" style of modernisation driven international development policies. If we believe that the agency of the "third world" individual is conscious and she can speak under any circumstances - which assumption underpinned by field work, based on concrete experience - then we have to believe that global capitalism and its consequences benefit people in the peripheries. Foucault is complicit in this phenomenon

because he completely neglects the role of ideology in the reproduction of the contemporary social and economic relations, which is responsible for making affected believe that they are benefiting from the status quo and there is no alternative (ibid: 180).

Spivak's main thesis is that the contemporary international division of labour is the continuation of 19<sup>th</sup> century colonialism (Spivak, 1988; Cheah, 2010). Her insistence on studying the international division of labour helps us to understand how the unequal exchange in global political economy contributes to influence the subaltern's agency. The international division of labour and international development serve as a proxy helping to express the subaltern's voice and interests. These people include the rural women recipients of microcredits or subject of UN development programs or the native informants who are coming from the former colonial elite class. They, based on their short term benefits of international division of labour support the status quo and serve as a supportive base for the continuation of the modus operandi of development projects and producing goods and services through international supply chains (Cheah 2010: 181)

The international division of labour is dominated mainly by "first-world" actors who need to rely on a comprador class assuring political stability in the country, which is the target of their capital investments. Based on Mike Davis's views Spivak explains that after World War II the "counter revolutionary violence" established the foundations of "Atlantic imperialism". This community was grounded on the basis of a military alliance attempting to contain the spread of communism from the Soviet Union (Spivak, 1988: 86). Having laid the foundations of the present world order in the cold war, decades after the fall of the Soviet Union a group of first world countries are still in a position to invest capital in a number of third world countries. This power relation is sustained by at least two factors: firstly, the cheap labour force attracts investments to the "third-world", and secondly, the comprador elites of these nations are benefiting from the cooperation with the investors. In order to maintain these relations, standardises transportation, education and law systems are established. To preserve the first world's reliance on cheap labour force and its submission to the ruling elite, the lower social strata in such countries cannot be trained in the ideology of consumerism because it would pave the way for resistance and revolution (Spivak, 1988: 83). To illustrate this subjugated position with Spivak's words: *"On the other side of the international division of labour, the subject of exploitation cannot know and speak the text of female exploitation even if the absurdity of the nonrepresenting intellectual making space for her to speak is achieved"* (Spivak, 198: 84, emphasis added)

Spivak does not assume, that the unequal exchange of goods and services puts one entire country into a subaltern position but she suggests that this relationship leaves certain

groups of people in a neglected situation, where they do not have an access to the social mobility ruled by the dominant discourse. They do not have an access to the social mobility because the comprador class, which is certainly not subaltern, does not allow them - in Spivak's words - to learn consumerism (Spivak, 1988: 83). Consumerism is in itself a sign system of realising interests: if one group does not know this system, they cannot transmit their own message to the other side and they are becoming exposed to the will of the dominant, be it violence, exposition to infrastructure projects or gender discrimination. What more, as Spivak says, it is not even sure that they are aware of their subalternity, because if they were, they would not even be subaltern anymore (Spivak, 2008).

With this in mind, Spivak raises attention to the significance of epistemic violence that is caused by the imperial discourse offending the subaltern groups (Spivak, 1988: 84). The expression "epistemic violence" refers to violence through discourse stemming from the will of oppressors to maintain the status quo in the international division of labour. To sustain that, the reproduction of labour power requires the reproduction of ideology, that makes the labour force submit to the ruling strata (ibid: 68). The subaltern submits to the ruling class because it cannot differentiate between its interests and desires: they desire what they are taught in schools, what they read in books and what they see in the media, in other words what is the discourse (ibid: 69). However, their interests are dislocated because of the economic interest of the oppressor to maintain its hegemonic position. The oppressor uses the institution of law, which prevents the realization of subaltern articulation and functions in the interest of the ruling strata (ibid: 75). This process subjugates and disqualifies local knowledge, which means the marginalization of the local's voices (ibid: 76).

#### **4.4.2. Representation and the dislocation of interests**

The question might arise: How is the interest of locals dislocated and how can it be, that they are not aware of their own subjugated position? Why cannot they escape their own subaltern position? To answer these questions, Spivak turns to Marx and Foucault to explore how the interests and desires of subaltern groups are dislocated. To understand Spivak's problematic with the 1980s' French intellectuals attempting to give space to oppressed groups to speak up, it is crucial to know that Foucault and Deleuze believed: if the subaltern is given a chance to speak they can do so fully being aware of their own conditions (Spivak, 1988: 78).

Spivak's problematic with Foucault and Deleuze lies in their ignorance towards their own role in the representation of groups they describe. Spivak reminds us, that Foucault and Deleuze overlooks the double meaning of representation in Marx's texts: in the original

German text Marx uses “darstellen” (to portray) and “vertreten” (to represent, to speak for) but in the texts of French poststructuralist intellectuals these meanings are conflated (Spivak, 1988: 71). What Spivak attempts to point out here is that the knowledge creation of Foucault and Delueze is not speaking for them, but portraying an image of themselves from their own perspective (ibid: 74). At the end, this practice only silences the subaltern rather than making their voice heard.

To refute Foucault’s assumption about the possible representation of subaltern groups Spivak turns to an analogy between the representation of workers and peasants in 16<sup>th</sup> century. Marx claims that peasant groups did not represent a coherent class; their subjugated life conditions did not let them develop a class consciousness. Thus, someone from the middle-class with different interests had to serve in the role of their political representative. This individual could at most hear their daily struggles, if they could at all articulate them, but he could never experience them; therefore the message which the peasants wanted to put through did not arrive to the place where it was directed, or they did not even try due to their unawareness of their status (Morton, 2003: 57-58). Spivak concludes this passage that certain groups lack the consciousness about their occupied position in the societal hierarchy therefore the intellectual should not refrain from speaking for them: *“For the “true” subaltern group, whose identity is its difference, there is no unrepresentable subaltern subject that can know and speak itself; the intellectual’s solution is not to abstain from representation”* (Spivak, 1988: 80 emphasis added).

The unawareness of the subaltern state stems from the dislocation of interest and desires in their consciousness which is a result of the dominant group’s will to maintain the existing social and economic relations. To underscore this argument Spivak quotes Althusser's passage, which makes clear that the reproduction of labour power requires more than the replication of its skills and manpower, it needs to recreate the willingness of workers' submission to the ruling ideology. Most of the sociologists agree on the fact that people as a rule do not desire against their own interests because interest is there where desire has positioned it. Based on that Foucault believes, that the masses know what their interest is, and they articulate it perfectly (Spivak, 1988: 68).

However, according to Spivak class consciousness does not play toward the goal where desires and interests coincide: in a class based society class is "artificial and economic" and classes have defined goals, but the interest of individuals is heterogeneous, each person has different ones. Thus, it is impossible that each individual desire will meet the individual interest. It might meet the class interest of which her life is pervaded, but that does not mean that each member of the respective class managed to realise her own interest based on her



own desires (Spivak 1988: 71). The main conclusion of this discussion between Spivak, Marx and Foucault is that the individual's interests are dislocated, either by the class interest or by someone who attempts to portray the subaltern group; therefore, it is unrealistic to expect from them the ability to speak up: *"On the other side of the international division of labour, the subject of exploitation cannot know and speak the text of female exploitation even if the absurdity of the nonrepresenting intellectual making space for her to speak is achieved"* (Spivak, 1988: 84, emphasis added).

## **5. Methodology**

To understand the thesis' approach to the research question and the method of applying the theory on the subject, the following chapter discusses the methodology of the study. After giving an overview of the research design (chapter 5.1), the methods (chapter 5.2) are introduced and at the end of the chapter the limitations of the data (5.3) are discussed.

### **5.1. Overview of the research design**

The research took a qualitative case study approach to examine the practice of the IP's functioning with a focus on the civil society's involvement in the IP cases of Kosovo. To do research on this setting, semi-structured interviews were conducted during a six weeks long field visit in Kosovo in July - August 2017. The interviews are complemented by reconstructing the project history of energy sector and the civil society's role in it, based on official documents issued by the WB, the IP and the government of Kosovo.

During the research, the overall design had been altered a few times which is a result of the method taken per se. Qualitative research tends to be exploratory, flexible and context driven (Mason, 2002: 24); therefore, it was epistemologically appropriate to modify the design during the field visit. The most notable change occurred after the realisation that the overall reconstruction of the cases based on official documents is essential, since the information gathered through interviews from different experts was subjective, thus not sufficient. However, the experts' contribution in analysing the NGOs role in representing the subaltern was the ontological driving force behind the research design through the entire process of writing and their information serve as a useful data source to analyse their involvement in the representation of project affected people.

It is essential to emphasize that the focus of the research was to analyse the success of the civil society's involvement in the IP cases of Kosovo, which determines the theoretical approach taken and the sample chosen for the interviews as well. The flow of the analyses

was slightly similar to what the IP does when they do a field visit and attempt to reconstruct a case's history based on official data, personal conversations and interviews. The difference between the research at hand and the IP's approach was that the Panel uses the NGOs as a tool to get closer to local communities and it does not analyse their role in the given case. However, the MA thesis took one step further, and adopted a narrow focus on the NGOs role while attempting to answer the following research question: *To what extent can the NGOs act as a voice of the subaltern and have an impact on the World Bank, through the Inspection Panel in the case of the Kosovo Power Project?*

The qualitative data gathered stems from four semi-structured interviews conducted in Prishtina in July and August 2017 with NGO representatives actively involved in the IP cases of Kosovo. This study particularly chose experts from the civil society who have hands on experience with representing the local communities being resettled due to the preparation works of the KPP. The focus on resettled people and communities through the sample was indispensable in order to explore the agency of the subaltern: who are these people, what kind of groups they form and what kind of interest articulation possibilities they have?

The sample is an altogether four hours long audio source. The decision to interview particularly these people is driven by their professional occupation: two of them were the official representatives of the IP complaints in 2012 and 2015, while the two other two are involved in energy sector research in Kosovo. On one hand, the interviewed official NGO representatives, Dajana Berisha (*Interview 4*, 2017) and Nezir Sinani (*Interview 2*, 2017) have personal experience with the subaltern groups who are the subject of this thesis: they met all of them in their own houses, they know their background and their intentions and they have the trust of the resettled persons which opened us the door to approach the citizens of Hade. On the other hand the other two interviewees, Dardan Abazi (*Interview 1*, 2017) and Rinora Gojani (*Interview 3*, 2017) gave the research project crucial insights concerning the context of investment in the energy sector in Kosovo. Apart from NGO representatives there were discussions and interviews held with local, project affected inhabitants in Hade and Obiliq; however, their contributions were not qualitatively evaluated due to their emotional and personal attachment to the case.

The question, whether the civil society is able to represent and exert influence on the WB pervades the research because of the thesis' theory-driven nature. The MA Thesis is result of a theory based research, which background not only gives the ontological starting point but also outlines the epistemological approach, the mode of interpretation and evaluation of data. Thus, the semi-structured interviews conducted had a list of questions circled around certain assumptions raised by Spivak in her essay: *"Can the subaltern speak?"*

(Spivak, 1988). These questions were investigating who are the subaltern in the IP cases of Kosovo, to what extent can NGOs represent the subaltern and also, how much influence NGOs can exert on the WB.

The design of the questions for the semi-structured interviews (Appendix 1) followed the logic of the theory behind the thesis: the questioned attempted to explore the agency of the subaltern and their possibility to exert influence through representation on the WB or the government. Thus, as Mason (2002: 68) suggests, instead of asking questions focused on abstract theoretical concepts the interviews were circled around lived experiences. The data generation was structured, based on assumptions derived from the theory and translated into simple questions, investigating the agency of the subaltern, NGO representation and its effects (ibid). The sequence of the questions was not always the same; it was dependent on the interviewee but generally tried to follow the following structure. Firstly, each interviewee contextualised energy investments in Kosovo with a view on the post-war political and economic situation in the country and the region. Secondly, the NGOs relationship to the case, to the project affected people was explored by questions inquiring how did the civil society got to know about the problems people face and why they decided to act, and undertake the role of representative agents. Thirdly, each interviewed person was asked to describe the project affected communities, their inner power relations and their social status in comparison to other social groups in Kosovo. This part of the interview attempted to define the agency of the subaltern and position it in relation to other classes or groups in the country. And finally, at the end of each interview the conclusion of the more than a decade long NGO involvement was drawn and the NGO representatives evaluated their own involvement and prospects for the future.

## **5.2. Methods**

Keeping in mind the above described research design the study turned to qualitative research methods to answer the research question. The need to rely on qualitative data for answering the research question has two main reasons. Firstly, there are no academic contributions on the civil society's involvement in Kosovo's IP cases; thus, approaching them personally and generating data based on their views and information complements the existing knowledge on the case. Secondly, the ontological position of the research namely the question of representation in the case of the subaltern suggests that the involved actors' knowledge, understandings, experiences and interactions are necessary to be explored (Mason, 2002: 63). What do the NGOs think about their own involvement? How is their relationship with the ones represented? Who are the ones they think they represent? These are

all questions which can be answered exclusively by qualitative methods, for the most accuracy relying on semi-structured interviews.

The two methods used are semi structured interviews and the reconstruction of cases based on official reports issued by the IP, WB and the government of Kosovo. To build up a comprehensive and coherent research design it was important to have methods, which generate similar or complementary data, so that they could be integrated into the MA Thesis (Mason, 2002: 35). To combine the two different data collection strategies into one coherent research “*they have to emanate from the same epistemology or at least from complementary epistemologies*” (Mason, 2002: 34).

The reason to use two different but in a way similar approaches is grounded on the concept of triangulation which “*is used to refer to the observation of the research issue from two different points*”. The triangulation of data helps the researcher to possibly eliminate the subjective impact of individuals on the research (Flick, 2004: 178). The need for triangulation revealed itself after the realisation of subjectivity in the data generation process. At first, the interviews attempted to reconstruct the history and the design of the IP cases of Kosovo; however, after the second interview it became clear that basing the entire research design on the subjective opinion of only one side of the coin, namely the NGOs, might lead to biased conclusions. Thus, to balance out the subjectivity the reconstruction of WB involvement and the IP cases are grounded - although not exclusively - on official documents issued by the IP, the WB and the government of Kosovo (chapter 6 and 7).

