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**FROM RIGHTS TO RESPONSIBILITIES:
THE ROLE OF CITIZENS IN CLIMATE
GOVERNANCE**



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ABSTRACT

This paper analyzes the relationship between environmental rights, civic duties, and legal responsibilities in the context of Albania's climate governance. Through an analysis of national legal frameworks, international commitments, and institutional practices, the study highlights the normative and practical gaps that undermine citizen engagement. The research employs a mixed-methods approach combining doctrinal legal analysis with empirical data from national reports and inspection activities. Findings reveal that while Albania has formally adopted a progressive legal framework, including the recognition of the right to a healthy environment and detailed sanctions for environmental harm, the practical implementation is hindered by infrastructural deficits and administrative fragmentation. This leads to a paradox: citizens are legally bound to comply with environmental obligations without the institutional support to fulfill them. The article argues for a recalibrated model of environmental justice that not only demands citizen compliance but also ensures enabling conditions through state action.

KEYWORDS: *environement; climate governance; duties; rights; responsibilities*

INTRODUCTION

The planet we live on is not inherited; we must leave it healthy for our children. This statement from Albania's national climate communication, encapsulates the essence of intergenerational justice and ties together the knot between rights and obligations in the context of the climate crisis^[1]. The growing awareness of climate change has led not only to the recognition of the right to a clean, healthy, and sustainable environment as a fundamental human right, but also to the search for new roles for citizens as co-actors in the realization of this right. In recent decades, the connection between fundamental human rights and environmental protection has become increasingly emphasized and has drawn growing attention. Today, the right to a healthy environment

^[1] Republic of Albania, 2022

is widely recognized as a fundamental human right, acknowledged both in international instruments and national legislation.

The concept of the *right to a healthy environment* has emerged as part of the evolution of international environmental law and human rights. Since the Stockholm Declaration (1972), and particularly the Rio Declaration (1992), it has been affirmed that a healthy environment is essential for the realization of fundamental human rights^[2]. Today, this right is regarded not merely as an aspiration, but as a globally recognized and protected right under international law. In 2022, the United Nations General Assembly adopted a historically significant resolution that, for the first time at the global level, affirmed every person's right to live in a clean, healthy, and sustainable environment, and calling on states to intensify efforts to ensure that populations have access to a clean, healthy, and sustainable environment, with the aim of encouraging its formal recognition in national constitutions and legislation^[3]. This resolution was particularly supported by the preceding decision of the UN Human Rights Council, which in October 2021 recognized this right as an essential component for the exercise of other fundamental human rights, including the rights to life, health, clean water, and participation in decision-making^[4]. Most recently, in April 2025, the UN Human Rights Council further consolidated this development through a new resolution, which not only reaffirms the right to a healthy environment but also emphasizes the need for active citizen involvement in its implementation^[5]. This resolution underscores the importance of public awareness, environmental education, and inclusive participation, transforming the citizen not only into a subject of rights but also into a bearer of shared responsibility. It calls on states to empower citizens through transparency, access to information, and effective participation, especially young people and affected communities. Thus, the right to a healthy

^[2] Sitek, M., & Sitek, B. (2022). *The Necessity for the Implementation of a Global Environmental Policy for the Needs and Conditions and Local Communities. A Comparative Study*. Regional Formation and Development Studies, 34(2), p. 192.

^[3] United Nations, 2022

^[4] United Nations, 2021

^[5] United Nations, 2025

environment is shaped as a collective commitment, in which citizens and institutions act together to protect their common future.

According to the United Nations Environment Programme, the right to a healthy environment has gained constitutional recognition and protection in more than 100 countries (more than two-thirds of the world's constitutions include references to a healthy environment, or alternative formulations referring to the right to a clean, safe, favorable, or ecologically balanced environment)^[6], while over 155 states have now recognized the right to a healthy environment, whether in international agreements or within their constitutions, laws, or national policies^[7].

Environmental rights also have practical and measurable dimensions, since a safe, clean, and healthy environment enables people to enjoy their other rights, whereas pollution and environmental degradation often constitute indirect violations of rights such as the right to life, health, property, or private and family life. However, turning this right into reality requires the active engagement of citizens. The Aarhus Convention (1998), a cornerstone of environmental law, clearly recognizes through its well-known three pillars that every person, individually and in association with others, has the duty to protect and improve the environment for the benefit of present and future generations.

