



DA Dipartimento
Architettura
Ferrara

BOOK OF PROCEEDINGS

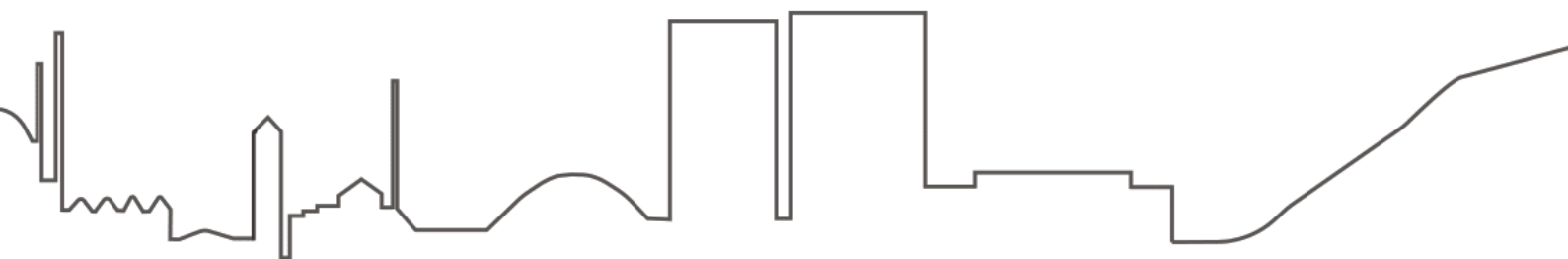
2nd INTERNATIONAL CONFERENCE ON HOUSING,
PLANNING, AND RESILIENT DEVELOPMENT OF THE
TERRITORY

TOWARDS EURO-MEDITERRANEAN PERSPECTIVES

OCTOBER 16th-17th, 2025

ISBN: 9789928347237

DOI: 10.37199/c41000900



CIP Katalogimi në botim BK Tiranë

2nd international conference on housing, planning, and
resilient development of the territory : towards
euro-mediterranean perspectives : october 16th-17th, 2025 :
book of proceedings. - Tiranë : Universiteti Polis, 2026.

... f.

ISBN 9789928347237

1.Urbanistika 2.Planifikimi i qytetit dhe ligji i
rizhvillimit 3.Konferenca

711 (062)



BOOK OF PROCEEDINGS

2nd INTERNATIONAL CONFERENCE ON HOUSING,
PLANNING, AND RESILIENT DEVELOPMENT OF THE
TERRITORY

TOWARDS EURO-MEDITERRANEAN PERSPECTIVES

OCTOBER 16th-17th, 2025

ISBN: 9789928347237

DOI: 10.37199/c41000900

2nd International Conference on Housing, Planning, and Resilient Development of the Territory

Towards Euro-Mediterranean Perspectives

Conference Theme and Rationale

This conference returned for the second time within the Albanian and Mediterranean academic context, aiming to build a tradition of collaboration centered on scientific research and academia. Following the success of the first edition held on October 13th-14th, 2023, where proceedings were published in the Book of Proceedings, Albanica journal, and various international academic platforms, POLIS University and the Academy of Sciences of Albania relaunched this important event. The 2025 edition focused on housing, urban planning, and resilient territorial development, offering a platform for researchers, policymakers, and experts from the region and beyond.

Albania and the Western Balkans have faced major transformations in urbanization, spatial planning, and environmental management. Demographic changes, economic pressures, and environmental challenges created a need for new strategies in architecture, planning, and governance. This conference brought together diverse voices to explore these themes and promote resilient and sustainable development.

Key topics included architecture and the city, with emphasis on urban form, housing typologies, and the role of cultural heritage in modern urban design; urban mobility, addressing traffic challenges, public transport, and the use of technologies like GIS and AI in planning; and new housing models, focusing on affordability, energy efficiency, and innovative materials.

Discussions also covered demography and economy, exploring territorial governance, smart cities, social enterprises, and digital technologies such as AI, VR, and the Metaverse in urban management. Finally, the urban and natural environment was addressed through topics like pollution, adaptive planning, and nature-based solutions for climate resilience.

