"We Will Persevere Until Justice Prevails"

Mapping Criminalised Environmental Resistance in Albania

Malaj, D.; Pali, B.

DOI
10.1007/978-3-031-75376-3_5

Publication date
2024

Document Version
Final published version

Published in
Criminalisation of Dissent in Times of Crisis

5

"We Will Persevere Until Justice Prevails": Mapping Criminalised Environmental Resistance in Albania

Diana Malaj and Brunilda Pali

Introduction

In recent years, there has been an increasing criminological interest in the criminalisation of social, political, and environmental dissent and activism (Pali, 2022; Selmini & Di Ronco, 2023; Vegh Weis, 2021; Watts, 2020). Through their work, these critical scholars have deepened our understanding of local realities, recognising that the dynamics at play can vary significantly depending on the context. At the same time by examining case studies and analysing various forms of resistance and repression, they have identified patterns and connections between different instances of criminalisation and as a result provided

D. Malaj (✉)
Center for Southeast European Studies, University of Graz, Graz, Austria
e-mail: diana.malaj@edu.uni-graz.at

B. Pali
Department of Political Science, University of Amsterdam, Amsterdam, The Netherlands
e-mail: b.pali@uva.nl

A. Di Ronco and R. Selmini (eds.), *Criminalisation of Dissent in Times of Crisis*, Critical Criminological Perspectives, https://doi.org/10.1007/978-3-031-75376-3_5

more sophisticated ways of conceptualising the criminalisation of dissent and activism. They have elucidated the multifaceted nature of criminalisation, explored how behaviours deemed threatening to the status quo are stigmatised, controlled, and punished by state and non-state actors, and investigated the various modalities of criminalisation, ranging from formal legal mechanisms to informal social processes. Overall, the burgeoning scholarship on the criminalisation of dissent and activism has contributed to a more nuanced understanding of power dynamics, social control mechanisms, and resistance strategies in contemporary societies (Lacey, 2009; McNamara et al., 2018; Selmini & Di Ronco, 2023; Vegh Weis, 2021).

Different lenses have been proposed for understanding manifestations of criminalisation, such as "primary and secondary criminalisation", "overcriminalisation and undercriminalisation" (Husak, 2008; Vegh Weis, 2021), "formal and substantial criminalisation" (Lacey, 2009), "modalities of criminalisation" (McNamara, 2015, McNamara et al., 2018, 2021), "hidden criminalisation" (Farmer, 2018; Quilter & Hogg, 2018), and "thresholds of criminalisation" (Weizman, 2023). While these conceptual threads may vary in focus, we find value in viewing criminalisation as a continuum. This perspective encompasses both its narrow legal definition, which involves behaviours that breach criminal law and may lead to legal sanctions, and its broader societal implications. In this broader sense, criminalisation refers to the ways in which behaviours, including those that violate rules other than criminal ones, are stigmatised, controlled, repressed, and punished by various actors within society (Selmini & Di Ronco, 2023).

Our research focuses on the criminalisation of environmental resistance in local contexts in Albania where there are ongoing battles for protecting water, rivers, forests, and more generally environment commons,[1] rights, and way of life against repression and exploitation. Of particular interest for our research is also the work of critical criminologists who follow a political economy approach which critically analyses state and corporate capture of land and natural resources, the

[1] With "commons" we refer to water resources, rivers, national parks, forests in urban areas, and public spaces in which residents have interacted with, used, and taken care of them.

implications for environmental health and sustainable livelihoods, and the criminalisation of those who are affected by such extraction and exploitation (Lynch, 2020; Lynch et al., 2019; Ruggiero & South, 2013). Albania's hybrid democracy, characterised by internal party struggles, media control by political entities, organised crime, and widespread corruption, creates challenging conditions for social and political engagement (Freedom House Report, 2023). Despite these obstacles, social movements and community mobilisations have increased in the last decade, reflecting growing concerns about democratic deficits and social injustices. The selected rural and urban communities serve as representative case studies where criminalisation extends beyond the penal code and operates in a continuum. Our chapter aims to identify shades, levels, and modalities of criminalisation along this continuum.

In Albania, as our chapter demonstrates, practices of criminalisation often include: arbitrary arrests under vague charges of "public order and safety"; physical and symbolic violence; intimidation through fines and lawsuits; and the introduction of divisive figures like the "village head" into local power structures. State of emergency measures and ministerial decrees further restrict fundamental rights and expand executive power. However, as repressive measures increase, so do too the "cracks" within the state's authority, creating opportunities for resistance. Local communities are indeed never merely passive victims of oppression. They exhibit forms of resistance in defence of their rights and the commons (see footnote 1). The chapter aims to shift the discourse from one centered solely on damage and oppression towards one that acknowledges the power and agency of local communities (Tuck, 2009). Through an analysis of resistance efforts by four Albanian communities, the chapter aims to amplify the voices of those protecting environmental commons and fighting for justice and democratic freedoms in Albania.

Methodology

The research conducted largely between September 2022 and December 2023 aimed to map both the criminalisation and resistance of community-based and grassroots environmental activism in Albania.