This principle establishes a **triad of rights-duties-responsibilities**. On one hand, citizens enjoy the freedom and the right to a healthy environment; on the other, they have duties and responsibilities to contribute to its preservation and improvement. Environmental ethics philosophers also argue that *every individual bears a moral duty in relation to climate change*, whether by reducing one's personal contribution to pollution or through collective political action that pressures governments to fulfill their climate obligations^[8]. From this perspective, climate change emerges as a collective responsibility, where each

^[6] United Nations Environment Programme. (n.d.)

^[7] United Nations, 2021, p. 2, para. 10

^[8] Broome, 2012

generation holds the Earth in trust for those that follow^[9]. The debate over the *boundaries* between freedom and obligation, between a citizen's right to live in a clean environment and their duty to protect it, constitutes the core axis around which the internal dialogue of climate governance revolves.

THE DUAL ROLE OF THE CITIZEN IN CLIMATE RESPONSIBILITY

The dominant discourse on climate change governance often centers the state, its international obligations, institutional capacities, and policy performance. But this state-centric focus risks sidelining a critical actor: the citizen. What if we reoriented the compass of climate accountability to interrogate *not just what the state must do, but also what we, as citizens, are morally, legally, and politically bound to do*? We as citizens act as dual agents, with a dual position on one hand as private individuals whose consumption patterns, travel choices, and waste behaviors shape aggregate emissions, and on the other hand as state actors, as voters, public servants, educators, and civil society participants, who enable or obstruct climate policies. The state does not float above society. It is composed of people, institutions are abstractions built by, operated by, and answerable to citizens. As such, the separation between *state action* and *citizen responsibility* is more porous than it appears. Therefore, citizen involvement should not be seen in a triple lens, which includes *rights*, *responsibilities* and *duties*. Each of them comes from a different normative source, *rights* are rooted in constitutions, treaties and other human rights instruments; *responsibilities* emerge from moral duties, policy documents, civic expectations and *duties* are codified in criminal, civil, or administrative law (e.g., environmental crimes).

An interesting question to pose here would be whether *environmental responsibility is a citizen's duty, or a prerogative*? The answer may be: both.

^[9] Brown Weiss, 2021

It is a *duty* when tied to legal or moral necessity, but also a prerogative, when legal frameworks fall short. This duality reflects the complexity of climate justice, which resists easy binaries between voluntary and obligatory action.

While climate change is typically presented as an international challenge, Såde Hormio's article on collective responsibility for climate change emphasizes that it is, at its core, a collective problem. According to the author, there are two main ways to understand collective responsibility: first, as a shared harm resulting from the aggregation of individual actions; and second, as the responsibility of organized collective agents, such as states or corporations^[10]. In this sense, no single actor can solve the crisis alone, it requires a coordinated response among diverse agents and stakeholders.

The 2023 Eurobarometer data offers a double-sided picture of European Union citizens^[11]. On one hand, they are aware and willing to act; on the other, they do not yet perceive themselves as primary agents of climate responsibility. According to the survey, 93% of respondents report having taken at least one action to fight climate change. The most common actions include reducing waste and separating it for recycling (70%), avoiding single-use items like plastic bags (53%), and choosing energy-efficient appliances (37%). Additionally, a significant number report lifestyle changes: 31% have reduced meat consumption, and 28% have increased their use of organic products or opted for more environmentally friendly modes of transport. These figures suggest that citizens are conscious and willing to take concrete steps, at least at a personal level.

However, when it comes to direct responsibility for addressing the climate crisis, most do not see themselves as its primary bearers. According to the same survey, only 35% of citizens consider the individual to be responsible for tackling climate change. In contrast, responsibility is perceived as lying primarily with national governments (56%), the European Union (56%), and the business and industrial sectors (53%). This reveals a clear gap between awareness of personal impact and the projection of responsibility onto institutional actors.

^[10] Hormio, 2023, p. 6

^[11] European Commission, 2023

Even though most citizens believe in the effect of individual action, they do not yet feel obliged to act as part of a coordinated and collective effort.