Through this conference, POLIS University and the Academy of Sciences of Albania aimed to foster a broad interdisciplinary debate on these pressing issues, combining academic and practical perspectives to offer concrete recommendations for future urban and territorial development policies and projects.

Organizers' Announcement

The International Scientific Conference on Housing, Urban Planning, and Resilient Territorial Development: Toward Euro-Mediterranean Approaches was held on October 16th-17th, 2025, in Tirana, Albania. Organized by POLIS University in collaboration with the Academy of Sciences of Albania and supported by national and international partners, including the University of Ferrara and Co-PLAN, Institute for Habitat Development, the event brought together researchers, academics, policymakers, and professionals to address key challenges in urban development, with a focus on resilience and sustainability in the Euro-Mediterranean region. The first day of the conference took place at the Academy of Sciences, while the second day was hosted at POLIS University.

The conference explored five main themes:

- I. Architecture and the City, which investigated the typological and morphological dimensions of urban form, the evolution of collective and individual housing types, the relationship between architectural design and urban identity, and the role of historical and cultural heritage in shaping contemporary cities;
- II. Urban Mobility and Resilient Cities, which addressed traffic congestion, infrastructure challenges, and public transportation, while also promoting the redesign of public spaces – such as streets, squares, and pedestrian zones – to improve accessibility and mobility; it also explored the integration of digital technologies like GIS, AI, and simulation tools to enhance planning, automation, and infrastructure management;
- III. New Housing Models, which examined innovative approaches to affordable and social housing in response to demographic shifts and technological change, along with energy efficiency strategies, passive energy systems, and the application of new sustainable materials and construction technologies;
- IV. Demography and Economy, which focused on macro-regional and national dynamics impacting territorial development, including urban governance, disaster risk reduction, and the rise of smart and inclusive cities; it also explored how emerging technologies – such as AI, VR, and the Metaverse – along with social enterprises and circular economy practices, could foster more equitable and adaptive urban systems; and
- V. Urban and Natural Environment, which analyzed environmental degradation in urban settings, including air, water, and soil pollution, and promoted nature-based solutions, ecosystem-based planning, and adaptive strategies to enhance environmental sustainability and climate resilience.

The conference was conducted in English and Albanian (with self-translated texts where applicable) and was free of charge, with all registration fees fully covered by POLIS University in support of open academic exchange. Key deadlines included abstract submission by June 15th, acceptance notification by June 30th, first draft of papers by September 15th, and final submissions by October 31st.

Scientific Committee

Akad. Gëzim Hoxha / Akademia e Shkencave

Emeritus. Prof. Dr. Sherif Lushaj / POLIS University

Emeritus. Prof. Dr. Pantoleon Skayannis / POLIS University & University of Thessaly, Greece

Prof. Dr. Besnik Aliaj / POLIS University

Prof. Dr. Tamara Luarasi / POLIS University

Prof. Dr. Roberto Di Giulio / DA-FERRARA University

Prof. Dr. Theo Zaffagnini / DA-FERRARA University

Assoc. Prof. Dr. Mario Ferrari / POLIS University

Organizing Committee

Akad. Gëzim Hoxha / Akademia e Shkencave

Assoc. Prof. Dr. Sotir Dhamo / POLIS University

Assoc. Prof. Dr. Skender Luarasi / POLIS University

Assoc. Prof. Dr. Llazar Kumaraku / POLIS University

Dr. Doriana Musaj / POLIS University

Armela Reka / POLIS University

Sindi Doce / POLIS University

Layout & Design:

Sindi Doce

Armela Reka

POLIS University Contact:

Rr. Bylis 12, Autostrada Tiranë-Durrës, Km 5, Kashar

Kodi Postar 1051, Kutia Postare 2995

Tiranë, Albania

Tel: +355.(0)4.2407420 / +355.(0)4.2407421

Fax: +355. (0)4.2407422

Mob: +355 (0) 69 40 88 111

Email: contact@universitetipolis.edu.al

Website: www.universitetipolis.edu.al

Table of Content

I. Architecture and the City: Architectural, Typological and Morphological Aspects of Settlement Form

Morphogenetic Axes as Generators and Anchors of Urban Form Assoc. Prof. Dr. Sotir DHAMO	5
The Structure of Tirana from 1614 to 1943. Continuities, Discontinuities and Relation with Western Cities Dr. Genti AVDIJA	16
Between Ideology and Identity. A Comparative Study of Socialist Hotel Architecture in Albania and the Balkans Dr. Malvina ISTREFAJ (KOLIÇI)	28
Vertical Growth and Urban Morphology. High-Rise Towers Reshaping Tirana's City Form MSc. Eneida MUHAMUÇI	40
Game of Towers. Vertical Growth - Horizontal Tensions MSc. Erjon ÇOBANI	50
Public Space and Urban Identity. Tracing the Shifts of Epidamn Boulevard, Durrës MSc. Arjola SAVA	60
Durrës After Transition: Urban Identity at the Edge of Time, Tourism, and Transformation MSc. Vjola ZIU	71

II. Traffic Crises in Cities and New Models of Sustainable and Resilient Cities

Tactical Urbanism as a Catalyst. Shaping people-centred mobility in Malta through experimentation Dr. Antoine ZAMMIT	80
How does the form of road infrastructure impact the propagation of traffic-induced noise in urban areas of Tirana? MSc. Kelvi PETI, Dr. Fiona IMAMI	95
Peripheral Journeys: Youth Mobility, Urban Margins and Social Inequality in Naples. The Everyday Experiences of Student Commuting and Spatial Injustice in a Euro-Mediterranean City Stud. Domenico Salvatore GALLUCCIO, Stud. Luca AMATO, LLM Candidate Francesco DE NIGRIS, Stud. Emanuele Mauro ABRIOLA	107

III. New Housing Models and Innovative Architectural-Urban Forms to Adapt to Demographic, Technological and Development Trends/Challenges

Cooperative Dwelling and Participative Governance. The Wogeno Case in Zürich Dr. Luca LEZZERINI	120
--	-----

Reimagining Urban Living: Beyond Building Housing – Building a Community. Affordable, Sustainable, and Innovative Housing Solutions for better Quality Living Erez ELLA	129
Cultural Dimensions and Entrepreneurial Innovation in Co-working Spaces. Socio-Spatial Insights from Tirana MSc. Belma AJAZI, Assoc. Prof. Dr. Xhimi HYSA, Dr. Gennaro MAIONE	153
From Informal Sprawl to Gated Communities. Evaluating Spatial and Functional Integration in Southeastern Tirana MSc. Alba GORA	164

IV. Demography and Economy: Demographic challenges and models in Albania and Beyond

Urban Planning in the Polycrises Era as “The Substance of Things Hoped For”. Research, Teaching, and Spatial Design at POLIS University, Albania Assoc. Prof. Dr. Llazar KUMARAKU	185
Land Distribution and Control in Urban Areas Dr. Diana BARDHI, Dr. Emre CECEN	195
Mapping the Invisible Boundaries. A Data-Driven Approach to City Delineation MSc. Andia VLLAMASI, Prof. Dr. Tamara LUARASI, Dr. Luca LEZZERINI	207

V. Urban and Natural Environment: Environmental Problems, Climate Issues and Other Environmental Challenges

Economic, Social, Environmental, and Landscape Values of Urban Agriculture and its Contribution to the Sustainability of Cities Emeritus. Prof. Dr. LUSHAJ	223
Environmental Challenges from Constitutional Perspective, Albanian Case Dr. Elsa TOSKA, Dr. Blerta MJEDA	236
Assessing the Impact of Urban Form on Air Quality. The Case Study of the Ish-Fusha e Aviacionit Neighborhood Dr. Gentjan HYKAJ, MSc. Greta SHEHU	245
The Price of Progress: Unveiling the Environmental Cost of Urbanization in Tirana through Life Cycle Assessment Dr. Kledja CANAJ	259
Albania Forest Futures: Rethinking Forests as Ecological Infrastructure for Sustainable Industrial Development Dr. Dan HANDEL, Erez ELLA	270
Assessing Water Quality and Pollution Sources in the ‘Kune-Vain-Tale’ Lagoon MSc. Sidorela CERENI	281

Integrating Land-River Interactions in the Marzenego River Contract. A relational approach to water governance	290
MSc. Sofia BESCHI, Dr. Filippo MAGNI	
Art in Public Spaces. Creative Cultural Productions	303
MSc. Iris CANAJ	
Children and Public Space. The Role of Urban Structure in Safety, Mobility, and Play in Residential Areas of Tirana	314
MSc. Sindi DOCE, Dr. Doriana MUSAJ	
Decentralization of Tourism – An Inter-Regional Approach	329
MSc. Hamez TREZHNJEVA, Dr. Doriana MUSAJ	

V. Urban and Natural Environment: Environmental Problems, Climate Issues and Other Environmental Challenges

Sustainability and resilience in the natural environment / Adaptive planning / Complexity in territorial development.