The study identified common tactics used by the state institutions to fend off community activism and provided an intimate account of communities' resistance to these processes by focusing on multiple case studies, including the national parks of Zall Gjoçaj and Valbona, and the villages of Mezhgorani and Laknasi. The local communities involved in these environmental movements struggle to protect rivers, national parks, small forests, and water resources against neo-liberal investments imposed by the central and local governments in collaboration with private companies.

Methods employed were ethnographic, and included conversations, interviews, participant observations of protests, analysis of judicial hearings and files, and analysis of media and online data. One of the researchers, Diana, who is an activist-researcher based in Albania, played a crucial role in maintaining close contact with the communities under study, and in some of them (Laknas and Zall Gjoçaj) participating in protests, and offering legal support. This involvement ensured a deep understanding of the cases and facilitated trust between the researchers and participants. Interviews and conversations with local activists and inhabitants explored their experiences of criminalisation, the impacts on their lives, and resistance strategies. More specifically: in Zall Gjoçaj, an on-the-site conversation with 20 community members (local activists, their families, and supporters) took place; in Mezhgoran, we conducted an in-depth interview with the most vocal and engaged local activist; in Valbona, a conversation was held with a local activist from the "Mos ma prek Valbonen!" [Don't touch my Valbona!] movement and a conversation with 20 activists, most of them women, engaged in different environmental movements, and; in Laknas, informal conversations with all the local activists were held. All participants were anonymised to protect their identities. Additionally, media items, judicial files, official reports, and online community activism on social media platforms were collected and analysed to provide a comprehensive understanding of each case. More specifically, we have consulted about 120 media items from the period 2017–2024, which provide information on the history of local resistance, reporting on struggles, organised protests, and other forms of resistance; 7 judicial files for the case of Laknas, Zall Gjoçaj, and Mezhgorani; 8 official reports on the level of democracy in Albania, freedom

of speech and freedom of assembly, European Union reports related to fundamental human rights in Albania, an assessment study on water conflicts, and the report "Communities under pressure" taking as a case study the river of Valbona (American Bar Association Center for Human Rights, 2019). We have also consulted the official Facebook pages of the communities of Valbona, Zall Gjoçaj, and Mezhgoran to construct the cases chronologically and analyse the online community activism and all the information provided related to criminalisation tendencies of the state and the police and forms of resistance from these communities.

By triangulating data from multiple sources, the research aimed to uncover common tactics used by state institutions to suppress community activism and patterns of resistance employed by affected communities. This holistic approach allowed for a nuanced exploration of the dynamics of criminalisation and resistance in Albania's community environmental activism.

Criminalisation of Local Community Resistance in Albania

In this section, we delve into the intricacies of environmental resistance in Albania, exploring four distinct case studies that shed light on the multifaceted dynamics of grassroots activism and its criminalisation. These case studies offer invaluable insights into the challenges faced by local communities as they strive to protect their democratic rights and environmental commons amidst increasing intimidation, threats, and pressures. Through a comprehensive analysis of each case, we aim to uncover the underlying patterns, tactics employed by state institutions, and the responses of these communities, hoping to shed light on the complex interplay between activism, state power, and environmental justice in Albania.

Fighting for Water in the Mezhgoran Village

The community of Mezhgoran, a village situated in southern Albania, has been embroiled in a battle against a water supply project in 2023. Locals argue that this project threatens to strip away their village's sole water source to serve the interests of certain local entrepreneurs. Despite its natural allure, surrounded by breathtaking mountains and unique natural landmarks that have attracted the attention of foreign researchers and tourists, Mezhgoran has endured decades of neglect in terms of infrastructure, electricity, healthcare, and education facilities. Even amidst this natural splendour, the villagers grapple with dire poverty and are heavily reliant on their only water source for sustenance. In an interview,[2] one protester vividly illustrates their daily struggle for basic necessities, likening the flow of water to *rakia* (a strong Albanian spirit). He lamented how throughout the day, they meticulously collect water into barrels, only to ration it for essential tasks like washing clothes, highlighting the scarcity that affects their existence.

The outcry against the water supply project, which the local community asserts will deprive them of their water source, commenced in March 2023. Protesters vehemently opposed the project, citing several grievances, including the lack of public consultations by the local government,[3] allegations of the municipality operating under illegitimate conditions without proper permissions, and concerns over the expiration of documents and permissions related to the project. Dissent among the affected families manifested in various forms, ranging from meetings with the mayor and other municipal representatives, to petitions, requests for access to public information, on-site protests accompanied by arrests and instances of police violence, and legal challenges. As the local community intensified its opposition and organised against law enforcement, local authorities resorted to tactics of violence, criminal proceedings (Kryeziu, 2023a), and other intimidating measures

[2] See e.g. https://www.facebook.com/watch/?v=1009655230315857.

[3] See https://www.facebook.com/photo/?fbid=1221199821860567 70&set=a.122111282756056770.

to suppress dissent. The main protagonist of the resistance who was interviewed for this study told us,

> To a certain extent, I could understand if this were a different kind of project, but we're talking about drinking water here, and without water, you can't survive. So we made it clear to them that we will oppose them in every possible way: they may bring the police, they may try to intimidate us, but we'll also find our own ways to resist.