This contrast indicates that *climate citizenship in Europe is in a state of transition*: people are willing to change behavior but need political, cultural, and legal frameworks that render these actions necessary, shared, and meaningful at a collective level. Without this link between awareness and responsibility, citizen participation risks remaining superficial, while moral and political obligations toward climate may fail to translate into sustained engagement.

In contrast to EU citizens, who display a clear distinction between personal awareness and perceptions of institutional responsibility, data from the 2024 Balkan Barometer suggests that citizens in the region have begun to undertake a range of concrete actions to confront climate change, even though the intensity and nature of these actions vary significantly across countries^[12]. In Albania, for example, 26% of citizens report using public transport and 23% walk or cycle to work, whereas only 3% have used electric cars and 10% have installed solar panels for household use. Likewise, 29% report saving water, and 21% try to avoid plastic use. Compared to the regional average, 25% walking or cycling, 23% using public transport, and 30% saving water, Albania sits at a moderate level of civic engagement. Countries such as Kosovo and Montenegro show higher levels on certain indicators: Kosovo leads in water conservation (45%) and energy-efficient appliance use (29%), while Montenegro leads in solar panel installation (22%). These figures demonstrate that **climate awareness is present**, but it often manifests in low-cost, everyday actions, while engagement with more technological or systemic alternatives, like renewable energy or electric mobility, remains limited. In this sense, Albania reflects the **need for public policies** that not only inform and motivate but also create real conditions for active, facilitated, and equitable participation in the transition toward climate sustainability.

^[12] Regional Cooperation Council, 2024

THE TRIAD OF RIGHTS-DUTIES-RESPONSIBILITIES IN THE ALBANIAN CONTEXT

The preamble of the Constitution of the Republic of Albania speaks of *responsibility for the future*, while article 56 of the Constitution of the Republic of Albania grants citizens the right to environmental information, which aligns fully with the spirit of the Aarhus Convention and serves as a vital tool for transparency and accountability^[13]. Thus, Albanian citizens enjoy the constitutional right to know about the quality of the water they drink, the air they breathe, the land they inhabit, and the measures taken to protect these elements. This right can be legally invoked (e.g., through Law No. 119/2014 *On the Right to Information*), and any unjustified refusal by authorities constitutes a violation that may be pursued through administrative or judicial channels.

Beyond the right to information, the Constitution addresses environmental protection in its section on Social Objectives (Article 59). It states that the state, within its competencies and available means, aims to ensure *a healthy and ecologically appropriate 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 constitutional principles establish sustainable development and environmental care as key state objectives, acknowledging that the well-being of future generations depends on present actions.

It is important to note that, according to the Constitution, social objectives cannot be directly invoked in court (Article 59/2); that is, they are not subjective rights enforceable by litigation, but programmatic guidelines for the state. This means that the right to a healthy environment, although recognized as a principle, does not (yet) hold the status of a fundamental right that can be claimed directly in court in Albania. However, it is crucial to highlight that

^[13] Florek, I. (2018). *Right to environment as a human right and Europe 2020 Strategy*. In: Sitek, M., Tafaro, L., Indelicato, M. (Eds.), *From human rights to essential rights*, p. 351.

despite this constitutional limitation, Law No. 10431/2011 *On Environmental Protection*, Article 48, recognizes the public's right to legal action in cases of environmental threat, pollution, or harm.

The presence of this element in the Constitution, even only as a social objective, as well as the explicit legal recognition of the public's right to seek judicial remedies, suggests that the Constitution nonetheless has normative influence. It guides secondary legislation and policymaking, and it opens the door to debates on potentially strengthening its legal enforceability in the future. Albanian legal scholars have argued that elevating the environmental right from a social objective to a subjective, enforceable right in court would grant it *the power and value it deserves*[14].

Moreover, the Constitution stipulates that the state regulates the rational use of natural resources (point *dh* of Article 59/1), thereby providing the basis for a broad legal framework on environmental matters (e.g., laws on environmental impact assessment, forest protection, water resources, land, biodiversity, etc.). Overall, the Albanian Constitution considers the environment as a key component of public interest and social welfare, elevating its protection to the level of a constitutional state obligation.