### **5.2.1. Main data generation method: semi structured interviews**

There is a debate in the methods literature whether the collection or generation of data is the correct phrase to describe the process of acquiring information for one’s own research (Mason, 2002: 51). The data which the study seeks to use is not out there in the social world as given but it has to be generated by the research, guided by a theoretically driven interview process. Thus, the method of the MA Thesis is not merely a data collection activity but it is a data generation process involving analytical and interpretative elements.

The research used semi structured interviews to generate data and to describe what sort of forms being subaltern takes among WB project affected people, how can they be represented by NGOs and how much influence this representation can exert on the WB at the end. During the semi-structured interviews the interviewees were asked to provide “*elaborated accounts about particular experiences*” related to their involvement in the IP cases of Kosovo (Elliott and Timulak, 2005: 150).

Semi-structured interviews enable the researcher to guide the interviewees in accordance with the research question and the theoretical framework, while still allowing some space to adjust each interview to the respective interviewee (Grey 2004, 215-217). As the research question investigates a case study, the “*depth, nuance, complexity and roundedness of data*” is more important to be explored than patterns on the surface which could be derived from a questionnaire in another research context, for an example comparing dozens of IP cases, which is not the case in this MA Thesis (Mason, 2002: 65). As the approached interviewees had different contextual experience concerning the case, the semi-structured setting allowed the research at hand to modify the questions for each interview. Generally, the questions were split into three main thematic categories based on the research questions derived from Spivak’s (1988) theory on the subaltern: *who are the subaltern? How can NGOs represent them? To what extent can the representation through NGOs and the IP have an impact on the WB’s decision-making?* Although the thematic categories gave a framework for the discussions, the semi-structured setting gave the interviewer the opportunity to come up with new questions during the interview based on the answers given or exclude others if irrelevant (Grey, 2004: 217).

The respondents of the interviews were four members of KOSID, a consortium of NGOs working for a sustainable energy future of Kosovo. The reason for the relatively low number of interviews evaluated qualitatively is that there were no more experts involved in the case personally. Two of the interviewed persons were engaged in research on the energy sector of Kosovo and they are working for INDEP (*Interview 1*, 2017) and the Balkan Green Foundation (*Interview 3*, 2017) which organisations are members of KOSID and they are involved in the 2015 IP case of Kosovo. The other two respondents were the two representatives of NGOs at the 2012 (*Interview 2*, 2017) and 2015 (*Interview 4*, 2017) IP cases. When the civil society is involved in a complaint filed to the IP they need to nominate a representative, who is responsible for the flow of communication between the affected communities and the IP. Nezir Sinani, a former researcher of INDEP was the chosen representative in 2012 while Dajana Berisha from FIQ was the one in 2015 and she is still working on the issue. Their contribution gave valuable insights on the agency of the subaltern which helped the research to differentiate between distinct subaltern groups, and also to recognise the positionous nature of subaltern in the case at hand: : *"One group that is dominant in one era can be among the dominated in another"* (Guha cited in Spivak 1988 : 79).

Apart from them we contacted local communities, travelled to the coal mining area, and met resettled people and also inhabitants who are waiting to be resettled. Although the

discussions held with the affected communities had an important impact on the research when it comes to the contextualisation, the interviews conducted with them were not qualitatively evaluated. The reasons for this are twofold: firstly, the locals are emotionally affected and involved, thus their perceptions have to be handled with caution. Secondly, the low number of citizens contacted and reached does not even account to draw conclusions on the level of the case, not speaking about the IP in general.

The selection of the interviewees was smooth and happened before the field visit. The most important contributions are stemming from the two representatives of NGOs in 2012 and 2015, Nezir Sinani and Dajana Berisha; however, the other two interviews conducted with Dardan Abazi and Rinora Gojani, local researchers of sustainable development also contributed considerably to the data generation. The documents issued by the IP gave enough guidance to navigate among the NGOs involved in the IP cases and the persons to be involved were contacted through e-mails and phone calls.

### **5.2.2. Data interpretation**

The above described mix of data, consisting of project related documents and semi structured interview needs a stable framework to be analysed. In qualitative research the significance of the study's context makes each research design slightly different from each other. As Mason (2002: 2) states, "*qualitative research – whatever it might be - certainly is not a unified set of techniques or philosophies...*"; therefore the researcher has a relatively wider autonomy in constructing the research design than in other cases. However, the method of coding is widely accepted among qualitative researchers and standardise the otherwise colourful method's field.

The core idea behind coding is that the research applies predetermined categories for the whole data setting based on common principles and measures. The coding categories allow the researcher to extract the needed data from the given interview and compare or compile the extracted information with data from other sources/interviews. Coding works the best if the qualitative text to be coded has a "*uniformed layout*" (Mason, 2002: 151).

Although qualitative research often turns to grounded theory which is a form of inductive reasoning where the researcher develops his theory or claims derived from empirical data (ibid: 180), the current thesis has a deductive approach. It cannot rely on the grounded theory approach since its research question and the interviews are already based on Spivak's (1988) theory and assumptions, to say it with other words they are deducted from Spivak's works. Thus, the consistency of the analyses requires a coding system that can be

applied by using the same theoretical framework which determines the research design and the layout of the interviews.

The theoretical framework of the thesis cannot be strictly conceptualised, but there are clear questions, doubts and assumptions raised by Spivak in her works which can be used for the analysis. These questions, doubts and assumptions discussed in the theoretical framework (chapter 4) served as a predefined guideline for constructing the list of questions for the semi-structured interviews. The questions were the following: Who are the subaltern? What makes a group of people subaltern? Are they subaltern in each of their relationships or is it possible to be dominant in one situation and dominated in another? Can they be represented by NGOs? Is the representation stemming from the will of the people or rather the NGOs? Can their representation have impacts on their own life and on the WB or the government?

The codes themselves were not predefined before the data generation but they emerged from these questions after revising the transcripts of the conducted interviews. The goal of coding was to order data in a sequential manner which otherwise would not appear coherently in the interviews. This mode of data analysis allowed the researcher to compare or connect data with each other and to exclude certain parts of texts that are not needed for the analysis and were generated as a result of the nature of semi-structured interviews (Mason, 2002: 153).

The three codes applied for the interpretation of generated data are the *subaltern, representation via NGOs* and *their exerted impact on the WB*. The first code, the *subaltern* explored who are the subaltern in the cases of Kosovo at the IP and what are their characteristics as distinct groups. What is their social status? What kind of groups they form? How did their opinion about resettlement and the power plant differ between their own groups? Who are their leaders and how did they become such?

The second code, the *representation via NGOs* examined what is the relationship between the project affected people and the NGOs supporting them while submitting the claims. Are the subaltern fully aware of their interest or are they being manipulated? How did the NGOs realise that these people face problems and who approached the other? Were all affected people represented or only their leaders? Is the opinion of the people who do not live in the territory of resettlement included?

And finally, the code discussing *the NGOs impact on the WB* explored to what extent can the WB's decision making be influenced by the NGOs through the IP, taking into consideration the positionous nature of subalternity and looking at different subaltern groups in different contexts. What kind of impact the IP process had on different subaltern groups?

Did the postponement of the construction happen because of the NGO involvement in the IP cases?

### 5.3. Limitations of data

While reading this study the reader should be aware that the research was done in the framework of a Master's thesis; therefore, its scope and length is limited by time and financial resources. The research aims to shed light on a literature gap of research done on the IP regarding civil society participation in Kosovo. It is crucial to note that the total numbers of interviewees (four) of this study accounts only for the IP cases of Kosovo; thus, drawing references from the results of the present work to other cases in other countries might lead to different conclusions but still, the explanations might serve as a good starting point for comparison.

Although qualitative research is the most appropriate method to approach the research question, it has been criticised for several reasons. Bryman (2016: 398) describes qualitative research as “too subjective” or even “impressionistic”, since it builds upon the researcher's not always systematic views about what counts as important and noteworthy, and it often relies on close personal relationships which the researcher develops with the people under the scope of the study. Mason (2002: 4) thinks qualitative research requires the researcher to be innovative and not to follow a strictly pre-defined methodology; therefore, the work has to develop its own design depending on the context. Although this mode of research gives the researcher a free hand and autonomy in designing the study, but at the same time it opens the room for the possibility of unsystematic data analysis. On one hand, postmodernist research usually critiques qualitative research of neglecting that the social is “*constituted of discourses of the subject*” and points out that there is nothing “*non-discursive*” out there. On the other hand, unlike postmodernism, qualitative research puts the emphasis on truth, representation and experience (ibid: 6).

To answer to these critiques and do reliable qualitative research one needs to take into consideration the following points. Qualitative research has to be conducted “*systematically and rigorously*” and it should provide enough material to its audience upon which it can be judged (ibid: 7). It also needs to produce explanations and arguments which can be generalised to a certain extent but at the same time be aware of the context-dependency of arguments (ibid: 8).

The question of subjectivity is another matter which limits the possibilities of qualitative interviewing. The danger lies in the phenomena when the researcher includes his own perceptions, experiences and prejudices into the interviewing process and looks at it as



actual data. To avoid this, by interpreting the data the researcher needs to question her assumptions while at the same time being aware that reaching full objectivity is hardly possible (ibid: 77). A mere literal reading of transcripts is not possible, because what we see is already interpreted in a certain way, and shaped by our views (ibid: 149). Thus, the written account needs to provide justification for the decisions made and steps taken through the analysis process (ibid: 77). Keeping in mind these concerns the study attempted to develop a meaningful research design with a detailed exploration of the case. The research at hand is aware of all limitations of qualitative research but emphasises its strengths when it comes to explain the world from the view of participating people and generates data for future examination.

## **6. Kosovo's energy situation and the World Bank's involvement**

To comprehend the reasons behind the government's engagement towards coal based electricity production, we need to examine the energy situation in Kosovo. After seeing why the need is there for a reform in the energy sector (chapter 6.1), the upcoming part of the chapter sheds light on some of the shortcomings and adverse effects of the path the government of Kosovo has taken (chapter 6.2). And finally, to put it into the context of the subject under analysis, the last part of the chapter describes the WB's involvement in Kosovo's energy sector (chapter 6.3).

### **6.1. Energy situation in Kosovo: investment in a new coal power plant**

Currently 98% of electricity produced in Kosovo stems from two lignite coal-fired thermal power plants, Kosovo A and B and 2% is produced with hydro power plants (Kammen et. al, 2012: 11). There is a mismatch between the demand and supply of electricity in the country; therefore it is balanced with around 8-10% of import (Beér et al., 2012: 7). The currently running power plants' were designed between 1970 and 1984 based on Soviet technology and in Kosovo A, in the older plant not all of the units are operating anymore (Beér et al., 2012: 3). Domestic lignite - also known as brown coal - reserves of Kosovo account to 12.5 billion tones, of which 10.9 billion tones can be exploited. Lignite is the dirtiest form of coal because the process of converting it into energy is intense; however, if we look at the initial price of production it is the cheapest among all resources being at disposal in the country (ibid: 19). The owner of the coal power plants is the state-owned Kosovo Energy Corporation (KEK) which is responsible for coal mining and generation of electricity (ibid: 8). Until 2013 KEK was responsible for the distribution of energy as well, but since

then this part of the company was privatized and the Kosovo Energy Distribution Services (KEDS) are responsible for electricity distribution (KEDS, 2017). Kosovo A has a capacity of 800 MW, while Kosovo B has an installed capacity of 678 MW; however, due to their old age they cannot reach the supply of this amount of energy anymore (Kammen et. al, 2012: 8).

The old age of the existing power plants is especially worrisome for the manufacturing and construction sectors, where in 2009 there were 43 reported blackouts per month (ibid). The power outages are deteriorating Kosovo's attractiveness for foreign investment and also act as a stumbling block for locals relying on electricity and start businesses. Demand for electricity in the country already exceeds the existing supply capacity, and with the current growth of the population and the modernization of the economy the energy need is expected to increase (Beér et. al., 2012: 3).

However, for the country as a whole not only the outages but also the inability to collect the price of electricity bills poses a massive challenge. In 2010 the distribution system totalled 4804 GWh electricity out of which 42 GWh came from hydro power plants while the remaining 4762 GWh from the coal power plants. Out of this number only 2673 GWh was billed to the customers because of the lack of ability from KEK to meter all of the usage and collect unpaid bills. The losses which occur purely due to technical problems account averagely for 16 % (782 GWh) of the total energy input (ibid: 13). This total loss of more than 40% of produced electricity means that there is an urgent need for reforms in Kosovo's energy system (KOSID, 2017c: 1).

Recognising the need for a sustainable reform in the energy sector, the WB, the USAID and other IOs funded the Energy Sector Technical Assistance Project (ESTAP) in September 2002. The report focused on the diversification of energy production with renewable energy and the rehabilitation of Kosovo A and Kosovo B due to the huge energy losses. As a final note, the ESTAP asked the Government of Kosovo to prepare a long-term Energy Strategy Plan. In 2005 the Government published its first Energy Strategy (2005-2015); however, it concentrated solely on lignite-coal and it was the first time that a new coal power plant, at that time known as Kosovo C was brought up as a plan. According to the initial idea Kosovo C would have the capacity of 2100 MW and cost EUR 3.5 billion aiming to make Kosovo energy exporter in the region (KOSID, 2017c: 1). In 2006 the Project Steering Committee was established which included several ministries of the Kosovo Government. They had discussions with a number of IOs but the suggestions to involve the civil society into the planning period did not find listening ears. Thus, the access to documents and information related to the plans of the new power plant remain limited (KOSID, 2017c: 2).

In July 2009 the Government of Kosovo announced a plan to give an end to the problems with electricity production in Kosovo. The pillars of the plan were the following: (a) private sector investment in a new coal power plant, (b) privatisation of electricity supply and distribution, (c) rehabilitation and environmental upgrade of Kosovo B with private sector involvement, (d) decommissioning Kosovo A until 2017, (e) development of renewable resources (i.e. hydropower, wind, solar, biomass) (Kammen et. al, 2012: 17).

The plan does not only concern the construction of a new coal power plant but it requires the decommissioning of Kosovo A, and the modernization of Kosovo B which would improve the environmental situation of the country to a certain extent. Currently, the old plant, Kosovo A operates not only with a high rate of inefficiency but also the pollution levels are exceeding current EU standards; therefore the government has been planning its decommissioning for a long time. The other plant, Kosovo B is in a better condition though, but it cannot reach the standards of the EU's Large Combustion Plant Directive either because of the severe pollution. Thus, its rehabilitation is also on the table as an old plan of the government (Beér et. al., 2012: 3).