Mezhgoran residents have consistently staged protests, only to have them abruptly halted by authorities, who have arrested individuals on charges of breaching public order and obstructing traffic. During one particular demonstration, four protesters were apprehended under accusations of obstructing traffic by placing stones on the road, thus impeding circulation. Subsequently, all four protesters became embroiled in ongoing criminal proceedings, facing prosecution while remaining at liberty. Undeterred by these legal challenges, they remained steadfast in their commitment, asserting that such obstacles would not deter their pursuit of justice. In addition to these arrests, instances of physical violence and brutality against residents have characterised the protests. The same activist told us,

> We have protested on multiple occasions. We've blocked roads and clashed with the police. The most recent clash happened on October 12. We were very few because they had informed us they would arrive on Friday, and only a few of us were present on Monday. They arrived with four police wagons. I was arrested along with three others that day. They used violence against us that day. There was a female police officer who violently attacked a woman in the village and kicked her. We witnessed it first-hand, so it's not hearsay.

In addition to the conventional methods of criminalisation often employed against local resistance, such as the use of force to interrupt protests, arrest, threats, and intimidation, residents of Mezhgoran have encountered less frequently used forms of intimidation compared to other communities, such as intentional delays and refusals by the public officials of the right to information to public documents, and

fines to the inhabitants because they claim this right. In this case, it becomes clear that public officials meticulously identify the vulnerabilities of communities, such as economic hardship, for example, and exploit them, effectively impeding communities' efforts to seek transparency and accountability.

One of the primary challenges faced by the Mezhgoran community for example has been the struggle to obtain official documents pertaining to the public project affecting their village (Kryeziu, 2023b), which they intended to use as a basis for legal challenges. In their quest for information, initiated under the right to access public information, residents have been met not only with outright refusal and delays from the municipality but also with fines. The municipality's response to residents seeking access to publicly available information was particularly striking: a demand for payment of approximately 1,200 euros (Kryeziu, 2023c). No specific law was referenced; instead, it was stated that this amount was necessary due to the high costs of printing the documents. Such fines are daunting for the residents and any individual dealing with public institutions, as they place an immense financial burden on residents already grappling with difficult economic circumstances.

This prompted the group to consider their next steps. Seeking legal counsel, they were advised that they were not compelled to make this payment as they have the right to access information for free. However, just a week later, another letter arrived from the municipality. It stated that the five inhabitants representing the village who had initiated the request at the attorney's office were now designated as debtors to the municipality, irrespective of their decision to withdraw the documentation. The reasons for this designation were not provided. Consequently, they were labelled as debtors and barred from accessing any services offered by the municipality of Tepelenë due to this alleged debt. The activist we interviewed told us,

> The responses we received are truly disgraceful. It's not just me; others in the village also have no outstanding debts to the municipality. In fact, we are the only village that diligently pays taxes for our farmland. It's clear that this tactic was employed to pressure us into withdrawing our request. Personally, I've always led a quiet life, never had any encounters

> with the law, and had never even visited the municipality before. But now, I find myself constantly navigating their offices. It's disheartening to be labelled persona *non grata* simply for seeking transparency and exercising our rights.

The concerns of Mezhgoran residents extend beyond mere arrests and fines; they also revolve around the tone and language employed by the municipality of Tepelenë and its officials, which they characterise as cynical and vindictive. Residents report feeling ridiculed and insulted by the language used during meetings at municipal offices and on the streets. They find it distressing that local officials appear to insinuate ulterior motives or political affiliations, which they find particularly offensive. The use of such language not only undermines the residents' legitimate concerns but also exacerbates tensions between the community and local authorities, fostering a sense of mistrust and resentment. Residents feel disrespected and marginalised, as their genuine grievances are dismissed or belittled through the use of cynical rhetoric.

Given the vital importance of water for human life, protests defending water resources in Albania have sparked unprecedented levels of community organising and resistance, surpassing the expectations of local authorities. As residents of Mezhgoran village emphasise, the water in their area serves as the sole drinking source not only for the village but also for livestock, agricultural irrigation, and the small-scale family economies that sustain them. They firmly believe that if their drinking water is taken away, their very livelihoods would be jeopardised, leaving them with no choice but to abandon their homes. "The water of Mezhgoran cannot be taken. Water does not belong to the state, but to nature; nature has bestowed it upon us", asserts one protester.[4]

Despite their determination to challenge the project in court, residents remain apprehensive and acutely aware that their pursuit of justice exposes them to constant risks of facing police intervention and opposition from project workers. In the words of the activist we interviewed,

[4] See https://www.facebook.com/mezhgoran.tp/videos/684552943401013.

> We're heading towards a clash with the police because they've encroached upon the water source and intend to take control of it. This clash is becoming unavoidable, whether it involves the workers or the police. But the root cause of this conflict is not our doing. I find it difficult to comprehend. How can you ignore the needs of an entire village, especially when it comes to something as essential as drinking water? Drinking water fulfils all basic human needs. So, are you going to steal our water from us? They may argue, 'Wait, that's not our intention; we actually want to fix it.' But how do they plan to fix it? By causing further harm? I fail to grasp that logic. In reality, force has always been their method. They've consistently dispatched the police.

Protesting Hydropower Plants in the National Park of Valbona

Apart from the challenges posed by the absence of state investments in infrastructure like roads and electricity networks, one of the most significant threats to the existence of rural areas and the livelihoods of local communities in Albania has been, and continues to be, the intrusion of hydro-energy projects, particularly the construction of hydropower plants (Freund et al., 2021) (Figs. 5.1 and 5.2).