Beyond the constitutional framework, Albania has progressively integrated environmental protection into its sectoral legislation, which includes specific laws on air, water, biodiversity, waste management, and renewable energy, as well as into its criminal legislation, which provides clear and strict sanctions for environmental crimes, establishing well-defined standards and thresholds for the responsibility of individuals and legal entities.

Within the legal and strategic framework for environmental and climate protection in Albania, *citizens play an important and clearly defined role*. Law No. 10431/2011 *On Environmental Protection* emphasizes that environmental protection is a national priority and a duty for every inhabitant of the Republic of Albania, including natural and legal persons, whether domestic or foreign (Article 4). The law recognizes every citizen's right to

[14] Gera, 2024, pp. 125-127)

access information on the state of the environment, pollution levels, and the measures undertaken, as well as the right to participate actively in environmental decision-making processes. Specifically, through the principles of sustainable development, prevention, public participation, and the *polluter pays* principle (Article 12), citizens are not only granted opportunities but also assigned *responsibility* to act consciously to prevent environmental pollution and degradation.

Furthermore, Law No. 10440/2011 *On Environmental Impact Assessment* provides for public participation in the assessment processes of development projects, ensuring transparency and consultation with communities before approving projects that may affect the environment. This involvement not only empowers citizens but positions them as essential stakeholders in environmental protection and in confronting climate challenges.

Referring to the two main legal pillars of climate and environmental policy in Albania, Law no. 10431/2011 *On environmental protection* and Law no. 155/2020 *On climate change*, it becomes evident that the citizen is not conceived as a holder of directly enforceable legal obligations, but rather as part of a public to be informed, educated, and engaged. In the Environmental Protection Law, the citizen is mentioned in the context of public participation and the right to information, drawing on the principles of the Aarhus Convention. While this law references environmental education and participation in decision-making (Articles 14 and 58), it does not explicitly define legal responsibilities or obligations for individuals that extend beyond the moral or civic framework, although it does foresee certain sanctions, which will be addressed below.

The 2020 Climate Change Law, although more detailed and aligned with the EU *acquis communautaire*, follows the same logic. It places the main burden of responsibility on state institutions, the private sector, and economic actors. The citizen is conceived as the recipient of awareness-raising, education, and information campaigns (Articles 25-27), but not as a subject with legal duties to reduce emissions or adapt to climate change. A partial exception is found in Article 13 of Law 155/2020, which places certain obligations on consumers

(e.g., banning the sale of vehicles that do not meet emission standards), though these provisions address market behavior rather than individual conduct. Additionally, Article 34 refers to administrative offenses, but these apply to economic operators, not ordinary citizens.

In this way, Albanian law, while speaking of participation and awareness, avoids defining the citizen as a bearer of normative climate duties. This creates a gap between the rhetoric of inclusion and the absence of mechanisms for accountability. Albania's legal narrative on climate remains state- and market-centered, with the citizen present but still legally *invisible* as an actor with concrete obligations.

The sectoral legal framework for environmental protection and climate change in Albania includes a wide range of laws and sub-legal acts addressing air protection, waste management, biodiversity conservation, use of renewable energy, the monitoring of greenhouse gas emissions, etc. Within this framework, citizens' obligations and responsibilities are present and treated as essential components of the collective system of environmental responsibility. Law no. 10463/2011 *On integrated waste management* clearly states that every person who generates waste has the responsibility to treat and separate it properly. This law assigns specific duties to citizens as waste producers or holders, including the obligation to separate waste at the source and deliver it to authorized operators. It prohibits individuals from acting against waste management rules, for example, mixing different types of waste, uncontrolled dumping, or burning of waste, classifying these acts as legal violations. Waste generators or holders must treat their waste only in accordance with the law; transferring waste to unauthorized persons or self-disposal in unregulated ways constitutes a direct violation of citizens' legal obligations. Policies banning plastic bags and promoting recyclable packaging impose direct obligations on users and producers to alter consumption habits.

Law no. 162/2014 *On the protection of ambient air quality* emphasizes the right of citizens to information and encourages their involvement in improving air quality through sustainable behavior. Similarly, legislation on renewable energy aims to promote the use of clean energy by informing and supporting

citizens. Directly and indirectly, these laws require citizens not only to comply with norms but also to adopt a responsible and conscious attitude toward the environment and climate, thus becoming important actors in the implementation of the country's environmental objectives.