According to the aforementioned plan, in 2009 the capacity of the planned coal power plant (Kosovo C) was reduced from 2100 MW to 1000 MW. In 2009 December the Government of Kosovo approved the Request for Expressions of Interest for the Development of the Sibovci Lignite Mine, the construction of the new plant and private sector involvement in Kosovo B. In 2010 the government decided to decrease the capacity of the new power plant again, now to 600 MW (KOSID, 2017c: 3-4). According to an IEEFA study, the scalebacks were due to the lack of demand for electricity in the country (Sanzilo, 2016: 3). Finally, in February 2015 the only bidder for the project, the Contour Global was announced as the “winner” of the tender. According to the new plans the planned capacity of the coal power plant would be no more than 500 MW, which means 450 MW net production (KOSID, 2017c: 3-4). The proposed plan builds on 30% contribution from Contour Global and 70% should be financed from outside sources (Sanzilo, 2016: 4).

## **6.2. The negative effects of the new power plant with a focus on resettlements**

As it is described above it is clear that there is in fact a need for rethinking the energy sector in Kosovo; however, there are voices who believe it is worth to have a look at the consequences of investing more into coal based energy generation. The three mainly negative effects of furthering coal based energy production are the economic, environmental and social costs of the plant (Sanzilo, 2016; Downing, 2014).

Firstly, considering the burden put on customers there is an estimated increase in the price of electricity in the country. According to a study written by the IEEFA the overall price of electricity would increase by at least 33.8% and an average household would pay 12.9% of its annual income for electricity (Sanzilo, 2016: 1; 11). In contrast, other European households usually do not pay more than 6% of their income on electricity (ibid: 9). Here one needs to note, that unlike other European countries Kosovo uses a significant amount of electricity for heating purposes. It may play a determinant role in the phenomenon that they pay a higher proportion of their wages for electricity than consumers in other countries, but it does not change the fact: if electricity becomes more expensive, it will take an even greater part of their incomes.

The reason for the large increase in prices can be related back to the huge costs of construction, the interest rate on loans and the rate of return expected from the company executing the project. It is not known whether the government's estimation of EUR 1 billion as a project price is a result of a full cost analysis or it is only the initial price of setting up the coal power plant. If all of the upcoming costs are included, the price of the plant can scale up to EUR 1.44 billion (Sanzilo, 2016: 12). If the interest rate, the rate of return and the external subsidy are also counted, the cost might be EUR 4.169 billion (ibid: 19). The amount of information available from the winner of the tender Contour Global is not entirely sufficient to draw long-term conclusions related to the assumed rate of return they expect for their EUR 405 million investment. Nevertheless, based on current data from the Government the company's rate of return will be around 21.5% (ibid: 16) and according to estimations from Contour Global's business history it is a plausible expectation that they will require a payback in 5 years (ibid: 15). If all of these aspects are taken into consideration, without the government's significant subsidy supporting the electricity price, the burden on the customers shoulder may increase substantially with a new coal power plant.

The other significant factors which must be taken into consideration are the social and environmental impact of the new coal power plant on affected communities. When it comes to the environmental aspect, the effects on agriculture, water and health are the most severe. Firstly, Kosovo's lignite reserves are located under arable land which provides the daily needs of a number of families in the densely populated region. As a result of the mining operations, wide territories of agricultural fields have already been lost and there is more to come. The second danger is the investment's effects on water in Kosovo. The mine and the power plant are not only using a lot of water but also contaminating the river that provides drinking water to several cities around Prishtina. And thirdly, the effects on the health of the population are definitely negative. There is already a proved connection between the emissions of the

existing power plants and respiratory diseases among workers and the residents living in the area and the expansion of coal based energy production would exacerbate the situation further (Hashani and Shllaku, 2015: 10-11).

The aforementioned environmental effects cannot be separated from the social impacts of the project. As the power plant requires the development of a coal mine nearby there is a need for the resettlement of over 7.000 people who live in a 16km<sup>2</sup> territory mainly in the Municipality of Obiliq close to the capital city, Prishtina. With a number of 32.300 inhabitants living in the municipality it is a significant dislocation (Downing, 2014: 4).

The first resettlement happened in 2004 in Hade village where a mudslide threatened the town's security. Thus, the United Nations Interim Administration Mission in Kosovo (UNMIK) ordered emergency evacuation which decision did not take into consideration the expropriation process usually used by KEK. Between November 2004 and February 2005 158 families were involuntarily displaced, and some of them are still in temporary flats in Obiliq, the town nearby. After the resettlements, the Government - these times the UNMIK and the Provisional Institutions of Self-Government – declared that they plan to resettle a larger area. Thus, they decided to create an official zone of special economic interest there. This means, that the residents cannot expand their houses and cannot build new buildings in the area (Downing, 2014: 9).

The situation of the inhabitants is indeed worrisome but to comprehend the entire picture one needs to understand the viewpoint of the Government of Kosovo and the company KEK when it comes to the need for coal. According to the recent situation, although Kosovo has the fifth largest brown coal reserves on the globe, they are burning up their reserves as they cannot proceed further with land occupation to mine more coal. KEK's CEO said on 27<sup>th</sup> July 2017 that they have the reserves to work on full capacity for two more weeks and after that there is the danger of facing shortfall of electricity. The reason for this predicament is that the lignite next to the village of Shipitulle cannot be reached due to the resistance of local population to be resettled. Furthermore, the cost of their resettlement increased in the last three years since they are aware of the dislocation's plan. Shipitulle lies next to Hade on a territory which is declared a zone of special economic interest by the government since 2004. Since they are told that their fields are needed for mining operations and thus they are not allowed to build or expand houses there 120 houses have been built illegally in the territory. As a result, the expropriation cost according to the villagers has now increased from EUR 4.5 million to EUR 15.5 million. However, the inhabitants are not satisfied with the price KEK is offering (Reuters, 2017).

To complicate the predicament, there is also a political dimension to the problem. According to the Trade Union of KEK the new houses built illegally on the zone of special economic interest are constructed by people with strong political connections with the aim of earning money from compensation payments. Furthermore, in 2012 the Kosovo Privatisation Agency privatized a territory for EUR 370.000, even though the act of privatization could not have taken place in the area. The value of the property privatized is EUR 3 million; thus in case of expropriation the state has to pay a significantly higher amount than the price of privatization (K2.0, 2017; *Interview 4*, 2017)

### **6.3. The World Bank's involvement in Kosovo's energy sector**

In 2013 the WB adopted the strategy on "*Toward a Sustainable Energy Future for All*". The document states that the WB will not finance greenfield coal based energy investments in the future, unless there are no alternative energy sources to provide basic energy needs in a country (World Bank, 2003b). The case in Kosovo falls under the latter scenario: firstly, the WB President Jim Yong Kim said in 2013 that their support towards coal energy is intended to prevent the locals from freezing in their homes (Bloomberg, 2013). Secondly, although Jan-Peter Olters the former country manager of the WB in Kosovo admits, "*in the World Bank, there are no friends of coal technology*", he thinks they still need to rely on this mode of electricity production because the energy security needs to be assured (Olters, 2014).

Apart from not seeing reliable alternatives energy sources the WB is concerned about the unsustainability of current coal based electricity production. According to their analysis, the current prices are subsidized by non-household customers, and what the households pay is under the supplier's total costs. Thus, the WB is convinced that without an increase in prices the investment cannot be profitable in Kosovo's energy sector (Sanzilo, 2016: 34). To help Kosovo reach energy, climate and poverty reduction goals on a market-based policy level, the WB offers planning assistance and grants from the WB's IDA (ibid: 35).

Based on the problems and needs of Kosovo's energy sector the EB of the WB approved on 12<sup>nd</sup> October 2006 an initial grant of USD 8.5 million for consulting as part of the Lignite Power Technical Assistance Project (LPTAP) (KOSID, 2017c: 2). The LPTAP between 2006 and 2011 aimed to give assistance to build an environment that attracts private investment developing lignite mines and build new capacity in Kosovo (World Bank, 2012c: 25). To promote investment, the LPTAP supported the government in strengthening the policy, legal and regulatory frameworks of new private investments in the energy sector and to help the Government in finding investors to develop lignite mines and to build a new coal

power plant. Therefore, the LPTAP is involved in the preparation process of the new power plant and the lignite mines (Béér et. al., 2012: 4).

One of the most significant contributions of the LPTAP was the preparation of the draft regulation of the Strategic Environmental and Social Assessment (SESA) in 2008 and the Resettlement Policy Framework (RPF) for Hade village in 2011 in consistence with WB regulations on involuntary resettlement (ibid: 4; Inspection Panel, 2012c: 16). The SESA made a survey in 1580 households in nine project affected villages and hold 57 community meetings (Inspection Panel, 2015b: 9).

In general, the aim of the LPTAP was to prepare Kosovo for “*world-class strategic investors*” and as a consequence of these investments for an approximately EUR 1.2 billion electricity production project which would cover the development of a new power plant and a lignite mine (World Bank, 2012c: 3). The LPTAP was closed on 31<sup>st</sup> December 2011 with a total project cost of US\$ 10.5 million (World Bank, 2012c: 25).

The second and most important project concerning the energy sector in Kosovo was the KPP. The government of Kosovo in 2012 requested the WB to support the construction of a power plant that would use domestic lignite coal as a fuel to produce electricity under the framework of the WB KPP. The KPP has three explicit aims: 1. the rehabilitation of Kosovo B Power Plant; 2. construction of a new coal-lignite power plant, the Kosovo C also known as Kosova E Re; 3. the development of a new lignite coal mine in Sibovc (Inspection Panel, 2012c: 14). According to the project description of the KPP the goal of any future WB support for a coal power plant must imply a reduction in environmental impact of electricity production and strengthen the energy security of Kosovo (World Bank, 2012b: 2).

This argument might make one wonder how a new coal power plant can reduce the environmental impact of electricity production; however, in the case of Kosovo the current production based on the old Soviet technology has not been renovated in the last decades. Its replacement with a modern coal power plant would definitely not be as environmentally friendly as green or hydro energy, but it would improve the current situation (Béér et. al., 2012: 1). The decommissioning of the technically backward Kosovo A Power Station should have happened in Kosovo until 2017 according to the EU facilitated regional Energy Community Treaty; however, as the new plant has not been built yet, the Kosovo A not on full capacity though, but still functions (World Bank 2012a: 1-2; World Bank, 2012b: 2).

The project description of KPP states that from all energy resources in the country the lignite coal is the cheapest; therefore the coal power plant seems to be the most cost-effective solution for assuring the electricity supply of the citizens of Kosovo. The proposed KPP is supposed to replace the Kosovo A Power Station with a repaired Kosovo B Power Station and

a new power plant. The KPP also includes the development of the Sibovc South Lignite Mine to assure the fuel needs of the electricity production (World Bank, 2012b: 2). This is the point where the WB LPTAP is connected to the WB KPP, since the LPTAP is supposed to create the knowledge base and the regulatory environment for the Sibovc South Lignite Mine. To evaluate the risks and benefits of the desired plant, the WB stood up an External Expert Panel to support the Bank's decision whether or not to contribute to the realisation of the KPP (World Bank, 2012a: 2).

According to the findings of the External Expert Panel the KPP would definitely improve energy security in Kosovo while reducing power shortages. In addition, due to the high execution price of any other alternatives to produce electricity, the enormous need to close the Kosovo A, the modernisation of Kosovo B and the construction of a new plant is the only solution for Kosovo (Béér et. al., 2012: 10). According to the project website of the KPP, the estimated cost of the constructions would be US\$ 2000 million, from which the WB's contribution would amount only to US\$ 40 million (World Bank, 2017a).

The third project relevant to the energy sector and the IP cases of Kosovo is the Cleanup and Land Reclamation Project (CLRP). The WB has focused on the long-term development of the energy sector in Kosovo and the CLRP attempted to lay the grounds of lignite based electricity production in the country. The word "cleanup" in the name of the project refers to the cleaning of the electricity production process that leads to severe environmental damage in Kosovo at the moment. The old power plants, Kosovo A and Kosovo B instead of backfilling the used dry coal ash to the old mines, place it in an open dump site which causes significant air pollution. Therefore, the WB CLRP aimed to address the issues related to open dumping of ashes on land, to empower KEK to free land for community development goals and to remove the Kosovo A ash dump. As a further goal, CLRP also aimed to build capacity at KEK for further environmentally friendly investments (World Bank, 2017b: 1).

As the project description says, the primary beneficiaries of the implementation of the CLRP were the citizens of the Municipality of Obiliq, who are the most affected by air pollution. Besides them, the reclamation of land would make it possible to use the arable land under the ash piles for agriculture, recreation and resettlement purposes (ibid: 2). The project which ran between 2006 and 2017 and enjoyed the support of a US\$ 14 million grant from the WB did not reach its ultimate goal to remove the Kosovo A ash dump from its place; however, it was successful in directing 100% of currently produced ash from Kosovo A to an old mine which reduced air pollution in the region. What more, it reached the reclamation of 68% of the land for community development purposes (ibid: 15).



In 2013 the WB began a new project called Second Additional Financing for the Energy Sector Clean-Up and Land Reclamation Project (SAF-CLRP) aiming to address environmental issues related to the still open ash dumps on land and to enable KEK to free more land for community development purposes. The project attempts to strengthen the impact of the CLRP with an additional funding of USD 4.2 million and in 2017 it is closed according to the WB database (World Bank, 2017c). Apart from complementing the original CLRP, the SAF-CLRP assisted air monitoring to make the government able to collect air pollution data, financing for the Environmental and Social Impact Assessment (ESIA) of the KPP and monitoring assistance of the implementation of RAP of Shala neighbourhood in Hade village (Inspection Panel, 2015c: V).

## **7. Kosovo and the World Bank Inspection Panel**

The following chapter summarizes what kind of harm the WB related projects caused to the communities located nearby according to the claimants of the IP cases of 2012 and 2015. Lamenting the consequences of the WB involvement in Kosovo, the civil society and local communities submitted two claims to the IP in the last years. The complaint filed in 2012 raised public attention though, but the IP did not find it eligible for investigation due to the early phase of project implementation of the KPP (chapter 7.1). As the IP suggested the NGOs not to give up, they submitted a claim in 2015 as well, which was found eligible for investigation by the Panel (chapter 7.2).