During the tenure of former Prime Minister Sali Berisha, whose administration was aligned with the right-wing, a prominent policy initiative was the promotion of Albania as a "small superpower in renewable energy". This policy stance facilitated the approval of concessionary contracts for the construction of hydropower plants, paving the way for increased hydro-energy development across the country. The continuation of this policy trajectory persisted even with the transition to power by the socialist party, currently at the government. This ongoing commitment to hydro-energy development has exacerbated tensions between local communities, environmental activists, and government authorities, as it directly impacts the landscape, ecosystems, and traditional ways of life in rural areas.

Official data regarding the number of hydropower plants in Albania has been notoriously imprecise for years. In 2019, various reports suggested conflicting numbers (Milleukontakt Albania et al., 2017).

Fig. 5.1 Valbona River, part of the National Park of Valbona Valley (Photo credits Diana Malaj, June 2023)

Fig. 5.2 Valbona River, Bujan village, Tropoje (Photo credits Diana Malaj, June 2023)

Some sources indicated that the Albanian government had approved a total of 714 hydropower plants (Rama, 2019), while others specified that the number of contracts for such plants ranged from 440 to 540 (American Bar Association Center for Human Rights, 2019). Of these contracts, approximately 147 were reportedly still under construction, while construction had yet to commence for around 364 of them. According to media reports spanning from 2002 to 2019, a total of 183 concessionary contracts were signed for the construction of 524 hydropower plants.[5] Even though Prime Minister Edi Rama had stated that only two hydropower plants would be built in the Valbona area, assuring that they would not involve dams and would utilise technology to preserve the landscape, the subsequent construction activities contradicted these assurances, as excavators, dynamite, and tubes were employed, undermining the landscape preservation promised by the government.

Valbona was designated as a national park in 1996, and it holds significance as part of the international Emerald network, safeguarded by the Berne Convention (American Bar Association Center for Human Rights, 2019). However, approximately a decade ago, the area granted around 14 concessionary permits for the construction of hydropower plants in the area, three of them along the Valbona River (Dervishi, 2016). In September 2016, residents of the Valbona Valley were informed that construction of two dams would commence within the park. The news sparked outrage and mobilised locals to unite and resist these projects led by Gener 2 and Dragobia Energy (American Bar Association Center for Human Rights, 2019). Legal proceedings are underway in Albanian courts, yet construction of the hydropower plants persists, with energy production already underway. Despite ongoing legal battles, the projects continue to advance, posing a significant challenge to the conservation efforts within Valbona National Park.

The local community has demonstrated its opposition to the construction of the hydropower plant through a variety of means. They have organised protests not only in Valbona but also in cities such as Bajram Curri and Tirana, as well as near national and international institutions.

[5] See e.g. https://www.youtube.com/watch?v=tNlisPP7c7A.

International activists have joined in solidarity with local activists, amplifying the protest's reach and impact. Artistic interventions, including installations in Tirana and music concerts (see Dervishi, 2016), have served as powerful forms of expression and mobilisation. A river anthem was even created in support of the Valbona River and other threatened waterways, featuring some of the most renowned singers from Albania and Kosovo.

Moreover, the community has actively pursued information through requests and confrontations with local institutions, utilising digital advocacy platforms to amplify their message. Legal action has also been taken, with court proceedings initiated against the private firm and responsible state institutions. More specifically, six court cases have been initiated in relation to the Valbona case, spanning civil, administrative, and criminal courts (American Bar Association Center for Human Rights, 2019). The lawsuits target relevant ministries, construction companies, and concessionary firms involved in the project (ibid.). Residents actively involved in the struggles of Valbona have diligently followed court proceedings, even travelling to courts in other cities, to advocate against river damages and defend their cause.

Notably, environmental organisation *Toka* (Earth/Land) and the local community jointly filed a criminal lawsuit, alleging that Gener 2 Shpk and Dragobia Energy Shpk falsified residents' signatures during consultation processes (ibid.). This criminal lawsuit was referred to the Tirana Prosecutor's Office, which controversially concluded that the potential forgery of signatures did not invalidate the consultation meetings (ibid.). The private company filed a countersuit against environmental organisation *Toka* and its leader, Katherine Bohne. The concessionary company sought damages totalling 200,000 euros, alleging reputational harm and defamation stemming from *Toka*'s public information campaigns. However, the legal proceedings culminated in a victory for the residents of Valbona, as the court dismissed the concessionary firm's claims, affirming the community's right to challenge the project and defend their interests (Dervishi, 2016), marking a significant victory for freedom of speech and the right of individuals and communities to organise protests (ibid.).

However, arrests have been made against Valbona protesters, which residents perceive as methods of intimidation. For instance, one resident engaged in the resistance movement faced prosecution for allegedly blocking the national road Tropojë-Valbona during a protest against the hydropower plants, despite his initial complaint about dynamite blasts in the area for dam construction (American Bar Association Center for Human Rights, 2019). Such criminal charges are seen by residents as punitive and intimidating measures for their participation in protests.