Air, water, and soil pollution / Ecosystem services for protected and urban areas / Strategic environmental assessments / Nature-based solutions / Urban biodiversity assessment.

Environmental Challenges from Constitutional Perspective, Albanian Case

DOI: 10.37199/c41000929

Dr. Elsa TOSKA

ORCID 0009-0001-9042-7627

Department of Planning and Environment, POLIS University, Albania,
elsa_toska@universitetipolis.edu.al

Dr. Blerta MJEDA

Department of Management and Business, POLIS University, Albania,
blerta_mjeda@universitetipolis.edu.al

Abstract

Environmental and Climate Constitutionalism emerges as an immediate necessity to be at the center of societal focus, as it is, firstly, directly linked to the quality of life and life itself – the most fundamental human value and secondly, as a global challenge that, if not tackled on local, national, regional, and global levels, cannot be overcome by any society.

The Constitution of Albania (1998) provides, in two articles – specifically Article 56, the right to information regarding environmental protection, and Article 59, letters “d” and “dh” – the right to a healthy and ecologically suitable environment for present and future generations, as well as the rational use of forests, waters, pastures, and other natural resources based on the principle of sustainable development. These are defined as social objectives to be realized within the possibilities of the state and are not subject to judicial protection (Article 59/2).

The confrontation with these constitutional provisions raises the need for an analysis of whether the right to a healthy environment is sufficiently guaranteed in the Albanian Constitution and whether the judiciary faces normative obstacles in enforcing environmental standards.

This paper aims to draw conclusions regarding the national standards required for the right to a healthy, clean and sustainable environment, as well as the need for the Albanian judiciary to assess and recognize violations of environmental rights (biodiversity, ecosystems, nature). Furthermore, it concludes on the necessity for environmental constitutional amendments, given that the current Constitution does not adequately address contemporary international developments from the perspective of environmental protection.

Keywords

Reform, environment, court, rights, constitution, environmental assessments

1. Introduction

Environmental and Climate Constitutionalism emerges as an immediate necessity to be at the center of focus of society, as it is, firstly, directly linked to the quality of life and life itself – the most fundamental human value – and secondly, as a global challenge that, if not tackled on local, national, regional, and global levels, cannot be overcome by any society.

The Constitution of Albania (1998) provides, in two articles – specifically Article 56, the right to information regarding environmental protection, and Article 59, letters “d” and “dh” – the right to a healthy and ecologically suitable environment for present and future generations, as well as the rational use of forests, waters, pastures, and other natural resources based on the principle of sustainable development. These are defined as social objectives to be realized within the possibilities of the state and are not subject to judicial protection (Article 59/2).

The confrontation with these constitutional provisions raises the need for an analysis of whether the right to a healthy, clean and sustainable environment is sufficiently guaranteed in the Albanian Constitution and whether the judiciary faces normative obstacles in enforcing environmental standards.

This paper aims to draw conclusions regarding the national standards required for the right to a healthy environment, as well as the need for the Albanian judiciary to assess and recognize violations of environmental rights (biodiversity, ecosystems, nature, etc). Furthermore, it concludes on the necessity for environmental constitutional amendments, given that the current Constitution does not adequately address contemporary international developments from the perspective of environmental protection.