### **7.1. The Inspection Panel Case of 2012**

In 2012 the representatives of Darshishtë, Lajthishte/Sibofc, Cerna Vodica, Hade and the town of Obiliq filed a complaint to the IP lamenting the consequences of the LPTAP and the KPP. The complaint was also supported by the civil society organisations INDEP, GAP and FIQ. The submission of the IP claim in 2012 did not happen directly by the inhabitants affected by WB projects. The representatives of the affected villages located in the Municipality of Obiliq authorized the civil society and nominated Mr. Nezir Sinani from the INDEP to represent them in the IP complaint process (Inspection Panel, 2012c: 7). The projects met the criteria of the IP because the KPP has not been carried out yet and the LPTAP was less than 95% payed out (ibid: 12). Furthermore, as it is documented in the request for inspection the representatives of Kosovar civil society have notified the WB Management and EB about their complaints but these were not acted upon (ibid: 13).

The subject of the claim was the social, economic and environmental impact of KPP and LPTAP. According to the request for inspection, the community had already perceived the impact of the works and they had also notified the WB staff; however, they did not react to their complaints. Although the regulations of the IP do not require it but the claim explicitly mentioned which WB policies have been violated by the project:

*"OP 4.01 – Environmental assessment;*

*OP 4.12 – Involuntary displacement*

*OP 10.04 – Economic evaluation*

*OMS 2.20 – Project evaluation"* (Inspection Panel, 2012c: 1)

According to the request for inspection the complaints can be split into different categories, ranging from the environmental pollution, through the water shortages and the economic impact to the involuntary resettlement, lack of transparency and impact on employment (Inspection Panel 2012c: 2).

The environmental concern presented to the IP touches upon the pollutants released by the current and the future power plant. The KPP is planned to be implemented in Obiliq where the currently running Kosovo A and Kosovo B power plants are situated. This municipality is seven kilometres far from the capital city Prishtina; therefore the plant would affect the lives of more than 500.000 people. The complaint argues, that if the KPP was realised the situation would significantly worsen because a modernised plant and a new plant would imply two consequences: increased life span of lignite based electricity production and a greater capacity (Inspection Panel, 2012c: 19). Currently, the inhabitants are facing health issues due to the polluted air as a result of coal combustion. The release of smoke, iron, zinc, mercury and other pollutants implies increasing number of neural and cardio-vascular diseases in the affected communities. Above all, the water pollution causes the greatest harm. The water is polluted from the huge proportion of ash in the air, and as 60% of the affected communities are farmers, their animals consume the polluted water which indirectly affects the human health as well (Inspection Panel 2012c: 2).

As a further argument against the KPP, the complaint brings up the possibly multiplying water shortages. The Iber Lepenc canal provides the supply of Prishtina, Obiliq, Mitrovica and Vushtrri and also of the two running power plants. In case of the expansion of capacity, the electricity production would need more water that would make water shortages severe in Prishtina (Inspection Panel 2012c: 3).

The economic layer of the claim discusses the state of Obiliq as a zone of special economic interest. About 70% of the Obiliq territory has been a zone of special economic interest since 2004. It means that the area has to be used for lignite mining purposes;

therefore, the local inhabitants are not allowed to extend their households or develop new ones. Furthermore, some of them in Hade village are not included in any displacement or resettlement programs which would locate them in an area where they could enjoy their rights concerning household development; thus, they are left in limbo in an area where living conditions are extremely poor (Inspection Panel 2012c: 3).

Under the LPTAP's initial stage the KEK started the dislocation of some Hade inhabitants to free place for the KPP. The locals needed to be resettled without Kosovo having any comprehensive national displacement policy, a Resettlement Plan (RP), in line with WB displacement standards. Although under the LPTAP the SESA was created; however, it fails to meet the criterion determined by OP 4.01 of the WB as follows: *“inadequate consideration of environmental, health and social impacts; inadequate consideration of viable alternatives; and inadequate and unrepresentative consultations with affected communities”* (Inspection Panel, 2012c: 9).

As a consequence, the practice of resettlement contradicted WB policy and resulted in low compensation. As Hade belongs to the Municipality of Obiliq, of which the government expropriated 70% as national interest zone, the resettlements have to happen in the remaining 30% which make it impossible to do it according to the WB's standards (Inspection Panel 2012c: 3). The Municipality of Obiliq is already densely populated with 205 persons per km<sup>2</sup> which is above the average 175 persons per km<sup>2</sup> in the country (Inspection Panel, 2012c: 14). What more, the resettlement causes the destruction of important mosques, schools and historic monuments in the region, having a destructive impact on tourism (ibid: 18).

The IP claim is not only supported by inhabitants affected by the KPP but also by KEK workers who fear being fired due to the privatisation processes. There is a considerable danger that the further privatization of the energy sector in Kosovo would lead to an increment in unemployment. The WB and the Government of Kosovo have never discussed this issue with the Union of KEK Workers. The Union of KEK Workers, Obiliq community and civil society were not involved in the decision-making process and their requests for more information from the Ministry of Economic Development and the WB have been rejected (Inspection Panel 2012c: 4).

According to the civil society actors mentioned in the claim, the WB did not consider thoroughly enough the alternatives to a power plant. However, the civil society based on cooperation with the Berkeley University of California found that alternative sources would cause less harm to the environment and would create 30% more jobs to locals (Inspection Panel 2012c: 5). Based on the aforementioned arguments, the representatives asked the IP to

review the complaint and request the EB of the WB to address the concerns related to the affected projects (Inspection Panel 2012c: 5).

To summarise, here is the recap from the IP itself: *"The Requesters state that they are "concerned about the very serious social, economical and environmental impacts related to KPP and LPTAP" and that they have "already felt the impacts of these projects and are worried about what will happen after KPP has been built" (Inspection Panel, 2012d: 2).*

Following the request for inspection the Management gave its response on 21 May 2012. The response states that the KPP is currently at the planning stage; therefore it would be early to decide on an inspection. The Management also made clear that according to their perception there has been no policy violation from the WB's side and the request for inspection is based on already existing problems and on assumptions that the WB would not follow its own policies and procedures. Furthermore, the issues mentioned are outside of WB mandate. Thus, even if they are deteriorating the livelihoods of the population, the WB does not have the mandate to intervene because it belongs to the responsibility area of another institutions or the government (Inspection Panel, 2012d: 7).

After reviewing the request and the Management's response the IP members took a field visit in Kosovo from 31<sup>st</sup> May to 2<sup>nd</sup> June 2012. The IP team met the requesters, their representative, community members, WB staff in Kosovo, KEK officials, officials of the Ministry of Economic Development and the officials of the European Union and the World Health Organization. Thus, the Panel's recommendation to the EB is based on the request, the Management's response and on the data gathered during the field visit (Inspection Panel, 2012d: 11).

The IP's assessment came to the conclusion that due to the early stage of the KPP there are no Bank activities relevant to the complaints raised in the request for inspection. As a result, the IP did not recommend an investigation on the WB's compliance with its policies and procedures. The IP report also states, that the affected people can come back to the IP at any later stage of the KPP if they wish to do so (Inspection Panel, 2012d: 22). Following the IP's recommendation on 11<sup>st</sup> July 2012 the EB approved the decision about the complaint that there is no need for an investigation at this stage of the project preparation (Inspection Panel, 2012e).

## **7.2. The Inspection Panel case of 2015**

The IP's recommendation from 2012 suggested the NGOs in Kosovo to come back to the IP at a later stage of the project, so the submitters of the claim did not give up. Thus, after 2012 NGOs, from think tanks through media organisations to grassroots organisations

working with local communities formed KOSID. The goal of KOSID, a consortium of civil society organisations in Kosovo is to promote development projects in the direction of clean energy, better environment and the mitigation of climate change (Balkan Green Foundation, 2017).

The request for inspection was registered by the IP on 30<sup>th</sup> June 2015 which concerns the SAF-CLRP and the KPP. The claim was submitted by three local community leaders with the support of KOSID and its two member organizations, INDEP and FIQ (Inspection Panel, 2015b; Inspection Panel, 2015c: V). The claimants nominated Ms. Dajana Berisha from the FIQ as their representative for the process (Inspection Panel, 2015e: 1). The request mainly concerns the Bank's role in assisting the regulatory and legal framework for resettlement in Kosovo under the LPTAP; the Bank's monitoring role of the resettlement in Hade village under the SAF-CLRP; and the resettlement under KPP (Inspection Panel, 2015d: 1). The requesters are unsatisfied with the loss of land, livelihoods and well-being, with the forced displacement and the restrictions in economic development (ibid: 3-4).

There are a number of citizens mostly in the Municipality of Obilic close to the capital Prishtina who have been forcefully resettled due to the preparation of mining operations of the KPP (Inspection Panel, 2015b: 1). The affected people live on a 16km<sup>2</sup> territory in 26 agricultural settlements. According to the report attached to the request for inspection in 2015, the preparatory actions to involuntarily resettle more than 7.000 people do not happen according to international involuntary resettlement standards (Inspection Panel, 2015b: 7).

The survey conducted through the LPTAP's SESA describes the characteristics of the region which is under resettlement. It found that there is a high-level of mutual helpfulness in the community which may be put in danger by resettlement (Inspection Panel, 2015b: 9-10). The WB's Operational Policy on Involuntary Resettlement prescribes a RP as the guideline of the displacement operations, which according to the request has not been created in Kosovo; however, the WB's country manager Jan-Peter Olters in Kosovo claims that the RPF adopted in 2011 is aligned with international standards (Inspection Panel, 2015b: 6; 52).

The fear of the citizens is fueled by an experience with forced displacement from 2004, when they witnessed that some of their neighbors were dragged out of their homes by the police, their belongings were stored up in a public warehouse and their homes were destroyed by bulldozers. Nine years later, when the report covering the case was written, these citizens still had no place to go home, and they become *"the refugees not to war but to development"* (Inspection Panel, 2015b: 7).

The cause of the problem is the WB's improper technical assistance provided to the Government of Kosovo regarding the preparation of a policy, regulatory and legal framework

for involuntary resettlement (Inspection Panel 2015b: 1). The claim to the IP concentrates on the preparation works of the KPP which was designed under the LPTAP. The creation of a special economic interest zone was the WB's recommendation but it harms the rights of citizens for economic and land development: taking away their lands and limiting their lives and livelihoods happens without compensation, restoration of livelihoods and proper notification about activities. These works have already caused negative social and economic consequences, for instance the depopulation of their area as a result of the inability to accommodate the growing families and expand their houses (Inspection Panel 2015b: 2).

At its core, the claim refers to the WB OP 4.12 which states that involuntary resettlement should be avoided if possible, but if it is not the case, it should be carried out in a sustainable way. The persons displaced should be given the opportunity to restore their standards of living and livelihood to pre-displacement levels and they have to be allowed a meaningful participation (Inspection Panel, 2015b: 6). If forced resettlement is not carried out along those lines, there is a risk of outcomes such as unemployment, homelessness, loss of income earning assets, food insecurity, loss of land, health risks and the disruption of educational activities. These risks might create a new type of poverty compared to the old one and worsening the situation of resettled citizens (Inspection Panel, 2015b: 8).

According to the OP 4.12 there needs to be a RP before dislocating the people from their homes. In 2009 a RPF was approved which establishes a 30 year compensation framework for the resettlement. The possible compensation according to the RPF can be materialized in cash, new residential sides or in a land for land form (Downing, 2014: 14). As part of the RPF, a RAP was approved for the Shala neighborhood of Hade village in 2009 as well which was the first time that the KEK at least attempted to follow international standards (ibid: 16). However, it only concerned the Shala neighborhood and a more comprehensive RP for the entire resettlement area is still missing from the Government's side. This is a huge deficiency of the project because even WB reviews admit that projects with an RPF are prone to neglect mitigating impacts compared to the ones with a comprehensive RP (ibid: 17).

To prove the in compliance on a policy level Downing (2014) analyzed the resettlements based on WB's four primary policy objectives from OP 4.12. The first objective is *"that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs"* (World Bank, 2001: 1). The preference of the Government in the planning period was not the minimization of dislocation but reaching targets in lignite production; therefore out of the possible scenarios they chose the one with the most severe social impact. After refusing to bypass the village of Hade in case of the Shala neighborhood, they claimed that they had minimized resettlement since they wrote a

RAP and they only took one part of the village. However, since there is no comprehensive RP, they turned to the Stepwise Mining Expansion and Land Take (SMELT) strategy which means that they are taking only a certain part of a town and when the need appears they notify them about further operations. The SMELT strategy is usually implemented in densely populated regions, where they locate the operations closer and closer to the settlements, where at the end the residing population voluntarily leaves the area because of the accompanying noise and pollution. Thus, the minimization of resettlement did not succeed in effect (Downing, 2014: 20-21; Inspection Panel, 2015e: 6).

According to the next primary objective of the WB, *“where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits”* (World Bank, 2001: 1). However, the compensation for the land taken away cannot be calculated under sharing of benefits. The community fund created for the affected 55.000 people in the area accounts merely to USD 9.09 per person per year, which also cannot be deemed as a sustainable development project; therefore, the compliance with this policy objective also failed (Downing, 2014: 23).

The third primary objective requires that *“resettlement activities be implemented with appropriate disclosure of information, consultation, and informed participation of those in the way”* (ibid: 24). According to this objective the affected people and local NGOs have to be consulted before the project implementation, early enough for reflection, in a language and form that is comprehensible and accessible to them (ibid). The KPP in Kosovo held meetings with locals but its footprint is missing from the mode of resettlement at the end (ibid: 25). What more, the monitoring of the civil society was hampered by the WB since reports were requested but they are kept secret (ibid: 26).

The fourth objective of the WB resettlement policy aims to prevent that the ones resettled become impoverished due to a project: *“displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher”* (World Bank, 2001: 1). The restoration of livelihoods is not satisfied by compensation, but it has to re-establish the circumstances for an uninterrupted wealth accumulation as well. In the case of Kosovo, the resettlement in most of the cases do not allow the population to rely on agricultural anymore or the Government lives cash compensation as the only possibility of restoration. Thus, the KPP although tries to be consistent with the international standards, it does not comply with the WB’s OP 4.12 (Downing, 2014: 28).