Moreover, residents have reported instances of police threats and increased state scrutiny, particularly concerning businesses owned by protesters. In the Valbona case and other environmental issues like Zall Gjoçaj, individuals engaged in protests have experienced heightened state controls and inspections. For instance, one Valbona protester had his business inspected 18 times in a single month (ibid.), while another activist from Zall Gjoçaj endured weekly financial audits for a year following a court decision in favour of residents. These actions are perceived as intimidation tactics, as the intensity of state scrutiny escalated significantly following their involvement in protests.

The study "Communities under pressure: Findings from Valbona" conducted by the American Bar Association Center for Human Rights (2019) highlights instances of social assistance denial, reflecting a troubling form of retaliation. Moreover, threats of job loss have loomed over residents, a recurring theme observed across all protests studied. One of the residents highlighted the pervasive atmosphere of fear and double blackmail experienced by Valbona inhabitants. He emphasised the tight-knit nature of the community, where individuals are united yet restrained by the fear of repercussions. The risk of job loss looms large, stifling dissent and preventing residents from speaking out (ibid.).

Furthermore, journalists have reported incidents of violence perpetrated by representatives of the Breçani security company contracted by Gener 2 during the filming of the documentary "The Murder of Valbona". This violence was documented, reported in the media, and subject to legal proceedings, shedding light on the intimidation tactics

employed against residents and journalists alike.[6] In the documentary "Murder of Valbona", one of the residents poignantly remarked that "[n]ot even during war are journalists and doctors touched. But here journalists are harmed", underscoring the severity of the situation and the disregard for basic rights and safety.

Overall, Valbona residents perceive the state's stance as antagonistic, a sentiment echoed also in the other cases studied. Despite residents' firm belief that they are fighting for the common good, they feel marginalised and unheard by authorities. They lamented the lack of understanding and receptiveness towards their concerns, painting a picture of disconnection and alienation. Our respondents highlighted their collective efforts to seek redress through municipal offices, prosecutor's offices, and the police, only to encounter indifference and neglect. This sense of abandonment further exacerbates tensions and deepens the divide between the community and the state.

Community Mobilisation Against Hydropower Plant in Zall Gjoçaj

The mobilisation against hydropower construction in the Zall Gjoçaj community began in late 2018. Situated in the north-eastern part of Albania, the expansive Zall Gjoçaj National Park was established in 1996 to safeguard the region's rich biodiversity. However, the legacy of the communist regime's hard-line Stalinist policy of total collectivisation left the area vulnerable to neglect and underdevelopment following the regime's collapse. Presently, many parts of Zall Gjoçaj lack basic amenities such as cellular networks, internet access, well-maintained roads, and public water supply. Despite these challenges, the local community continues to rely on traditional activities such as beekeeping, goat herding, and cattle farming (Freund et al., 2021) (Figs. 5.3 and 5.4).

However, the construction of a hydropower plant by Seka Hydropower, a private company with Italian capital and Albanian administrators, has sparked outrage among residents. As construction

[6] See https://top-channel.tv/english/top-channels-crew-attacked-filming-hydropower-plant-construction-in-valbona/.

Fig. 5.3 Photo from Hydropower plant in the National Park of Zall Gjoçaj, Albania, 2019 (Photo credits Diana Malaj/Grupi Ata)

Fig. 5.4 Photos from a protest banner [To us, you are invaders!] in the National Park of Zall Gjoçaj, Albania, 2021 (Photo credits Diana Malaj/Grupi Ata)

commenced and access to information was denied, doubts arose within the community about the project's benefits. Residents feared the loss of their primary water source, the river Flim, and voiced concerns that the hydropower plant would disrupt their ways of life and livelihood.

In response, they organised on-site protests, rejecting the presence of the company and advocating for public investments in essential infrastructure such as electricity, roads, and public irrigation systems. The community's resistance reflects their determination to protect their environment and livelihoods from what they perceive as unwarranted intrusion and exploitation by private interests.

Numerous tactics have been employed to suppress protests in defence of the Zall Gjoçaj National Park. During initial protests, residents were subjected to intimidation tactics, including being detained for extended periods at police stations, enduring lengthy interrogation processes, and facing threats to themselves and their families. These threats materialised into reality for some, resulting in job loss, intimidation within their homes, and attempts to bribe them into compliance. As resistance grew stronger, so did the pressure against the inhabitants. The Zall Gjoçaj community has faced relentless intimidation and criminalisation tactics from social authorities in their resistance against the hydropower project. Activists have been subjected to arrests, criminal proceedings, and prosecution, often on charges unrelated to the environmental movement but targeting personal activities. One activist, in particular, faced daily inspections of his business, leading to imprisonment and subsequent health complications due to the psychological burden (Fig. 5.5).

The pressure from state institutions in compliance with private company reached its peak during a crucial year for the Zall Gjoçaj National Park movement, coinciding with a significant victory in the Appeal Court. The intense intimidation tactics took a toll on activists, with one individual suffering a heart attack and requiring hospitalisation for several weeks. Despite the adversity, the community remains resolute in its commitment to achieving justice, even if it means taking its battle to European courts.