2. The right to environmental human rights according to the constitution and Albanian judicial practice

The urgency of including comprehensive environmental safeguards in a state’s supreme law is heightened by the interconnected crises of climate change, pollution and biodiversity loss. These crises critically endanger natural environments and wildlife, and the human societies that rely on them. Climate change especially is recognized as a social, economic and political ‘threat multiplier’, disproportionately harming the poorest and most marginalized people in society (Ahmadnia et al., 2022, as cited in International IDEA, 2025, p. 8). In the coming years, states will have to face the impacts of increasing floods, storms, heatwaves and droughts that can destabilize societies and lead to violent conflict from forced displacement and struggles over scarce resources. The resulting loss of life, social opportunities and marginalization of vulnerable groups may create conditions enabling the rise of non-state armed groups and increase state fragility (Sweijjs, Haan and van Manen 2022). Even in stable democracies, growing poverty and inequality, migration, and food and resource insecurity can fuel extreme political movements and authoritarianism (Lindvall, 2021, p. 17, as cited in International IDEA, 2025, p. 8).

The Constitution of Albania guarantees the procedural right to be informed about the environment, but it does not guarantee the substantive right to a healthy, and clean environment for current and

future generations. Moreover, in its preamble and Article 3 – where the fundamental values of the governance system are outlined – there are no provisions regarding the environment or climate change.

As a post-communist Constitution, it has naturally prioritized guarantees for private property, economic freedom, the free market, the restitution and compensation process of former owners' properties, and economic development. Over the past decades, due to past lost time, the short-term legitimate interests of entrepreneurship and economic development have often overshadowed or ignored the interest in environmental protection and the safeguarding of natural resources. Environmental constitutionalism creates stronger guarantees than other legal mechanisms and sets a framework where environmental protection policies, biodiversity, and the interests of future generations must be harmonized with economic development and challenges (Berberi, 2024).

The Albanian Constitution, as the main national legal mechanism, does not address the current global issues related to climate change, biodiversity loss, and pollution.

Currently, Article 56 of the Constitution stipulates that everyone has the right to be informed about the state of the environment and its protection. Alongside the right to be informed about the environmental situation, this constitutional provision also includes the right to be informed about the protection of the environment, in terms of measures undertaken or to be undertaken for this purpose. Transparency from public authorities plays a special role in guaranteeing this constitutional right, through ensuring public access to information and involving the public in processes and activities that have an environmental impact.

This right is of particular importance due to the need to prevent irreversible damage in the context of environmental protection, as the right to be informed about the state of the environment serves as a precautionary measure for its protection.

Albania has ratified the Aarhus Convention, known as the "environmental democracy" agreement. According to this convention, member states are obliged to ensure, within an appropriate timeframe and while intervention alternatives with environmental impact are still open, the effective participation of the public during the preparation by public authorities of executive regulations and other general and binding legal rules that may significantly affect the environment. To this end, it requires that public participation take place in the early stages of preparing these regulations and/or general legal and normative instruments, through steps such as: setting sufficient deadlines for effective participation; publishing or making available to the public the draft regulations and legal rules; providing the public the opportunity to comment directly or through representative advisory bodies; and taking the results of public participation into account as much as possible (CEJ Convergence Project, 2024, art. 8).

Regarding the guarantee of the right to a healthy environment in Albanian legislation, the Law on Environmental Protection – which has been fully harmonized with Directive 2004/35/EC of the European Parliament and Council dated 21.04.2014 "On environmental liability, prevention and remedy of environmental damage" – defines the principle of the right to information and public participation in environmental matters as one of its key principles (Article 13). Meanwhile, the Law on Notification and Public Consultation regulates the process of public notification and

consultation for draft laws, national and local strategic documents, and policies of high public interest, by setting procedural rules to ensure transparency and public participation in policymaking and decision-making processes by public bodies. Among other things, it establishes the obligation of public authorities to take necessary measures to enable public and stakeholder participation in the notification and consultation process and to organize direct consultations or public meetings with stakeholders (Article 6).

Constitutional judicial practice offers only one case related to Article 56 of the Constitution, where associations challenged the constitutionality of the law on the construction of the “Skavica” hydropower plant. Although the issue was raised in the context of substantive environmental rights, such as the right to a healthy, clean and sustainable environment, the Constitutional Court did not analyze it from this perspective, arguing that, substantively, this right must be assessed in light of international laws ratified by the Albanian state (Constitutional Court of the Republic of Albania, 2024, Decision No. 3). In other words, the Constitutional Court did not accept the analysis based on this right as a constitutional right but only in connection with international conventions and instruments that Albania has ratified, which rank below the Constitution in the legal hierarchy (Article 116).