In Albania's strategic documents on environmental protection and climate change, a clear emphasis is placed on the active role of citizens in confronting environmental and climate challenges. The National Climate Change Strategy 2020-2030 and the National Energy and Climate Plan (NECP) highlight the importance of public awareness, community engagement, environmental education, and citizen participation in decision-making processes related to the environment^[15]. Specifically, citizens are seen as key actors in achieving sustainability goals: they are encouraged to adopt green practices in their daily lives, stay informed, and participate in public consultations. The National Mitigation Plan and the Adaptation Plan mention education through awareness campaigns, the promotion of responsible consumption, and the citizen's role in preserving biodiversity and reducing greenhouse gas emissions. Additionally, the Climate Change Strategy emphasizes the development of local capacities and the strengthening of public knowledge through schools, NGOs, and the media^[16]. Thus, citizen responsibility in relation to the environment is not merely moral but also functional within national policies, citizens are not only beneficiaries of environmental protection measures but also key actors in their implementation, both as individual consumers and as businesses.

Referring to Albania's official reports submitted to international climate change mechanisms, such as the Fourth National Communication^[17], the First Biennial Update Report^[18], and the Nationally Determined Contribution^[19], a recurring pattern in the treatment of citizens' roles is observed. These documents consistently mention the importance of public awareness, climate

[15] National Climate Change Strategy, p. 213; NECP, p. 73

[16] *ibid.*, p. 216

[17] NC4, 2022

[18] BUR1, 2021

[19] NDC, 2021

education, and the engagement of diverse societal actors in decision-making processes. In this context, citizens appear as an audience to be informed, as members of communities to be influenced, or as *stakeholders* to be engaged in a consultative manner.

However, none of these documents provide a clear definition of citizens' concrete responsibilities in relation to climate objectives. Citizen responsibility remains implied and is treated more as a moral or educational value than as a normative pillar of climate policy. There is a notable absence of formulations that define the citizen as a subject with enforceable obligations toward climate protection, and equally absent are mechanisms that link citizen behavior to legally enforceable accountability. Albania appears to continue treating the climate transition primarily as a state-led project, where the citizen is invited to participate and be informed, but not to carry the weight of obligations. Within this gap lies the opportunity to move toward a more co-responsible model, where climate citizenship involves not only the right to be included, but also the responsibility to act.

SANCTIONS WITHOUT CAPACITY, GAPS IN ALBANIA'S ENVIRONMENTAL GOVERNANCE

Citizens are not only beneficiaries of a healthy environment, but also subjects of legal obligations, and consequently, of sanctions, both administrative and criminal. The legal framework for environmental protection in Albania provides for a set of administrative sanctions, which function not only as punitive measures but also as tools to raise awareness about the responsibility of citizens in environmental protection.

Law no. 10431/2011 *On environmental protection* establishes a detailed regime of administrative sanctions for a range of offenses related to environmental pollution and degradation, framing fines not merely as punishment, but as mechanisms to compel and correct behavior. Article 69 of the law, in

particular, includes an extensive list of violations, from the failure to provide information about pollutants, to the mishandling of hazardous substances, genetically modified organisms, persistent organic pollutants, unpleasant odors, and the failure to inform authorities about immediate environmental risks. Fines range from 300,000 to 2,000,000 Albanian lek, often including additional penalties for each day of delay in fulfilling the obligation. The law also grants powers to the environmental inspectorate to seize equipment and property, suspend or revoke environmental permits, and initiate procedures for the enforcement of fines, in accordance with the law on administrative offenses.