Fig. 5.5 Photo from a protest in the National Park of Zall Gjoçaj, Albania, 2022 (Photo credits Ronald Qema/Grupi Ata)

Additionally, the manipulation of the local elections to vote for the village leader[7] underscores the extent to which state institutions sought to undermine the community's resistance. Despite being democratically elected, activists were prevented from assuming leadership positions, further highlighting the authorities' attempts to suppress resistance and maintain control over local governance.[8] During our conversation with the community activists and their supporters, one of the local activists (activist 1), told us:

> The municipality aimed to appoint as the village leader someone who supported diverting water to the dam. Had we, as village leaders, not spearheaded the resistance, we might not have found ourselves in this

[7] The head of the village is a person elected by local community structures active in each neighborhood or village in Albania and whose mandate is to mediate and address the community's concerns to the municipality and especially to protect the commons.

[8] See https://nyje.al/kryepleqte-e-zall-gjocajt-te-vendosur-edhe-pa-vule-do-e-mbrojme-parkun-kombetar/.

> predicament. Perhaps some believe we'll eventually relent, thinking, 'They'll grow tired and eventually give up,' but they're mistaken. There's no turning back for us!

Despite these challenges, the community recognised that the heightened threats illustrated the fear held by both private companies and the state. They interpreted attempts to coerce or buy them off as signs of desperation and acknowledged that such actions stemmed from an awareness of the illegality of the dam project. The community's determination to resist came as a surprise to both private companies and the state, who underestimated their resolve. Residents refused to back down, utilising various mediums such as lawsuits, documentary videos, and published books to amplify their voices and garner support for their cause.

Activists supporting the defence of Zall Gjoçaj National Park have devised a comprehensive strategy aimed at garnering widespread public attention for their cause. Prior to the resistance, Zall Gjocaj was relatively unknown, despite being designated as a National Park. However, the local community together with the activists of Grupi Ata[9] have worked diligently to raise awareness about the threats posed by the construction of the dam within the protected area. Additionally, an online awareness campaign highlighting the natural and biodiversity values of Zall Gjoçaj has been launched, drawing attention to the ecological significance of the area. Various creative mediums have been employed to amplify the message of resistance. Theatre performances, art exhibitions, and poetry have served as powerful forms of self-expression for the inhabitants. A prominent activist has utilised his background in political poetry to convey the community's struggle. Banners with verses from his poems adorn the courtyard of his house, serving as a visual representation of the resistance. For him and his fellow activists, involvement in the Zall Gjocaj resistance is more than a mere endeavour—it is a way of life and a source of motivation to continue fighting until justice is achieved.

[9] Grupi Ata is a group of activists from Kamza, actively engaged in the city borrowing forms and tools from activism, art performance, ethnography, journalism, and law to address political, environmental, and human rights issues.

The establishment of the "Resistance Tent" marked a pivotal moment in the opposition against the dam construction in Zall Gjoçaj.[10] Residents took turns occupying and guarding the tent, demonstrating their unwavering commitment to protecting their water and land from encroachment. In a conversation held during the first protests in 2019, one of the residents had commented[11]:

> This tent embodies more than just symbolism; it represents unyielding resistance. It's a testament to the people who remain here, day and night, to safeguard our water and land at any cost, using any means necessary. We refuse to stand idly by while our water is stolen. Why? Because such actions endanger our lives and the resources at stake aren't exclusive to our village; they belong to the entire region. This water is meant for everyone's consumption. Any diversion from the riverbed affects countless water sources downstream, leading to their depletion. Therefore, it's imperative for both the government and any company operating here to understand: today, we've symbolically demanded their departure, but if they persist tomorrow, they'll face the consequences.

Four trials have been initiated against the dam construction in the National Park, underscoring the legal battle being waged by the community (Ndrevataj, 2020a). However, the community encountered challenges in participating in open court proceedings (Bardhoshi, 2020). Initially, some residents were unjustly expelled from hearings, while others struggled with early morning scheduling that made it difficult for them to attend due to long distances from their villages. This logistical hurdle hindered their ability to actively engage in the legal process, undermining their access to justice. Moreover, the imposition of a state of emergency was exploited to justify the criminalisation of environmental activists. In June 2020, following the lifting of anti-COVID measures, 13 protesters advocating for the protection of rivers were arrested, further underscoring the state's heavy-handed response to dissent (Ndrevataj, 2020b) (Fig. 5.6).

[10] See https://www.youtube.com/watch?v=fnT9qP_WtPs.

[11] https://nyje.al/protesta-E-zall-gjocaj-hec-et-kapak-varri-per-zonen-tone/.

Fig. 5.6 The Resistance Tent of the Community of Zall Gjoçaj, 2019 (Photo Credits Diana Malaj/Grupi Ata)

Despite these obstacles, residents of the Zall Gjoçaj community remain steadfast in their commitment to defending their land and resources against powerful interests. In the words of a local activist (activist 2),

> We will persevere until justice prevails, until water is restored to its rightful purpose of serving both people and nature. If necessary, we'll take our fight to European courts. The people of Zall Gjoçaj are true heroes. Despite the lack of widespread support from national media and the state, they remain remarkably organised. The journey has been arduous, facing off against private companies and major investments, especially for residents of impoverished areas. Yet, we take pride in our accomplishments, and if given the chance, we would embark on this battle once more.