Nevertheless, claims concerning environmental rights and protection, as well as the principle of proportionality – seeking a balance between economic development interests and environmental interests – have been analyzed by ordinary courts, specifically the High Court. In a case challenging a Decision of the Council of Ministers (DCM) on the expansion of Mount Tomorr as a national park (protected area), the court stated: “...Ensuring and preserving the ecosystems and natural habitats of the existing protected area of Mount Tomorr National Park on one hand, and on the other, the expansion of this area’s surface with the aim of rehabilitating and restoring them in the extended surface, justifies the aim of the Council of Ministers in approving DCM no. 611, dated 11.09.2019 ‘On the expansion of the Mount Tomorr National Park area.’ DCM No. 611 is in accordance with Law no. 81/2017 ‘On Protected Areas’, which aims to ensure special protection of environmental protected areas and key components of biodiversity and nature within them. This law provides special protection for forests, pastures, monitoring of flora and wild fauna, afforestation projects, improvements, erosion control, trails in protected areas, habitat and landscape rehabilitation, removal and management of invasive alien species, fire prevention and protection, erosion prevention and control, pest and disease control, breeding, feeding, and living condition assurance for wildlife, as well as the prohibition of private activities within protected areas that directly affect these essential environmental elements, which are mandatory to be protected.”¹

From the above, it can be concluded that judicial practice is moving in the right direction. However, the implementation of environmental legislation still faces many challenges, and courts are the last line of defense for environmental protection.² Albanian Courts have the duty to interpret access in environmental cases, to interpret and balance competing values in environmental matters – such

¹ Decision no. 00-2025-2020 (116), dated 12.03.2025 of the Supreme Court.

² Baseline study of legislation, policy, and judicial practice on human rights and environment on south Europe, Council of Europe, 2025. <https://www.coe.int/en/web/implementation/-/presentation-of-a-baseline-study-on-human-rights-and-the-environment-in-pristina-and-tirana>, p.32.

as environmental protection versus economic development – and to balance intergenerational restrictions on environmental issues between present and future generations.³

Despite the very limited jurisprudence relevant to the implementation of the environmental legislation, the domestic courts of Albania must play an important role in the integration process of Albania in EU through the interpretation of the environmental *acquis* (Muharremaj, 2018). As countries increase their efforts to tackle environmental degradation, pollution and climate change, environmental justice is more relevant than ever as it can shed light on how to ensure fairness in the processes and outcomes of environmental policymaking.⁴

At its core, as affirmed by several authoritative international documents, economic development must serve the needs of the current generation without compromising the needs of future generations. Sustainable development has three pillars: social, economic, and environmental sustainability. It entails promoting economic growth that meets the needs of the present without compromising the environment or the ability of future generations to meet their own needs. (UN World Commission on Environment and Development, 1987; International IDEA, 2025).

On the other hand, although Albania is not yet a member of the EU, the standards set by the EU are respected by Albanian courts in the context of the country's EU integration process and the alignment of domestic legislation with the *acquis communautaire*. In this perspective, the Charter of Fundamental Rights of the European Union, although not part of domestic legislation, in Article 37 provides for the obligation to integrate a high level of environmental protection and improvement of environmental quality into EU policies, in accordance with the principle of sustainable development.⁵

Finally, in May 2025, the Convention on the Protection of the Environment through Criminal Law was adopted and is currently awaiting ratification by states before it enters into force (Climate Rights International, 2025).

Although the right to a healthy environment and to be informed about its condition is not directly provided for in the European Convention on Human Rights (ECHR), the European Court of Human Rights (ECtHR) has emphasized in its jurisprudence that, in addition to the obligation to adopt necessary legislation for environmental protection (see *Hatton v. United Kingdom*, 02.10.2001; *Jugheli and Others v. Georgia*, No. 38342/05, 13.07.2017, § 75), states have a procedural obligation to provide the public with necessary information before implementing projects that may have environmental consequences. This information must be true, reliable, accurate, and sufficient (see *Association Burestop et al. v. France*, 01.07.2021, No. 56176/18, § 108). Likewise, states must allow

³ The German Federal Constitutional Court, (2021), has elaborated the jurisprudential principle of "excessive burden on future generations" (excessive burden on future generations), according to which public authorities and all environmental actors must act in a progressive manner, undertaking permanent and continuous measures to protect against the discharge of pollutants into the atmosphere, so that future generations are not limited in a way tougher constitutional rights, constitutionalizing the right of future generations to a healthy environment. (Neubauer et al. v. Germany 2021).