The harm caused is the most significant and visible next to Hade village where the state-owned Sibovc mine is expanding. The situation in times of submitting the 2015 claim was the same as it used to be in 2012: one part of the village has already been resettled and the remaining part is suffering due to the dust, noise and smoke coming from the mining operations. Ragip Grajcevcu a local who helped in organizing the claim in 2015 explained to Climate Home that the WB promised them better livelihoods after resettlement, but what they got resulted in poorer economic possibilities. In “New Hade”, a village built in 2014 for the previously dislocated persons, a school, a medical clinic and a cemetery were promised to the citizens, but none of them have been built yet. Until 2016, 22 families moved there and half of the new apartments are empty. With the exception of the main road, none of them are sealed, the houses lack electricity and the sewage system is not complete. The people who are coming from an agricultural background do not have the possibility to have a garden and keep cows or hens, which is a great disadvantage in a country with high unemployment rate. In spite of this, Arben Citaku the secretary of the Ministry of Spatial Planning claims that the status of citizens has been preserved, although not improved by the resettlement (Climate Home, 2016a).

The Bank Management gave its answer to the request for inspection on 27th July 2015 which did not really differ from the one given in 2012. According to their answer all of the harm revealed in the request are stemming from non-WB supported projects and from mining activities prior WB engagement. Furthermore, the Management emphasizes that the WB has not yet made a decision to support the KPP and the mining would be needed even without the Bank’s involvement to satisfy the existing coal power plants, Kosovo A and Kosovo B. In line with the arguments listed, the Management did not recommend any actions to be taken (Inspection Panel, 2015c: V-VI).

Following the Management’s response the IP took a field visit to Kosovo from 3<sup>rd</sup> August to 6<sup>th</sup> August 2015 and they submitted their recommendations on 2<sup>nd</sup> September 2015. The main task of the IP after receiving the new complaint in 2015 was to determine whether there were new evidence presented in the new request compared to the old one (Inspection Panel, 2015e: 2).

During the visit they held meetings with representatives of the Government, KEK, the Municipality of Obiliq, the EU and the EBRD with the support of the WB Kosovo office. The IP report notes that the request meets all the formal criteria prescribed in the rules and regulations of the Panel (Inspection Panel, 2015e: 9). The people in Hade village can now be separated into three groups based on their different complaints: the first group laments their insufficient living conditions in New Hade which village has been built for them by the



Government. The second group of people experiencing harm is the one still living in Hade in the special economic zone and cannot expand their houses or build new ones. And the third affected group of community members is the one being resettled in 2004 on an emergency basis from Hade. To be clear, before 2004 all of these groups used to constitute one single village, but with time as a result of the SMELT resettlement strategy they have been divided in a stepwise process (ibid: 11).

The IP came to the conclusion that the WB assisted the Government through the LPTAP to develop a safeguards framework for resettlement in general and the Shala RAP was being financed under another WB project, the SAF-CLRP. The LPTAP (under this, RPF, Shala RAP) and the SAF-CLRP are essential elements of the preparation works to the preparations of the KPP. Consequently, the IP observed that the harms described above could be linked to the WB's technical assistance provided over the last decade being it direct or indirect support for the proposed KPP project. Thus, the IP recommended an investigation of non-compliance with WB Operational Policies and Procedures regarding the preparation of KPP. The investigation concerns the resettlement of Shala neighborhood to New Hade and the zone of special economic interest, but the ones dislocated in 2004 are not mentioned at the end of the report (ibid: 17).

According to the IP's findings the special economic zone is not in line with international standards but the decisions about its size were made by the Government without the WB recommending it. Thus, the Bank is not responsible for the harm caused. However, the WB defaulted in recommending adjustments to the zone which could have mitigated its adverse effects on livelihood and living standards (Inspection Panel, 2015f: VII-VIII).

When it comes to the emergency evacuations in 2004 the IP did not find the WB responsible for the resulting harm. These times the WB's assisting and advising role was limited; however, it expects the Management to take those bad practices into account when it comes to future displacements (ibid: VIII). As a further step, the IP analyzed the RPF prepared for Kosovo and found that the Shala RAP and the RPF were not in compliance with the Bank's resettlement standards because the RPF did not specify methods and standards for the valuation of properties of project affected people in the zone and in the new mining field (Inspection Panel, 2015f: VIII). Furthermore, the IP notes that the Shala RAP did not pay enough attention to the restoration of livelihood strategies of resettled families. The WB had considered a supervision of the Shala RAP under the LPTAP in 2011; however, it did not happen (ibid: 52). The main incompliance found by the IP concerns the failure to apply OP 4.12 and the absence of a resettlement schedule which had a role in leaving community members in temporary housing for a prolonged time period. The report concludes that the

WB's expertise has not been used extensively to minimize the harm suffered by Government project affected people in Kosovo (ibid: IX).

Reflecting on the IP's recommendations on 18<sup>th</sup> December 2016 the WB Management submitted its report with an action plan. The Management admitted the shortcomings of their assistance to the Government when it comes to both, the deficient RPF with lack of guidelines on the valuation of properties and the delays occurring at the resettlement of population to New Hade. Therefore, the WB will advise the Government on a renewed RPF which must be consistent with OP 4.12 and they ensure that the improvement of living conditions and livelihood possibilities in New Hade will be the way forward (Inspection Panel, 2015g: V) On 15<sup>th</sup> December 2016 the EB of the WB approved the action plan but it made clear that the decision whether the Bank would support the KPP has not been made yet (Inspection Panel, 2015h).

## **8. Results: Discussion of the NGOs involvement in the IP cases with Spivak in mind**

### **- Can the subaltern speak?**

In 2016 the WB issued an action plan that is supposed to remedy some of the harm project affected people face near Obiliq. Although the impacts of the action plan cannot be discerned yet, the results of the years long civil society involvement in the project and mobilization of citizens is clearly perceivable. However, the people living on the territory of the project do not constitute a homogenous group regarding their employment status, professional occupation, gender and social status; therefore applying Spivak's (1988) theory on the subaltern helps us to explore, who are the subaltern, what makes them different from the ones who do not belong to them and how their representation through NGOs can be successful.

In this chapter the following research question is scrutinized: *To what extent can the NGOs act as a voice of the subaltern and have an impact on the World Bank, through the Inspection Panel in the case of the Kosovo Power Project?* This general question is narrowed down for the analysis to the following sub-questions: Who are the subaltern groups? Have the NGOs been able to represent them through the IP? And how big impact can they exert on the WB's decision making concerning the project? These are the questions which allow us to examine the general interest area of the thesis: Can the subaltern speak?

The following chapter presents the empirical results and the analysis drawn from the semi-structured interviews conducted during the field work in Kosovo with NGO representatives involved in the IP cases. The first part (chapter 8.1) discusses the understanding of subaltern in the context of the study and differentiates between the different

groups affected by the mining works and its accompanying harm. The second part (chapter 8.2) introduces the NGOs involvement while the final part (chapter 8.3) discusses the overall impact of NGO mobilization on the WB.

## **8.1. The subaltern in Kosovo in the context of the IP cases**

### **8.1.1. The rational for using the term subaltern in Kosovo**

The definition of the subaltern (chapter 4.3) is not crystal clear in Spivak's works but the main tenets claim that everything belongs there "*that has limited or no access to the cultural imperialism*", so to say who are not integrated into the hegemonic order (Spivak, 1992: 45). The entire society of Kosovo cannot be described as subaltern since due to the nature of the international division of labor there are certain groups who benefit from the status quo and there are others who do not. As Spivak (1988: 86) describes the international division of labour is dominated by "first-world" actors who often need to rely on a comprador class (chapter 4.4.1) assuring political stability in the country which is the target of their capital investments. Consequently, this comprador class has a standard of living that is closer to their counterparts in the "first-world" than to the average in the country under influence, in our case Kosovo. This phenomenon in itself is still not enough reason for diagnosing Spivak's subaltern idea in the society. Thus, one needs to dig deeper in the political and economic characteristics of Kosovo and define unequal power relations which might refer to such connections that allow us drawing the conclusion that there are subaltern groups in the context of the IP cases.

The assumption of Spivak about the existence of a comprador class under "first-world" influence partly holds water in Kosovo. Between 1999 and 2008 Kosovo was under the administration of the UNMIK and its head the UN Special Representative had omnipotence and veto power over nominations (Hébert, 2009: 76). Without the consent of the UNMIK, no one could have taken important positions in the political and police administration in the territory. These times, after the war in 1999 the Kosovo Liberation Army (KLA) which had fought for the independence, disbanded and was channeled into four main areas: the political leadership, the police, the security forces and organized crime (ICG, 2000). The political group split up into different parties but in general all of them have had a good relationship with the international administration of the country between 1999 and 2008. In order to offset the negative performance in relation to the power-sharing, the UNMIK relied on the political wing of the former KLA. The KLA and its political wing the Democratic Party of Kosovo (PDK) enjoyed a great public support; therefore it seemed to be a consistent

decision from the UNMIK to establish a loyal local elite (Visoka, 2011: 115). What more, since the declaration of independence in 2008 there has not been any government without PDK members in Kosovo (Prishtina Insight, 2017). Hence, the KLA's relationship to the international administration in Kosovo proves that there is a comprador class in Spivak's understanding, who needs the international administration to stay in power but it is not proven that they are positioned as such by "first-world" actors to protect their capital investments. In 2016 the inflow of FDI in Kosovo was merely 3.6% of the anyways low GDP which indicates that Kosovo is not the main target of capital investments (World Bank, 2017d). Rather, the reason of the reliance on the KLA is the preservation of political stability in the Western Balkans as a whole. It might be questioned whether a former rebel group can serve as the most reliable safeguard to assure peace but we need to note that the KLA related groups has been the easiest to influence among the political stakeholders since their power has always been dependent on the international community. Besides, there are other similarly Albanian populated regions neighboring Kosovo, but the KLA was not an Albanian but a Kosovar Albanian freedom fighter group. Now with them in the government one can expect that they will not insist a unification with other Albanian populated territories or countries since it would cause them power struggles. Thus, rather than causing regional chaos on the NATO's borders they are striving for keeping the independence of Kosovo, conduct political dialogue with neighbors and most importantly, remain in power.

Now it is clearly discernable that there is something close to Spivak's idea about a comprador class in Kosovo but it is still a question how it is connected to the IP cases at the WB, and how certain groups who do not belong there become subaltern. To understand this we have to assume that the comprador class needs groups, who either support them or are indifferent towards them, to remain in power. To prove this, it is recommended to recall that Spivak sees the "first-world" actors as dominant in the international division of labor who are relying on the comprador class described (Spivak, 1988: 86). However, as can be seen from the case of the KLA, not only the "first-world" actors use the comprador class, but also this class makes use of being in close relationship with certain "first-world" actors, in our case with the WB, to remain in power and legitimize itself to its own population.

To see, why the local's chances to have an impact on the government and the WB and the government are limited, it is important to point out Kosovo's former status of being an international protectorate between 1999 and 2008. After the war in 1999 Kosovars did not have a say in defining what kind of economic system they would like to live in. The UNMIK, the Quint (The UK, US, Germany, France and Italy) the Contact Group (including Russia) and the G8 (plus Canada and Japan) in 2001 decided that the constitutional framework of

Kosovo needs to be based on a market economy. The economy must be synchronized with that of the EU's standards, and firstly the deutschmark and later the euro was introduced as the "country's" national currency, without any consultations with Kosovars (Pugh, 2005: 10; Hébert and Murshed, 2016: 528).

As Kosovo was not a state then, it was not eligible to WB or IMF loans, but the institutions still played an important role in advising, and in the WB's case in subsidizing economic reforms. In spite of the slow growth, rising unemployment the IMF in 2002-03 advised cuts on wages, social welfare and the privatization of public enterprises, which resulted in an even higher rate of unemployment, between 49 and 57 % in 2003. Thus, to allow an easier method of privatization state laws were passed to create an investor-friendly environment, including loose regulations on foreign investment and the repatriation of capital (Pugh, 2005: 13-14). Assisting this, the UNMIK passed Regulation 2002/12 which established the Kosovo Trust Agency (UNMIK, 2002) under EU and USAID control (Pugh, 2005: 10). The agency officially aimed at preserving and enhancing the value of socially owned enterprises in Kosovo, but they did so by selling them off (ibid.). The privatization led to deindustrialization, that was not compensated by other employment opportunities. This phenomenon encouraged emigration and engagement in informal economic activities. As a result, the neoliberal economic model entailed a conducive environment for foreign investment but inhibited local consumption (ibid: 13-14; Hébert and Murshed, 2016: 528).

To interpret this, it is advised to turn to Hamza's (2013) reading of Kosovo's class structure. By stabilising the post-war "crisis", the international administration turned to neoliberal adjustment, with the main idea of stability, privatisation of public enterprises and a multi-ethnic ideology. According to Hamza (2013: 85), based on Deleuze's terminology, *"every deterritorialization creates a new territorialisation, which is to say, every new circle in the capitalist mode of production, necessarily generates a new mass of free proletarians"*. To strengthen the discursive effect of this approach, the US ambassador in Kosovo said in 2012 with regard to privatisation: *"whoever opposes privatisation, is stuck in the Yugoslav Socialist backward mentality"* (Hamza, 2013: 86). With other words, the deterritorialization, or the independence of Kosovo created a new class of proletarians, a mass of people who can be influenced and at the same time, a new class, the former comprador class, who rules the territory. To complement it with the international administration's support, the US the ambassador's reaction otherises everyone who might be on other opinion regarding privatisation, and she compares them to the "Yugoslav Socialists". This analogy puts the criticism in a situation that is not acceptable for a large proportion of the population: Yugoslav socialism means for most of the people Serb rule, which they do not want to

remember again. With this ethnicization of the question, the mass of people may be easily manipulated and programmed in a way that they become attached to the neoliberal form of economic structure, and to everything what belongs to it, included the WB's activities in Kosovo's energy sector.