Protecting the Forest in Laknas

The people of Laknas village, part of the city of Kamza, have been protecting their forest against the municipality and a private company. They began protesting and taking legal action in 2019 when the company tried to build a slaughterhouse in the forest without consulting the residents and without obtaining the necessary permits for construction and development in the area.[12] Despite facing significant challenges, including police violence, arrests, and threats, the community's approach, which included guarding the forest, staging protests, creating physical blockades, and their engagement in legal processes, administrative requests, public meetings, and media outreach showed their determination to defend their land and to seeking justice through peaceful and democratic means (Fig. 5.7).

The involvement of women in the protection of the forest in Laknas, exemplifies the significant role played by women in defending their

Fig. 5.7 Banner from Laknas village protesting against a private investment in the city of Kamza, Albania. Their banner reads: "The forest is our lungs, we won't allow you to cut it down" (Photo credits Ronald Qema/ Grupi Ata, August 2021)

[12] See https://nyje.al/protesta-e-banoreve-te-laknasit-per-plepat-e-brukes/.

communities and natural environment. Women in Laknas actively participated in protests and confrontations with police and private companies to prevent the construction of a slaughterhouse in their village forest. Their motivation stemmed from a sense of moral obligation to protect the forest, as well as a desire to safeguard their homes and the future of their children. They recognised the forest as commons belonging to everyone and were determined to prevent its privatisation for the benefit of the community.

Men participated in the protests, but women remained the first to confront the police and private companies. In most of the protests, they have also included their children. For three years, they established an internal coordination system, which allowed four of them to protect the forest and the rest to disperse and deal with the daily routine. Women returning home prepared food for those who guarded the forest and cared for each other's children. This was done alternately and in shifts in less turbulent times. In the months when the confrontations were even harsher and more intense with the police, the protection of the forest mobilised an entire village.

Women were physically pushed by police forces and private companies because they stopped the excavators, not allowing the company to start the work inside the forest. In some cases, the physical collision has also led to health aggravation of the women, who then received medical help in the city hospital. They mobilised by reporting in the media and connecting with local and environmental activists. The case was sent to the administrative court, and the court, after three years of tireless advocacy and activism, announced a favourable decision[13] for the community declaring all the institutional decisions as absolute nullity without any real effects. This victory which ensured the protection of the Laknas forest has not only inspired residents and activists but also set a significant precedent for future environmental processes in Albania. The case of Laknas village in particular, but also the other cases in this chapter, highlights the crucial role of women in environmental movements as part of the local community, as activists-lawyers and lawyers and their

[13] See https://nyje.al/shpeton-pylli-i-plepave-te-brukes-banoret-e-laknasit-fitojne-gjyqin-kunder-bashkise-kamez-dhe-firmes-bioproducts-shpk/.

contributions in protecting communities and natural resources, something that challenges the narrative that these movements are patriarchal and nationalist (Hasa, 2022).

Conclusions

Our research aimed to examine the tactics and methods the Albanian government and private subjects used to criminalise community activism in four communities. This includes, among other things, physical violence, arrests, administrative fines, intimidation tactics such as job loss threats or state inspections, the use of emergency measures to suppress activism, symbolic violence, blackmail, and discourses of "othering" to delegitimise protesters. In addition to analysing criminalisation, our research also focused on the forms of resistance employed by local communities, aiming to shift the discourse away from viewing communities solely as "damaged" subjects and towards recognising their agency and power (Tuck, 2009).

In essence, the cases discussed here offer insights into the complexities of environmental activism, state power, and the quest for justice. The battles for protecting water, rivers, forests, epitomise the clash between the aspirations of local communities and the interests of certain entrepreneurial entities, facilitated by state institutions. The journey of resistance has been fraught with obstacles, including arrests, physical violence, and legal intimidation. The tactics employed by state authorities, ranging from criminal proceedings to financial burdens and cynical and derogatory rhetoric, reveal the lengths to which power structures are willing to go to suppress dissent. Moreover, some of the cases highlight the profound social and economic impacts on residents involved in protests, including denial of social assistance, job insecurity, and threats of retaliation. The pervasive atmosphere of fear and marginalisation further compounds the challenges faced by residents as they navigate a hostile environment of state indifference and corporate interests.

Despite these challenges, communities remain steadfast in their commitment to the cause, driven by the imperative to protect their homes, vital resources, commons, and rights. Their determination to

pursue justice, despite the risks involved, stands as a poignant testament to the determination of local communities in safeguarding their environment and way of life against repression and exploitation and to the power of collective action and grassroots mobilisation in confronting entrenched power structures.

References

American Bar Association Center for Human Rights. (2019). *Communities under pressure. Findings from Valbona, Albania.* https://shorturl.at/adITW

Bardhoshi, N. (2020, July 21–24). *On anthropology of water: Nature, culture and spirits of neoliberal state.* [Conference Session]. EASA2020: New anthropological horizons in and beyond Europe, online. https://nomadit.co.uk/conference/easa2020/participants

Dervishi, I. (2016, September 29). *Oshtimat e buldoziereve mbi Valbone revoltojne banoret e zones*. Reporter.al. https://www.reporter.al/2016/09/29/oshtimat-e-buldoziereve-mbi-valbone-revoltojne-banoret-e-zones/

Freedom House Report. (2023). *Nations in transit*. https://freedomhouse.org/country/albania/nations-transit/2023

Farmer, L. (2018) Thinking about (hidden) criminalisation. *International Journal for Crime, Justice and Social Democracy*, *7*(3), 4–8. https://doi.org/10.5204/ijcjsd.v7i3.556

Freund, F., Gjini, P., Cham Kee, C., Malaj, D., & Schönthaler, S. (2021). Local resistance in environmental struggles: The case of Zall-Gjoçaj, Albania. *Contemporary Southeastern Europe, 9*(1), 65–77.