⁴ OECD (2024), Environmental Justice: Context, Challenges and National Approaches, OECD Publishing, Paris, <https://doi.org/10.1787/57616eb4-en>, page 3.

⁵ Article 37: A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

affected populations to participate in permit procedures and to submit objections (see *Giacomelli v. Italy*, No. 59909/00, 02.11.2006, § 94; *Tătar v. Romania*, No. 67021/01, 27.01.2009, § 114).

Recently, ECtHR has established a precedent linking the right to life (Article 2 of the ECHR) to environmental protection, particularly regarding pollution. Specifically, in the *Cannavacciuolo and Others v. Italy*, (30 January 2025), the Court ruled that states have a duty to protect citizens from the risk of serious illness and death linked to widespread environmental pollution, like in the "Land of Fires" area of Southern Italy. This decision recognized that prolonged exposure to pollutants released into the environment could violate Article 2 of ECHR, the right to life.

In the meantime, ECHR has made evolution regarding *locus standi* in the climatic change complains. The case *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* concerned a complaint by four women and a Swiss association, *Verein KlimaSeniorinnen Schweiz*, whose members are concerned about the consequences of global warming on their living conditions and health. They consider that the Swiss authorities are not taking sufficient action to mitigate the effects of climate change. The Court found that the Convention encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. However, it held that the four individual applicants did not fulfil the victim-status criteria under Article 34 of the Convention and declared their complaints inadmissible. The applicant association, in contrast, had the right to bring a complaint. The Court held that there had been a violation of the right to respect for private and family life of the Convention and that there had been a violation of the right to access to the court. The Court found that the Swiss Confederation had failed to comply with its duties ("positive obligations") under the Convention concerning climate change (European Court of Human Rights, 2024).

As a result, since the European Convention on Human Rights (ECHR) is part of our domestic legislation – ranking below the Constitution in the legal hierarchy but, in terms of limitations, standing at the same level as the Constitution (Article 17) – it serves as a sufficient legal base for substantive claims by individuals or organizations in ordinary or constitutional judicial proceedings for violations of the right to a healthy environment.

Moreover, our country has ratified a series of environmental and climate-focused conventions, particularly the Aarhus Convention, and the ongoing alignment of environmental legislation with the *acquis communautaire* has created a favorable legal climate for the constitutionalization of the right to a healthy clean and sustainable environment at the national level, as well as the "greening" of various constitutional rights (Articles 11, 21, 23, 42, 44, 46, 47, 48, and 56).

Although the Albanian Constitution includes the right to environmental protection within the broader framework of human rights, it is only expressed as a procedural right, specifically the right to information about environmental protection (Article 56). However, in substantive terms, the right to a healthy, clean and sustainable environment must be considered part of the constitutional package of human rights, because:

1. It is directly linked to the right to life and the right to family life, and is interdependent with these rights;

2. The European Court of Human Rights – even though the Convention does not explicitly recognize the right to a healthy, clean and sustainable environment – has developed a well-established case law treating this right in relation to:
 - Article 2 (Right to life),
 - Article 5 (Right to liberty and security),
 - Article 6 (Right to a fair trial),
 - Article 8 (Right to private and family life), and
 - Article 1, prot. 1 (Right to property).

3. Some conclusions

Our Constitution must reflect the planetary urgency regarding climate change and environmental issues. The Constitution serves as a bridge between the vision and actions of public or private actors, with the goal of building a safer future for the generations to come.

The Constitution should function not only as a legal document, but also as a political, social, and economic document, embodying the fundamental values of the state. At its core, the Constitution must respond to a long-term perspective and vision; therefore, climate change, environmental challenges, biodiversity loss, pollution, and atmospheric emissions should have a rightful place within it. Today's debates among environmental activists – which may seem futuristic – are increasingly oriented toward the need for constitutional recognition and declaration of elements such as a minimum percentage of forests that must remain untouched within a country's territory, or the rights of nature recognized as legal personhood rights (International IDEA, 2025, p. 15).