Although Kosovo became independent in 2008, the economic and political fundamentals of the country were laid down under the international administration; therefore its impact is inescapable when it comes to study the current political and economic environment. One example of this is the handing over of the mining sector from the UNMIK to the government of Kosovo which resulted in the sub-optimal separation of power. After 2008, the parliament and the main political forces in Kosovo did not intend to rely anymore on government-independent enterprises (i.e. Kosovo Trust Agency) in the privatisation and licencing process; therefore they took over the control. The current majoritarian executive in mining has the prerogatives to control the allocation of mineral rights, which gives room to corruption and to earn bribes (Uberti, 2014b: 710). These tactics are part of a larger strategy aiming to eliminate all of the political and bureaucratic obstacles from building the new power plant, which is eagerly promoted by the US Embassy in Prishtina (ibid: 11). This strong discursive influence on the public opinion and on the government is underpinned by a leaked email from a WB employee after the 2014 elections in Kosovo. In the message he reports about his journey to Prishtina assessing the opinion of influential institutions such as the EBRD, US Embassy, main parties in Kosovo, sector entities and the EU Delegation. He urged the WB to prepare the government in Kosovo for the legal challenges of managing the problem that only one single bid was received in a competitive concession process (Lamech, 2014: 2).<sup>1</sup> To understand this discursive factor and the limits of interest articulation vis a vis the government and the WB let us examine how the idea of a power plant appeared in the public discussion in Kosovo, and who promoted it.

The idea of extending Kosovo's capacity on electricity production cannot be detached from the ruling political environment in the country at the beginning of the 2000s. The idea of building a new coal power plant became a topic in the public discussion in Kosovo right after the war in 2000 and it was materialized with a concrete idea around 2004 with the plan of a 2100MW plant (*Interview 1*, 2017). These times the regional political situation looked slightly different than today: the willingness for cooperation among countries in any area of politics or industry was close to zero which is understandable after a decade of war (*Interview 2*, 2017). As Kosovo was striving for independence they also wanted to become independent energy

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<sup>1</sup> This paragraph with slight modifications was taken from a term paper submitted on 16<sup>th</sup> March 2017 at the University of Kassel

wise, moreover, they planned to have a plant as big as 2100MW to generate income for the government from exports. However, these times the civil society was not as developed in Kosovo as it is today and in accordance with Spivak's idea about not training the subaltern in the idea of "consumerism" (Spivak, 1988: 83; chapter 4.4.1) the locals were not consulted about the plans. To win legitimacy for the project the government asked the technical assistance of the WB, which was provided in the form of the LPTAP (*Interview 1*, 2017). Although the plan to export energy and to have a 2100MW plan was later given up, the general idea of relying on coal based energy production and asking for the technical assistance of the WB came from the government and still stands as a plan. Thus, the cooperation of the so called comprador class – the government and related groups - and the "first-world" actor WB made it possible to start the preparation works of the continuation of coal based energy production while excluding the affected population from the discussions. The goal of the government with the involvement of WB in the preparation works was to ask for assistance, how to do proper resettlement because what the government had done in 2004 was far from being in line with international standards (*Interview 4*, 2017). However, as the IP's report showed the WB in certain situations did not provide enough guidance to the government but its mere participation strengthened the legitimacy of the government's actions (Inspection Panel, 2015f). To summarize, the government made use of its close connection to the WB to legitimize its actions, even though it did not fully follow the WB's regulations which were also part of the deal.

Although it is hard to prove with empirical data, but the WB in the background gave legitimacy to the project not only internationally but also in domestic politics. Since the war in Kosovo there is a huge general trust and respect for everything that comes from the "first-world" and this feeling and admiration was even more significant at the beginning of the 2000s (*Interview 4*, 2017). Thus, the WB's support and the accompanying international environmental and social standards - which were not obeyed though - gave a massive impetus to the project which did not take into consideration its effects on the people residing in the project area. Furthermore, at the beginning of the 2000s their complaints to the Municipality of Obiliq and the government were not listened to and acted upon (*Interview 2*, 2017).

To conclude this part, it is legitimate to say that there are symptoms of subaltern power relations in the society of Kosovo. The former KLA groups became the comprador class of the country, and remain in power after winning independence in 2008. The economic foundations of the country were laid down with the guidance of the international administration, included the IMF and the WB. The cooperation of the comprador class legitimized these economic reforms towards the local population which was even

strengthened by the US Embassy's statements, critiquing everyone who are against the economic reforms. Later on, this approach was materialized in the wholehearted support for the WB promoted coal power plant. This cooperation between the government and the international administration left a population out of the discussions, and created a society where almost half of the working age people are unemployed. Thus, there is a clear social gap between the groups close to the government, and the people being unemployed in Kosovo. Adding to this symptom the strong discursive effect of the international actors' support to the coal power plant, it can be said that there are social classes "*that have limited or no access to the cultural imperialism*", so to say who are not integrated into the hegemonic order (Spivak, 1992: 45).

### **8.1.2. The subaltern groups in the context of the IP cases in Kosovo**

Again, although there is the government cooperating with the WB to build a coal power plant as the well-off part of the society excluding the civil society and the public (*Interview 2*, 2017) but the people affected by the mining operations do not constitute a coherent group. Thus, it cannot be uttered easily that the roughly 7.000 people affected by the project are subaltern just because they need to be resettled involuntarily. What makes them subaltern? Is it the fact that they are going to be resettled? No. Is it because their resettlement happens involuntarily? No. Is it the fact that some of them did not even know about their rights for proportional compensation? Maybe. To examine and answer this question, "*what makes them subaltern*", we go through the main affected groups and explore their characteristics when it comes to interest articulation vis-à-vis the Government and the WB.

Firstly, the community mainly affected by the project, the people who used to live in one single village called Hade before 2004, can be split in three categories: the ones resettled in 2004 under inhuman conditions, the ones stuck there in the zone of special economic interest and the ones resettled to New Hade in 2004 (*Interview 4*, 2017).

The first group concerns the ones resettled under emergency evacuation in 2004 which included 158 families with 664 persons (Inspection Panel, 2015f: 31). According to their complaints, they should have been resettled to the newly constructed village New Hade as well but in 2004 that place did not exist. As a consequence of the wrongdoing 45 families are still living in temporary housing while others in Pristina on their own costs (Inspection Panel, 2015e: 14; Inspection Panel, 2015f: 31). The resettlement happened in 2004 under the guidance of UNMIK police forces. For 12 days women and families were placed in tents until public housing was made available to them. One person dislocated back then explained, how chaotic the resettlement was: while he was brought handcuffed in a police car to the police



station he saw his own cows wandering on the street without any plan about the future of all of the cattles (*Interview 4*, 2017). In times of the resettlement the civil society was not active in this territory, and the citizens lacked the necessary knowledge about their rights concerning proper compensation, housing and the restoration of livelihoods: they were just offered a small amount of money, which might seem a lot for them but definitely less than the value of their properties. However, they could not do anything against the police forces without any support in their background (*Interview 2*, 2017).

The harm caused and the positionous nature of being subaltern can be well understood from the story of a former KLA fighter, who returned to Hade after the war in 2000. The man arrived back from the clashes as a national hero, who lost one of his eye and fingers, with one single dream: rebuilding his house. Most of the houses in Hade were burnt out in the war, so their restoration cost a significant financial and physical effort from the citizens. The man was in a dominant position in his community for two reasons: first of all, he was the community leader. Under Albanian traditions every village or each neighborhood in a village has an unofficial leader, most of the time the head of the most populous family there – always men (*Interview 4*, 2017). Here comes his second dominant position: he was a man, former fighter of the KLA whose members comprise the comprador class of the country where he was living. Even though he was a man, community leader, former KLA fighter, all of these characteristics could not save his house from being destroyed because he did not have the means to acquire information about international resettlement standards, and even if he had had, he could not have exerted pressure on the decision makers since their complaints were not listened to – and his story does not stand alone.

The second group of people subjected to harm is the ones living in the zone of special economic interest since 2004. They are the ones who are told that they would be resettled one day, but due to the SMELT strategy the government does not have a comprehensive RP which would handle the situation as a whole. Rather, they decide about resettling a certain neighborhood seemingly spontaneously, and eating up the village in a stepwise process. Thus, the inhabitants all suffer from the unpredictable form of resettlement, the depopulation of the area and the noise due to the proximity of the construction works. They can neither sell their houses nor they are being resettled by the government – they are left in limbo, in a frozen life. What makes their situation even worse is that they have a ban on housing development as well because the government wants to prevent the increment of values of properties waiting for dislocation. However, KEK workers told the IP and later to Reuters, that there are speculative constructions by inhabitants to increase the value of properties and expecting a higher compensation in the future (Inspection Panel, 2015e: 14; Reuters, 2017). These

constructions are done by influential people close to the government, on behalf of local people who provide their identity in return for financial remuneration. As a result, the people constructing these houses can profit from the expropriation expecting the government to pay a huge amount for their houses there, while the persons whose names are used participate in the act because they are in great need of financial assistance (*Interview 4, 2017*).

The people who have been living there for decades face huge problems due to their status as inhabitants of the zone of special economic interest. The biggest problem is that they are not allowed to expand their houses. As most of the families in rural Kosovo, they live in a patriarchal family model where several generations are living under one roof. Thus, the continuous expansion of houses would be needed for an undisturbed life. What more: although they can still live in their houses next to the mining works, their agricultural lands were taken away years ago by KEK for mining. Thus, as most of them are unemployed they only source of income or food is gone (*Interview 4, 2017*).

The third group of people negatively affected by the mining next to Hade are the inhabitants moved to New Hade in 2014. Although they are resettled and do not suffer anymore from the direct pollution, noise and security problems caused by mining next to Hade, they are not satisfied with their situation (*Interview 2, 2017*). New Hade consists of some streets of houses without any accompanying infrastructure: there are no schools, markets, mosque or childcare. The water supply and electricity is problematic and the existing problems are about to be solved at the cost of the inhabitants (*Interview 4, 2017*). The inhabitants complained to the IP about the long period they needed to spend in temporary housing between 2011 and 2014 before being able to move into the new villages. After moving in, they experienced worse infrastructural conditions that they had before since the new houses lacked sewerage and in some cases water and electricity. There is no primary school near the new village and the children have to walk along a busy road if they go to the school in another village. What more, the villagers lost part of their income as they do not have a possibility to cultivate agricultural lands in New Hade which does not allow them to restore their pre-resettlement livelihood levels (Inspection Panel, 2015e: 11-13).

Apart from differentiating the resettled on the basis of the aforementioned categories, some of them face different problems depending on their status of employment or gender. More than half of the 14.986 hectares of the new mining field are agricultural, while the rest are forest (16%), residential (11%), wasteland or ash dumps from mining (10%), zones for mining (7%), and the power plant area itself (1%). Most of the properties are privately owned but there is a huge proportion of communal ownership too (Kosovo Government, 2011: 39).

The residents are mostly ethnic Albanians, their average age was extremely young, 24 years in 2008 and their literacy is relatively high but only 38.9% completed secondary school (Downing, 2014: 6). The unemployment rate is higher in the affected communities than the national average: 20.9% were employed, 19.4% were housewives and 16.5% are economically active though, but unemployed. From the 20.9% employed only 13.6% worked for the power company KEK in 2011. Thus, with a high rate of unemployment and a lot of arable lands at disposal the main source of income is agriculture: 97.8% of the households produce food, 87% raise animals for own consumption but commercial agriculture was less common in times of conducting the survey (Downing, 2014: 6-7).

The above listed numbers well depict that most of the people in the territory are unemployed and rely on agriculture to assure the daily needs of their families. In the zone of special economic interest, where families are stuck since 2004 almost everyone oppose the mining operations because their land was taken away by KEK and they have to live next to the noisy and contaminated area. However, there are some farmers who work for KEK, the company which is implementing the mining operations. Their situation is quite complicated, since their only monthly income is dependent on KEK but at the same time this company causes them great harm. Hence, they are not inherently against the mining operations but they want to be resettled which is not happening due to the government's wrongdoing (*Interview 2*, 2017). At the beginning of the story in 2004 the government promised the locals more employment and involvement in the project, but by now already a decade gone and nothing changed. Thus, nowadays even the locals who work for KEK share the view that the government cannot be trusted and these employees while showing solidarity with their neighbors are also participating in the protests against the KPP (*Interview 3*, 2017; *Interview 4*, 2017).

Considering all of these groups the most unuttered voices belong to women. The community leaders who represent their neighborhood are all traditionally men; therefore, it is complicated to measure what kind of complaints the women have. However, the existing sources and personal discussions revealed that while men are usually complaining the lack of employment and educational services, the women are concerned about health, water and security issues, especially when it comes to the security of their children (*Interview 2*, 2017; *Interview 3*, 2017; *Interview 4*, 2017). For an example women mentioned issues which are related to household work, which were never brought up by men before. When they clean the house, they cannot open their windows because the dust of the mining works would mess up their work had done before. Furthermore, they cannot hang their clean clothes outside because

of the same reasons. Apart from that, their complaints usually refer to the problems with electricity and water supply in the region (*Interview 4*, 2017).

Based on the complaints project affected people face, it can be stated that there are groups among them which are subaltern in relation to the government of Kosovo and the WB. The reason for that is mainly their inability to reach out to the decision makers, their unawareness about their rights as affected citizens and their real or presumed dependence on the project. There are some of them, just like the ones working for KEK or the community leaders who are dominant in their own environment or still benefiting from the cooperation with the project; however, there are others like the women or the unemployed farmer without land: they do not have any possibility to profit from this situation. Their voices if at all uttered, especially before the IP cases of Kosovo were not listened to; therefore their possibility for interest articulation is limited.

## 8.2. Representation through NGOs

Now Spivak's question arises: can intellectual representation help the situation of the affected persons? To give an answer, firstly let us recall her main tenet about representation through intellectuals: *"For the 'true' subaltern group, whose identity is its difference, **there is no unrepresentable subaltern subject that can know and speak itself; the intellectual's solution is not to abstain from representation**"* (Spivak, 1988: 80 emphasis added).

At the beginning of the 2000s there was no well-coordinated civil society support behind the affected citizens, since in the post-war Kosovo the sector needed some years to recover and establish itself. In this environment the government and the WB could easily put through its will regarding the KPP because the people living in the territory were either manipulated that they would be benefited by the mining operations or did not know about their rights as victims of involuntary resettlement (*Interview 2*, 2017; *Interview 4*, 2017).

What is really noteworthy is the WB's role in opening a door for the civil society. Not as organized as it is today but there was a push from local NGOs already at the beginning of the 2000s. However, the involvement of the WB after the 2004 resettlements was the breakthrough for the civil society, as they recognized what kind of doors the WB's involvement would open for them. The WB's agreement to be part of the project meant that their own safeguards would be applied (*Interview 2*, 2017). This point is important to emphasize in the context of the entire IP process because the claims from 2012 and 2015 are making the WB responsible for the harm caused; however, without the WB's involvement the NGOs would not even have been able to turn to such an accountability mechanism as the IP. So then why did the government involve the WB into the picture if they were only making it difficult to

implement the project? They did it because without the WB's risk guarantee they could hardly have found investors to the coal power plant, which have not been constructed yet (*Interview 3, 2017*).