Beyond the sanctions set out in the framework law *On environmental protection*, Albania's sectoral legislation also includes specific provisions with administrative offenses in particular fields of environmental protection. These laws not only tend to give concrete form to the obligation to protect the environment at various technical levels, but also strengthen the sanctioning structure in accordance with the risks posed by each domain. For example, Law no. 162/2014 *On the protection of ambient air quality* in Article 20, provides fines up to 2,600,000 lek for pollution from mobile sources, unauthorized use of fuel, or failure to comply with emission limits from industrial facilities. The law also includes measures such as seizure of polluting substances and suspension of activities for entities that fail to meet technical emission standards. Similarly, Law no. 9587/2006 *On the protection of biodiversity* penalizes actions such as capturing, possessing, using, or exporting protected species of plants and animals, or the unauthorized exploitation of genetic resources, with fines ranging from 13,000 to 650,000 lek, and in some cases, seizure and restorative measures to return the environment to its previous state. Meanwhile, Law no. 9774/2007 *On the assessment and management of environmental noise* addresses acoustic pollution, setting fines up to 500,000 lek for activities that produce noise beyond permitted levels without adequate protective measures. The law also foresees other sanctions, such as the temporary or permanent closure of activities, when the noise represents a repeated or significant threat to public health and peace.

Although Albania's legal framework for environmental sanctions is detailed and sectorally differentiated, field data reveal a different reality regarding its effectiveness. Since the 2020 institutional reform, the National Inspectorate for Territorial Protection (IKMT) has also taken over the functions of environmental, forestry, and water inspection, following the dissolution of the State Environmental Inspectorate and the transfer of its competences to IKMT^[20]. According to the 2024 Annual Inspection Report published by the Central Inspectorate^[21], IKMT conducted 7,916 inspections that year, of which 2,174 were in the fields of environment and water. In this context, 160 fines were imposed in the environmental and water sectors, amounting to a total of 199,100,000 ALL, but only a small portion was actually collected (22.2 million ALL). Moreover, a considerable number (107) were appealed, some of which were overturned or modified. These data point to a clear mismatch between legislative ambition and institutional enforceability, raising questions about the state's actual capacity to implement its own adopted provisions in an equitable, credible, and effective manner.

In addition to administrative sanctions, Albania's domestic legal order also includes a number of provisions that criminalize specific environmental acts. The Criminal Code of the Republic of Albania, initially adopted in 1995 (Law no. 7895, dated 27.01.1995), included in Chapter IV *Criminal Offenses Against the Environment* a limited set of provisions punishing acts such as air and water pollution, transport of toxic waste, illegal logging, prohibited fishing, and violations of plant and animal quarantine rules. While significant for their time, these provisions did not treat the environment as a fundamental right warranting criminal protection, and penalties were limited in scope and severity. This framework was significantly expanded and strengthened through a series of legal amendments, the most notable being Law no. 44/2019, which comprehensively reformulated the relevant chapter of the Criminal Code. According to the explanatory report accompanying the law^[22], the aim

^[20] Gazeta Si, 2020

^[21] Inspektorati Qendror. (2024). p. 21-22

^[22] Parliament of Albania, n.d., p. 2

of these changes, which broadened the scope of environmental crimes, was to fully transpose Directive 2008/99/EC on the protection of the environment through criminal law.

The updated Criminal Code now criminalizes pollution of air, water, and soil not merely as abstract offenses, but also with explicit reference to harm caused to human health, biodiversity, and ecosystems, providing penalties of up to 15 years in prison in cases resulting in human fatalities. The Code also covers offenses related to the illegal management of waste (Article 201/a), unauthorized transport of waste (201/b), dangerous industrial activities (201/c), and handling of toxic or radiological substances (201/ç), the latter categories introduced for the first time to align with EU directives on environmental liability. Furthermore, the Code includes provisions for the protection of biodiversity and habitats through criminalization of harm to protected species (Articles 202 and 202/a), and damage to protected areas (202/b), as well as the use of ozone-depleting substances (Article 203), reflecting Albania's international commitments to ozone layer protection.

Crimes against forests and forest environments have also been reviewed and strengthened, with provisions on intentional arson (Article 206/a) and negligent destruction (206/b), particularly relevant in the context of frequent summer wildfires that pose serious threats to both the environment and human life. A significant addition is the inclusion of provisions addressing cruel and inhumane treatment of animals, including abandonment, abuse, and the organization of animal fights (Articles 207/a to 207/ç), marking an extension of environmental protection to include ethical considerations toward living beings.