Hasa, G. (2022). *Një kritikë feministe në përpjekjen për drejtësi të gjelbër*. Prizma Medium. https://prizmamedium.com/2022/05/12/nje-kritike-feministe-ne-perpjekjen-per-drejtesi-te-gjelber/

Husak, D. (2008). *Overcriminalization.* Oxford University Press.

Kryeziu, E. (2023a). *Protestuan kunder ujesjellesit, kater banore te Mezhgoranit procedohen.* Citizens Channel. https://citizens.al/2023/12/14/protestuan-kunder-ujesjellesit-kater-banore-te-mezhgoranit-procedohen-penalisht/?fbclid=IwAR20TlDWao2xGZ_Hhe0klHeo9oiQ4CoDBitE9InZjDy1x9HbhMSmi_PtJSc

Kryeziu, E. (2023b). *Mos grabisni ujin. Banoret e Mezhgoranit kerkojne transparence nga bashkia Tepelen.* Citizens Channel. https://citizens-channel.

com/2023/11/06/mos-grabisni-ujin-banoret-e-mezhgoranit-kerkojne-transparence-nga-bashkia-tepelene/

Kryeziu, E. (2023c). *Bashkia Tepelenë kerkon 1200 euro per informacion publik*. Citizen Channel. https://citizens-channel.com/2023/12/04/bashkia-tepelene-kerkon-1200-euro-per-informacion-publik/

Lacey, N. (2009). Historicising criminalisation: Conceptual and empirical issues. *Modern Law Review, 72*(6), 936–960.

Lynch, M. J. (2020). Green criminology and environmental crime: Criminology that matters in the age of global ecological collapse. *Journal of White Collar and Corporate Crime, 1*(1), 50–61.

Lynch, M. J., Long, M. A., & Stretesky, P. B. (2019). *Green criminology and green theories of justice: An introduction to a political economic view of eco-justice*. Palgrave.

McNamara, L. (2015). Criminalisation research in Australia: Building a foundation for normative theorising and principled law reform. In T. Crofts & A. Loughnan (Eds.), *Criminalisation and criminal responsibility in Australia* (pp. 33–51). Oxford University Press.

McNamara, L., Quilter, J., Hogg, R., Douglas, H., Loughnan, A., & Brown, D. (2018). Theorising criminalisation: The value of a modalities approach. *International Journal for Crime, Justice and Social Democracy, 7*(3), 91–121.

McNamara, L., Quilter, J., Hogg, R., Loughnan, A., Douglas, H., Brown, D., & Farmer, L. (2021). Understanding processes of criminalisation: Insights from an Australian study of criminal law-making. *Criminology & Criminal Justice, 21*(3), 387–407.

Milieukontakt Albania, Lex Ferenda and Eco Albania. (2017). *Assessment study: Identification of water related conflicts linked to hydro power projects in Albania*. HELP-CSO.

Ndrevataj, E. (2020a). *Rruga e mundimshme ne mbrojtje te natyres, banoret e Matit depozitojne nje padi tjeter ne gjykaten e Tiranes*. Citizens Chhanel. https://citizens-channel.com/2020/11/10/rruga-e-mundimshme-ne-mbrojtje-te-natyres-banoret-e-matit-depozitojne-nje-tjeter-padi-ne-gjykaten-e-tiranes/

Ndrevataj, E. (2020b). *Protesta ne mbrojtje te natyres perfundon ne dhune dhe arrestime*. Citizens Channel. https://citizens-channel.com/2020/06/24/protesta-ne-mbrojtje-te-natyres-perfundon-ne-dhune-dhe-arrestime/

Pali, B. (2022). A criminology of *Dis/Obedience?*. *Critical Criminology, 31*, 3–16.

Quilter, J., & Hogg, R. (2018). The hidden punitiveness of fines. *International Journal for Crime, Justice and Social Democracy, 7*(3), 9–40.

Rama, A. (29 August 2019). Hidrocentralet, rreth dy herë më shumë. Porta Vendore. https://portavendore.al/2019/08/29/hidrocentralet-rreth-dy-here-me-shume/

Ruggiero, V., & South, N. (2013). Green criminology and the crimes of the economy: Theory, research, and praxis. *Critical Criminology, 21*(3), 359–373.

Selmini, R., & Di Ronco, A. (2023). The criminalization of dissent and protest. *Crime and Justice: A Review of Research, 52*. https://doi.org/10.1086/727553

Tuck, E. (2009). Suspending damage: A letter to communities. *Harvard Educational Review, 73*(3), 409–428.

Vegh Weis, V. (2021). *Criminalization of activism: Historical, past and future perspectives*. Routledge.

Watts, R. (2020). *Criminalizing dissent: The liberal state and the problem of legitimacy.* Routledge.

Weizman, E. (2023). Thresholds of repression and criminalization of oppositional political activism in the Israeli settler state: A preliminary investigation. *Justice, Power and Resistance, 6*(2), 188–206.