Not only the citizens but also the local NGOs did not know about the existence of the IP before 2010. That year, the Bank Information Centre, a US based NGO raised their attention to this possibility. The IP's rules and regulations require the complainants to turn firstly to the WB itself and if it does not succeed, they may ask the IP to do an investigation. Thus, NGOs from Kosovo notified the WB about the environmental and social impact of the project but their complaints were rejected. Although it was rejected by the WB, the government started to work on policy reforms and the whole energy sector became aware of the fact that there are problems with the environmental and social side of the project. At this point three NGOs, INDEP, FIQ and GAP decided to file a complaint to the IP hand in glove with local communities. Since the process was new to the local NGOs as well, they asked the Washington DC based Centre for International and Environmental Law to put the complaint together. The involvement of NGOs in general was more than necessary: most of the people in the territory have only primary school but some of the community leaders lack any educational background. After submitting the claim the IP members met the communities and the NGOs separately but the language barriers required the local NGOs assistance in translation (*Interview 2, 2017*). After getting to know all of this, it would be straight to draw the conclusion that these people were being manipulated by the NGOs, since before they did not have information about their subjugated position but the NGOs told them that they are in a bad situation and this is why they believe in that now. However, the situation is not so simple. It is true that the affected citizens did not know about their rights before but they already felt the impacts of this predicament and they were trying to tell the Municipality of Obiliq and the government, that they are unsatisfied. However, they lacked the formalities and they did not know exactly how to formulate their complaints in a way that meets the expectations of the government bureaucracy and especially, they did not know the IP. Thus, they were not manipulated by the NGOs but rather they are being guided in a process that serves the interest of all resettled and not sufficiently compensated citizens.

The first complaint was refused by the IP referring to the early phase of project implementation, but it had an impact on the civil society and indirectly also on some affected people in the community. Throughout the process the NGOs began to form a coherent group, got to know the local communities through personal consultations, field visits and house visits. Although the NGOs themselves do not stem from the communities, they assisted the community leaders to make their voice heard. Furthermore, in 2014 the establishment of New

Hade under the Shala RAP was a slight improvement in the situation of the resettled people. If we compare their situation with the ones' stuck in Hade, they are at least not anymore exposed to the contamination caused by the mining. To summarize, there were already some benefits of the refused IP claim of 2012, but neither the situation of the ones stuck in Hade saw any improvements, nor the women's inclusion showed steps forward.

The question might arise: what did happen between 2012 and 2015 that made the IP not to refuse the complaint? There are different interpretations of this achievement. On one hand according to Nezir Sinani, the NGO's nominated representative from 2012, the complaints in 2012 and 2015 were basically the same and the project did not develop from its early phase. Rather, the new IP members made the difference when it came to make a different decision on the complaints (*Interview 2*, 2017). On the other hand Dajana Berisha, the NGO's representative from 2015 – understandably – sees the difference in the design and approach of NGO representation (*Interview 4*, 2017).

From 2013 the NGOs formalized their cooperation under the consortium of KOSID and developed a triangle approach to the representation of affected people, which included grassroots, research and media elements (*Interview 1*, 2017; *Interview 3*, 2017). The local representatives of affected neighborhoods contacted the grassroots organization FIQ to further their campaign against the project. KOSID has nine members, from which all of them are important but among all it is worth to mention the ones mostly visible to the public: apart from FIQ with the grassroots approach, INDEP and Balkan Green Foundation provide the research angle to the triangle approach, while the Balkan Investigative Reporting Network (BIRN) is the most important in the media element (KOSID, 2017d). The grassroots organization developed a close and trustworthy relationship to the local communities and the community leaders.

It is crucial to emphasize that Dajana Berisha - the leader of FIQ and the official representative of the IP claim of 2015 from the NGOs side – was the driving force of the grassroots element. As she met the local community leaders she found herself among only men, so firstly she needed to make herself accepted and then work on the issue of resettlement. This situation was a great help for local women in the community, whose concerns and complaints became considered to a greater extent after the consultations (*Interview 4*, 2017). From 2013 KOSID made sure, that at each meeting with the WB or IP officials there were at least one woman from the community, and on 8<sup>th</sup> March 2017 the women organized a protest in front of the WB building in Pristina (*Interview 3*, 2017).

It was not only the group of women who benefited from the grassroots level cooperation. Starting from 2013 FIQ held trainings for local citizens about their rights as

property owners. Before the civil society engagement the citizens did not know about their rights for proper resettlement, financial compensation and employment in the project. The citizens showed a great interest toward the trainings and understood the content easily, since they had already went through the problems raised there but they did not know their legal background. This process helped KOSID and its member organization FIQ to build trust with the communities and also to coordinate the sometimes diverging interests of the NGOs and the locals (*Interview 4*, 2017).

The NGOs were from the beginning entirely against the new coal power plant mainly based on environmental arguments. However, all of the local citizens around the coal power plant have never been cohesively against the possibility of the KPP because they saw it as a possibility for employment. Thus, the citizens rather spoke about the lack of employment, problems of resettlement and the pollution, but did not mention explicitly the need for the shutdown of mining. What they wanted was proper resettlement and employment wherever it was possible. Even though there was this mismatch of interest between the citizens and the NGOs they have been working together and by focusing the claims on the resettlement they found a compromise. At the end, the request for inspection did not ask explicitly the shutdown of the entire project but it was focused on the harms caused by involuntary resettlement. This mode of representation obviously helps the communities suffering from improper resettlement but at the same time raises attention also on environmental concerns, that are important for NGOs such as INDEP or Balkan Green Foundation.

The grassroots element of the NGOs involvement was well complemented by the second element of the triangle approach, the research angle. This made sure that the complaints are designed professionally and all of the questions and critics can be answered and reflected upon. Furthermore, this is the element which was mostly focused on the environmental concerns. However, the organizations knew well that research in itself can only reach certain strata of the society who are most probably already aware of the situation. Thus, to have a greater impact they needed to reach out to the public through the third angle, the media. They were well aware that the politicians and public-companies care about what the people thinks in general in Kosovo (*Interview 3*, 2017). Hence, the media element with BIRN includes covering the affected people's stories and holding TV debates about the question with the involvement of affected persons in studio talks (*Interview 1*, 2017).

If we take Spivak's ideas seriously, we need to elaborate the question whether the representation done by NGOs covers the interest of everyone affected by their campaign, especially that of the ones not affected by the mining works. There is no clear-cut answer to this question. First of all, the people who live in rural Kosovo usually use wood for heating,

so the problems with electricity supply do not have a huge effect on their life compared to the ones living in big cities (*Interview 3*, 2017). Secondly, there are people who heat with electricity, but facing problems with the supply and at the same time not experiencing the detrimental effects of the power plant on their own life. They do not inherently oppose the mining works and the idea of a new power plant (*Interview 2*, 2017). Thirdly, there are examples of showing solidarity towards the affected community as a result of the nationwide public media campaign driven by BIRN. In 2014 through a fundraising campaign NGOs collected around EUR 3.000 for citizens to buy trees and to green the environment in New Hade. One more example is the experience gathered by FIQ on several public meetings with other citizens of Kosovo. As they perceived, there is a general fear in the population that such a thing would happen to them what has happened to the villagers of Hade. The reason for this is that there are a lot of infrastructural investments around Kosovo, not only in the energy sector but in other industries as well – so there is a well-grounded fear that resettlement could happen to anyone (*Interview 4*, 2017).

It is hard to say whether the campaign represents all of the opinions of these groups not living nearby to the mining. However, one thing is sure: as research shows (Sanzilo, 2016) there would be a huge price increment in the price of electricity for everyone in the country, if they built a new power plant. The greater the power plant, the greater the price increase would be, and the money spent on electricity negatively affects everyone in the population – apart from the ones who are the beneficiaries of the project, KEK and the government. Although one part of the population does not support the public campaign, they do not oppose it either and at the end the success of the IP process would have positive results on their life.

### **8.3. The IPs impact on the World Bank: Can the subaltern speak?**

So what did the NGO campaign and the IP's decision bring for the subaltern at the end? Could they make their voice heard through the IP process? Firstly, let us briefly summarize why the WB's involvement in the project is so important for the government and then examine how the subjugated groups benefited from the process of representation.

The WB's involvement as a partial financier of the project provides a financial and political guarantee, if these aspects at all can be separated from each other. The financial perspective means, that in case a new government backs out financially from the project the WB may assure its continuation. What more, as a political guarantee it legitimizes the government's will to build a new coal power plant, since it stands behind as the most influential actor in international development (*Interview 1*, 2017). Thus, it is in the interest of



the civil society to weaken the position of the WB, or even encourage them not to give their support to the construction of the coal power plant. How far has they succeeded so far?

Although the WB is accused by the NGOs with wrongdoing, it is notable that it provides the IP as an accountability mechanism. Without the Bank, the room of civil society to oppose the project would be significantly smaller. If we look at the project as a whole we see that the decision whether to start the construction of the actual coal power plant as part of the KPP is being postponed since 2004. Apart from postponing the project, the plans have been downscaled from 2100 MW to 450 MW, which is a great achievement with an eye to the environmental campaign. The question hangs in the air: did the NGOs have a role in it or there are other reasons behind? Most probably, the NGO mobilization played a role in the constant postponing of the decision but there is more to the story. Firstly, the regional political tensions have been mitigated in the last 15 years which gives more chance for cooperation in the Western Balkans; therefore, Kosovo does not necessarily need such a huge power plant (see: Trieste Summit, 2017; European Commission, 2017). Secondly, the biggest problem is that there are no sufficient funds planned for the project neither at the government's nor at the investor's disposal (*Interview 3*, 2017).

Therefore, it is hard to say whether the NGOs involvement was the decisive factor in not signing the WB contract of the project yet. However, it is clear that the accompanying NGO campaign driven by KOSID had a not yet materialized impact on the entire society of Kosovo, included the ones as well who are not directly affected by the project. At the beginning of the 2000s when everything began related to the energy sector, no one spoke about environmental and social concerns regarding the KPP. Today, not only academia but also a greater ratio of the public is aware of the dangers that future investments in coal, and its accompanying social consequences can cause to the population of the country. The television speaks about it in different programs, it is in the news, and investigative journalists visit the project field and cover its stories. Thus, people who live in Kosovo are more self-conscious in general and less prone to manipulation by the WB, US Embassy, the US State Department or anyone who is a stakeholder of the KPP (*Interview 1*, 2017; *Interview 2*, 2017; *Interview 3*, 2017; *Interview 4*, 2017).

Since the subaltern are not a homogenous group, the benefits of the IP process have impacted them to a different extent. Firstly, according to the IP's findings the ones resettled in 2004 were not caused harm by the WB, therefore the Bank cannot be made responsible for that. However, the IP asked the WB to take into consideration these wrong practices at further resettlements (Inspection Panel, 2015f: VIII). Thus, as the civil society gave a greater publicity to the resettlement and as in 2014 the government built a small village New Hade to

the newly dislocated people, it is expected that the ones resettled in 2004 can renegotiate their positions and apply for further compensation (*Interview 2, 2017*). Hence, their complaints did not find listening ears at the IP because of the WB's separation from the harm, but the process itself gave them the possibility to be heard and find some remedy.

The second significant group of subaltern is the ones residing in New Hade since 2014, who were not provided with the required level of livelihood restoration. The IP's decision admits that the WB did not apply OP 4.12 on Involuntary Resettlement to the preparation of the Shala RAP and it contributed to the harm people face there. The IP recommended the advancement of construction activities in New Hade to satisfy the needs residents have and requires the stakeholders to engage with the community to provide the children safe schooling opportunities (Inspection Panel, 2015f: 52). At this point we cannot see how much the government and the WB are working on implementing their measures but the IP did what lies in its jurisdiction. Thus, the residents of New Hade are definitely in a better situation than before engaging with the IP and to say what has to be said: with the assistance of NGO representation the subaltern in this particular case can speak.

The third group and possibly the most severely harmed concerns the people stuck in Hade on the territory of the zone of special economic interest, while suffering from the environmental and social effects of the mining operations nearby. The IP found that the WB was not involved in establishing the zone of special economic interest, and believes that in the future the institution will work on improving the situation of the residing population. Even the IP investigation report mentions (*ibid*: 30) that WB financed studies motivated the government of Kosovo to expand the zone of special economic interest in 2009, but the IP still believes that the government's and the Bank's actions can be separated from each other. This is a common critique from the NGO's side towards the IP that the accountability mechanism relentlessly tries to separate the project's elements from each other, without seeing that the WB is the engine and legitimizer behind all. However, as they slice it up into small pieces, the responsibility can be assigned to others, in this case to the government – and since the IP only investigates WB actions, the government's wrongdoing does not fall under its reach (*Interview 2, 2017; Interview 4, 2017*). Consequently, if we look at the situation of the people stuck in Hade, their situation was included in the IP claim and the NGOs did what they could for them; however, their voices are still sidelined by the IP.

Although in their particular case the subaltern cannot speak, but it would be narrow-minded to attribute the failure to the NGO representation. Based on the available data, there are no signs directing to the direction, that the civil society involved in the IP process did something against the interest of the affected people in Hade. However, the IP's inflexibility

regarding seeing the situation as a whole and recognizing the WB's role as the driving force behind the entire KPP related operations stands as a stumbling block in front of the success.

To point out a significant success of the IP process with the NGOs it is to be concluded that the women's situation improved in the affected communities substantially. At the beginning of the process only men were driving the campaign; however, the involvement of civil society gave room to women participation. Since then at each IP meeting at least one woman was represented from the groups and they even organized a protest on women's day in 2017. If we look at the IP investigation report's positive side and success it may be not a coincidence, that the list of recommendations include the "*safety of children en route to school*" (Inspection Panel, 2015f: 52).