The right to a healthy, clean and sustainable environment is a fundamental constitutional right and should therefore be included among the core constitutional values – either in Article 3 of the Constitution or stated directly in its Preamble. The principle of proportionality, enshrined in Article 17 of the Constitution, requires that any restrictions on rights and freedoms regarding climate issues be proportionally distributed across time, between present and future generations. Above all, this right must be recognized as a fundamental constitutional right within the broader human rights framework and guaranteed accordingly.

The fact that the European Court of Human Rights treats environmental issues under the rigorous standards required by Article 2 (right to life) and Article 8 (right to private and family life) obliges Albanian courts to treat the right to a healthy, clean and sustainable environment as a fundamental right, not merely a social objective.

On the other hand, the fact that Albania adheres to a series of international environmental and climate conventions makes it necessary to reconceptualize Article 59 of the Constitution. This can be done by undertaking constitutional amendments that:

- Affirm the right to a healthy, clean and sustainable environment as a constitutional value, and
- Enshrine environmental rights, within the chapter on fundamental human rights and freedoms, such as:
 - the right to clean air,

- safe water and food, and
- the protection of nature.

Additionally, there is a need to introduce more binding provisions related to climate change, the green transition, protected areas, pollution and environmental risk, as well as the state's obligations to discourage unsustainable production and consumption.

In conclusion, this paper argues that beyond strengthening judicial protection through the evolution of court practices, the Constitution – through amendments to its Preamble, Article 3 (fundamental principles), or chapter II to IV on human rights – should respond to environmental and climate needs and challenges, by constitutionalizing the right to a healthy, clean and sustainable environment for both present and future generations through so-called “green amendments.”

References

- Berberi, S. (2024, June 7). *Environmental constitutionalism and the Albanian Constitution* [in Albanian]. *Panorama*. <https://www.panorama.com.al/konstitucionalizmi-mjedisor-dhe-kushtetuta-shqiptare/>
- CEJ Convergence Project. (2024). *Climate and environmental justice and public participation: Assessment report, Albania*. AFD. https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf
- Climate Rights International. (2025, May 15). *Council of Europe adopts key environmental crimes convention*. <https://cri.org/council-of-europe-adopts-key-environmental-crimes-convention/>
- Constitutional Court of the Republic of Albania. (2024, January 30). *Decision No. 3*.
- Council of Europe. (1950). *European Convention on Human Rights*. https://www.echr.coe.int/documents/d/echr/convention_ENG
- Council of Europe. (2025). *Baseline study of legislation, policy, and judicial practice on human rights and environment in South Europe* (p. 32). <https://www.coe.int/en/web/implementation/-/presentation-of-a-baseline-study-on-human-rights-and-the-environment-in-pristina-and-tirana>
- European Union. (2012). *Charter of fundamental rights of the European Union*. https://www.europarl.europa.eu/charter/pdf/text_en.pdf
- International IDEA. (2025). *Environmental protection in constitutions assessment tool* (Assessment Tool). International Institute for Democracy and Electoral Assistance. <https://www.idea.int/publications/catalogue/environmental-protection-constitutions-assessment-tool>
- Muharremaj, E. (2018). *The role of legislation and courts in the protection of the environment in the European Union and its impact on the European integration of Albania*. *elni Review*, 1, 11–16. <https://www.elni.org/elni/elni-review/archive/elni-2018-1-muharremaj>
- Neubauer et al. v. Germany, Federal Constitutional Court (2021). <https://climatecasechart.com/non-us-case/neubauer-et-al-v-germany/>

Organisation for Economic Co-operation and Development. (2024). *Environmental justice: Context, challenges and national approaches* (p. 3). OECD Publishing. <https://doi.org/10.1787/57616eb4-en>

Republic of Albania. (1998). *Constitution of the Republic of Albania*. https://www.gjk.gov.al/web/constitution_of_albania_1722.pdf

Supreme Court of the Republic of Albania. (2025, March 12). *Decision No. 00-2025-2020 (116)*.

United Nations Economic Commission for Europe. (1998). *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)*. <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>