## 9. Conclusion

Before concluding the case study in hand it is recommended to recap why the thesis is focused on the civil society's role in representation of the subaltern and what was its main research question. The thesis reflected upon an often raised critique concerning the functioning of the IP and generated data in form of a case study to a literature gap in the field of IAMS in general and the IP in particular. The mere functioning of the IP is partly a consequence and success of a civil society campaign in India; however, the general critique that the Panel faces touches upon the NGOs involvement in Panel cases. The critique, which the IP encounters, assumes that the participation of NGOs in the representation of project affected people problematizes the expected success of the IP cases. This intervention jeopardizes the validity of the IP claim's content because this way the project affected people do not directly communicate their problems to the IP, but through a third actor (Freakle, Fox and Clark, 2003: 266). Thus, to examine the validity of this critique the thesis in hand examined the following main research question: *To what extent can the NGOs act as a voice of the subaltern and have an impact on the WB, through the Inspection Panel in the case of the Kosovo Power Project?* There is no clear cut answer to this question but shortly: there are groups whose situation has improved since the civil society's involvement and there are others who are facing the same problems as before. Nonetheless, the consequences of NGO involvement are insisting the still affected strata of the population to push the government and the WB, in which the media publicity achieved and promoted by the civil society gives a helping hand. This general conclusion supports and complements Ziai's (2016b: 60) findings, that the media attention raised may be a key factor in the success of IP cases.

The qualitative research in general took a structured and systematic path to answer the research question; however, some changes occurred during the writing period. Originally, the

thesis turned to semi-structured interviews to examine the agency of the project affected people and also to generate data on the civil society's involvement in the filed IP claims of Kosovo. The semi-structured interviews were the main data generation method but to minimise subjectivity, the method of triangulation was also applied. As part of the triangulation the IP and WB related documents helped the project in reconstructing the cases (Flick, 2004: 178).

The interviews were designed in line with the assumptions of Spivak's (1988) theory on the subaltern. Spivak's questions supported the research project in constructing the research design, which thereby followed a deductive strategy. Spivak's works question the ability of the subaltern to speak for their own interests and attribute a large responsibility to the intellectuals. However, she does not unconditionally believe in the representative role of intellectuals: she questions their potential to represent the subaltern. This doubt was an ontological driving force behind the thesis while analyzing the NGOs role in the representation of the subaltern.

Before investigating the subaltern's ability for interest articulation the research intended to explore the agency of the subaltern: so, who are they? The analysis came to the conclusion that the international administration ruling Kosovo between 1999 and 2008 contributed to the polarization of the class structure in Kosovo, failed to cease severe unemployment and put the former freedom fighters and their compatriots in a leading position, while neglecting a significant strata of the population. The respect shown towards the ruling strata after 2008 was strengthened by the international actors present in Kosovo, for instance the US and the WB. As a result, the locals affected by energy investments were not at all consulted by the government about the plans to extend mining operations and to build a new coal power plant. Instead of a dialogue they were manipulated by unfulfilled promises such as future employment benefits and meaningful compensation for resettled citizens, to support or at least not to oppose the constructions. Thus, there are discernible symptoms of subaltern power relations in Kosovo's society as a result of the unbalanced power relationship between the ruling strata and the ones neglected in the discussions, resettled and poorly or not compensated by the government. These symptoms are the negligence towards the subaltern groups when it comes to public discussions about infrastructure development projects and the strong discursive effect of the international actors' support to the coal power plant. To conclude, it can be uttered that there are social classes, such as the large mass of unemployed people and farmers who do not have a land anymore, "*that have limited or no access to the cultural imperialism*", with other words who are not integrated into the hegemonic order (Spivak, 1992: 45).

However, the people negatively affected by the mining operations and the resettlement in Hade do not constitute a homogenous group. The first group was resettled in 2004 in derogatory circumstances. The second group lives in the zone of special economic interest and suffers from the noise, pollution and destruction caused by the mining and from the ban on housing development as well. Finally, the third group that was moved to New Hade in 2014, do not suffer from the detrimental effects of the mining operations but they are unsatisfied with the form and quality of dislocation. Although these groups differ in their situation, most of the citizens share a similar social status: unemployed people or some families with employment at KEK, the power company of Kosovo. Before turning to the IP and also in 2012 when the civil society was not so coherently mobilized, their voice articulation was not acted upon. The reason for that is their limited ability to approach decision makers, their unawareness about their rights as affected citizens and their real or hypothetical dependence on the project.

However, it is notable that the positionous nature of the subaltern is present in the IP cases of Kosovo. It is well presented by the example of a former KLA fighter, who is theoretically coming from the dominant group of the society, acts as a community leader but still suffers from the inability to express his concerns about resettlement and the ban on housing development in Hade. Adding to this, there is a group which benefits from the cooperation with the mining works, but still opposes the project because of the loss of trust in the government: the KEK workers. To summarize, there might be certain areas in life where a group can be dominant, just like KLA fighters, community leaders or KEK workers in Kosovo, but they still cannot avoid being neglected and violated in their rights by the government.

To elaborate further on the civil society's involvement in the representation of the subaltern, the question arises: did the NGOs involvement help at all? First of all, the assumption does not hold water that the NGOs would be manipulating the citizens into something that does not serve their own interest. It is true, that the affected citizens were not aware of their rights to apply for proper compensation before the NGOs involvement but it does not mean that the NGOs pushed them into protesting against an infrastructural investment that withholds the development of Kosovo. As the groups who could not reach out to the decision makers are subaltern, they cannot speak; therefore, as Spivak (1988: 80) suggests, the representation through the intellectual is indispensable. This is what happened in Kosovo: through trainings and personal discussions the civil society showed a direction to the subaltern, but obviously not without having their own goals with that. Based on the available information, the civil society in general has always been much more concerned about the

environmental aspect of the project but they realized that through the IP complaining about the mode of resettlement might have a greater impact on the WB. One example for the different goals of civil society and the subaltern is the case of KEK workers: at the beginning KEK workers would not have campaigned for the shutdown of constructions since it was their only income. However, they were of course lamenting the quality of resettlement since they were affected by that and it does not change their chances to obtain an income. To conclude this part, the civil society pushed the affected citizens into a direction, which was profitable for both sides without violating each other's interests. The only problem could have occurred if the entire construction had been stopped, since it would have violated the interest of KEK workers but it was not ever probable since the mining is crucial for providing the electricity needs of Kosovo. Thus, according to the plans of the civil society at the end both sides win: the civil society raises attention to the environmental impact of the KPP; while the affected citizens becomes empowered and more aware of their rights and possibilities and get proper resettlement.

What kind of difference did the NGOs make? One thing is clear: the well organized and upgraded triangle approach of the civil society has contributed to the improvement of the interest realization ability of the project affected citizens. The research, the grassroots and the media elements of KOSID's approach are all determinant, but based on the generated data it is to be diagnosed that without the media representation the other two elements could not have reached their goals. The investigative journalism and the television presence of the case generated solidarity in Kosovo and also made politicians think about their future because what the public opinion thinks is always important when it comes to elections.

After examining the NGOs involvement in Kosovo's IP cases, the thesis came to the conclusion that the subaltern cannot speak a language that is understood by everyone, but with the assistance of "interpreters", namely the civil society, their situation might be improved. How did it change in Kosovo so far? Firstly, the plans about the KPP have now a decreased capacity, and instead of 2100 MW they foresee a plant with 450 MW. Secondly, the decision about the full WB support to the project has been postponed for more than a decade. Although these are not entirely the consequence of the civil society mobilization, it had a role in it while giving publicity to the case and making it a discussed issue not only in Kosovo but on an international level. Thirdly, one part of the resettled households in 2004 found new homes in New Hade in the time frame between the IP cases of 2012 and 2015. The quality of the new housing is still a question of concern, but the mere fact that the Government did something can be attributed to the civil society campaign. The people living in New Hade found some remedy through the 2015 IP case of Kosovo, but at the moment it is unclear how the

conditions will improve. Nevertheless, the IP found the claim eligible and made recommendations to change this predicament. However, the last group of people, the ones residing in Hade could not make their voices heard through the IP process but the research did not determine any reason why the failure would be the fault of the NGOs working on their case. Their complaints were well integrated into the IP complaints of 2015 but the IP did not see any WB involvement in their situation and put the blame on the government, even though the Bank was the one recommending the expansion of the zone of special economic interest, which makes the people's life harder.

The thesis answered several questions sufficiently during the research process but there are some aspects of the case which would need a more thorough research and would support the arguments of the current conclusions. Such aspects are the environmental concerns, the detailed analyses of power relations between subaltern groups in Kosovo and the examination how did the situation of subaltern evolve with time: is it possible to reach social mobility and get out of this position, or the societal ladder is rather rigid, not allowing a transit between its levels? These are aspects and questions that are recommended for future research and would certainly give a new level to the analyses.

To sum up the original contribution of the thesis to the research done on IP, it has to be emphasized the civil society's involvement in the IP process does not jeopardize the success of the project. Most probably, without the media campaign and the grassroots work the NGOs have done in Kosovo the case would not be at this level where it is now. This approach from the civil society has helped some groups to make their voice heard and to pursue a slightly better quality of life, but at the same time they need to admit that they left some others in the same position where they were before. Thus, to answer the research question: the IP through the NGOs can have an impact on the WB, but in a limited manner however. The campaign may not dissuade the WB from supporting the project, but it achieved that at future resettlements the WB needs to pay more attention to the mode of dislocation implemented by the government. To conclude, the NGOs acted as a voice of the subaltern, the subaltern can partly be represented through the IP but it does not mean that the WB will always act upon because they are trying to slice up the anyway indivisible picture and put the blame on other actors, whose wrongdoing cannot be investigated by the IP.

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## **Appendix**

### **Appendix 1: Questions for the semi structured interviews**

#### **SAMPLE -**

#### **The list of questions for the semi structured interview with NGOs who are involved in the IP process**

##### **I. Contextualization**

1. Since when is the need for a new plant is a subject of public discussion in Kosovo?
  - a. In general, how do you see the situation of electricity production in the country and how the government attempts to develop this sector?
  - b. What do you think, is the coal power plant the only way to assure the electricity production in the country?
    - i. The WB says, the construction of a new power plant would make electricity production more environmentally sustainable in Kosovo than the situation allows it at the moment. Why would you oppose such a plan if there is no one to finance even more environmentally friendly solutions?

##### **II. Did NGOs who coordinated the IP claim were standing up for the affected and resettled people whose views the Bank ignored?**

**OR**

##### **Did NGOs impede the battle against poverty by withholding electricity that would fuel economic growth which is benefiting poor citizens?**

2. What do you think, would the realization of the power plant reduce poverty? Would it increase Kosovo's attractiveness towards investment? Would it provide better electricity supply to firms and citizens?
3. Would it cause greater environmental damage than the existing plants?
4. What are the main problems with the proposed power plant and mining? Why is your organization opposing it?
  - a. Did/do you completely oppose the construction or you only speak for the people who are being resettled?
  - b. What kind of problems resettled people face?
    - i. How many people are affected?
    - ii. Were they offered compensation for resettlement? Did they accept it? Are the ones who did not accept the submitters of the claim?
    - iii. How do you see, are other people in Kosovo support the construction of the mine and the coal power plant? Did you speak to them before submitting the claim?
    - iv. Obilic – economic zone  $\leftrightarrow$  Hade – resettlement. What is the difference?
  - c. Could you mention any other significant problems apart from resettlement?

- d. Were you involved in approaching the WB Management before the IP process (Sinani surely was)?
- e. Were the citizens compensated for the problems before the IP process?
- f. How do you know what kind of problems the project-affected people face?

### **III. Who exactly are the subaltern?**

- 5. Who do you think the supporters and the opponents of this project are? Could you categorize them into different groups? (I don't want to give her a hint but i.e. based on class, fortune, level of affectedness, religion, ethnicity or their experienced disadvantage caused by the plant etc.)
  - a. I read a lot about farmers in the claims (2012). Are they the only ones affected? Do they have a workers union? Did they nominate their leader? Did you meet them? Whom did you meet? What did they say?
    - i. Same with workers of the Plants A B – KEK Union
  - b. How did your visit to their households look like? Did they welcome you with warm heart?
  - c. What about the historical sights and mosques affected? Did you contact the religious community or the ones interested in tourism?
  - d. What did you hear when you went there? Did you hear different answers from farmers, hotel owners, minorities, religious communities and other households?
  - e. Was it different from the rumors?
  - f. What was their will there to move? To what kind of houses? What kind of support were they expecting?
  - g. What government is offering them?
  - h. Did you see any difference in the will of the ones who are compensated and the ones who are not?
  - i. How do you feel which communities are the most dominant in the IP claim and which are mostly in need of a solution?

### **IV. Are the subaltern (the resettled people who are being helped by the NGOs) fully aware of their interest or are they being manipulated?**

**Can it be that the resettled have been manipulated into opposing the project but the IP process cannot provide them better revenues than the Government's compensation (i.e. new houses although in a poor infrastructural environment)?**

- 6. How did you realize that these people are suffering from problematic resettlement and their employment opportunities are threatened?
  - a. Did they come to you with their complaints or you found them?
  - b. How did they come to the point to turn to you as NGOs to represent their interest through the IP?
  - c. Could not they have done it alone directly approaching the IP?
  - d. How was the representative of the requesters selected? (Sinani and Berisha)
- 7. How did you as NGOs codify the complaints people were making?

- a. Did you meet their representatives or you visited all of the affected houses? Who are their representatives? Are they coming from their community or from a different neighborhood?
- b. Are there people who are satisfied with their status as resettled persons?
- c. Did you meet people who are not living in the territory of resettlements and support the constructions?
- d. Did you meet people who are not living in the territory of resettlements but still oppose the constructions?

**V. Does the IP provide an appropriate platform for the subaltern to be heard and acted upon?**

- 6. Did project officials meet you (affected people or NGOs) before the field-visit of the Inspection Panel? Did they try to exert pressure on you?
  - a. The same with government officials
- 7. How was the IP field visit (just for the 2015)? Did you feel they were interested in your case?
  - a. Did they speak only to you or also to the affected people?
- 8. Does the IP want to stop the project or they are rather interested in its reformed continuation? How did it meet your (NGOs) expectations?
- 9. The World Bank contribution to the project is planned to be US\$ 40 million which is not so high compared to the entire US\$ 2000 million cost of the KPP. How do you see, if the World Bank stepped back, would anything change in the implementation?
- 10. Do you see any improvement in the situation of resettled people since the publication of the action plan of the IP in 2016?
  - a. Did the WB offer any compensation before the IP process? How did it change afterwards?
- 11. Do you think that the fact, that the decision on financing the project is postponed is the result of the IP process?
- 12. How do you see the new government's approach to the KPP?