The evolution of Albania's criminal provisions for environmental protection indicates a meaningful shift from a symbolic and formal approach to a more structured, responsive, and ecologically conscious penal policy. This shift aligns better with international obligations and includes not only a broader catalog of environmental crimes but also more sophisticated legal formulations addressing collective harm, health consequences, biodiversity loss, and the notion of the environment as a shared public good. The inclusion of harsh

sanctions for violations affecting air, water, and soil quality signals that Albania is beginning to treat environmental protection not as a peripheral issue, but as an essential component of national security and public health.

However, despite these legal reforms, the Criminal Code appears to remain underutilized in the enforcement of environmental protection. While the 2019 amendments represent a substantial advance toward aligning criminal environmental law with European standards, statistical data from the Ministry of Justice's annual reports for the period 2020-2023 reveal marginal enforcement. Over the four-year period, only 16 court cases for environmental crimes were completed, with an equal number of individuals convicted. The year 2023 saw the highest number, seven cases and nine convictions, while the other years reported even lower figures (e.g., only two cases in 2020)^[23].

What is crucial to understand in the exercise of the triad of rights-duties-responsibilities is the interdependent relationship among them. The existence of inconsistencies between the duties prescribed by the regulatory framework, including potential sanctions, and the state's commitment to creating real conditions for citizens to enjoy their rights and fulfill their duties and responsibilities, generates a vicious cycle: the state imposes duties and sanctions, but for the citizen to fulfill them, the state must first ensure the necessary enabling conditions. In the following section, we will examine a concrete case that illustrates how the triad of rights-duties-responsibilities can produce this vicious cycle.

^[23] Ministria e Drejtësisë e Republikës së Shqipërisë (2020-2023)

CASE STUDY: INTEGRATED WASTE MANAGEMENT AS A MIRROR OF STRUCTURAL FAILURE

The most illustrative example for understanding the gap between legally defined duties and the actual conditions for their enforcement is precisely the case of integrated waste management in Albania. This area marks a meeting point where the concepts of rights, duties, and civic responsibility are stripped of rhetoric and confronted with practical reality. At the regional level, Albania is a signatory to the Green Agenda for the Western Balkans (2020), a strategic document supported by the European Union that calls for a transition to a circular economy and sustainable resource management.

Within this framework, the country has committed to improving waste management through source separation, reducing plastic waste, and building adequate infrastructure for the recycling and treatment of urban and industrial waste. In line with these commitments, Law No. 10463/2011 *On integrated waste management* sets out a clear framework of obligations for individuals, local governments, and economic operators. The law mandates compulsory source separation of waste, prohibits uncontrolled waste disposal, and imposes heavy sanctions on violators, including fines, suspension of activities, and criminal liability.

However, this legal framework clashes with a reality where institutional and infrastructural capacities are incompatible with the obligations imposed on citizens. Albania's First Biennial Update Report to the UNFCCC is explicit in this regard: *Waste recycling remains at very low levels. There are no collection systems in rural areas and small towns. Most waste is disposed of in an uncontrolled manner, causing widespread pollution*^[24].

The National Plan for European Integration (2023-2025) identifies the construction of regional waste treatment plants as a key objective, yet its focus remains on *heavy* infrastructure (landfills, processing plants), lacking an effective

^[24] Republic of Albania, 2021, p.15

strategy for the capillarity of the system, that is, for establishing functional mechanisms to enable citizens to sort waste at source in everyday life^[25].

Similarly, the 2024 European Commission Progress Report on Albania notes with concern that *no significant developments have taken place to address climate change*, while in the area of waste management, it merely mentions the establishment of the National Waste Economy Agency, without any measurable progress in implementation or field monitoring^[26].

Furthermore, the OECD Environmental Performance Review of Albania acknowledges that while the legal framework is technically aligned with the EU acquis, its practical implementation remains weak due to lack of funding, insufficient human capacity, and fragmentation of competencies between central and local government^[27].

In this context, legal requirements for source separation of waste lose their meaning as enforceable obligations and become, in practice, norms unsupported by reality. *Can a citizen be held responsible for failing to meet an obligation for which no means of compliance have been provided?* More precisely: *does an obligation remain legitimate when it is objectively impossible to fulfill?*

The case of integrated waste management in Albania exemplifies what could be called a *vicious cycle in climate governance*: the state imposes duties and sanctions on citizens but fails to create the conditions necessary to fulfill them. This disconnection between norms and feasibility generates not only noncompliance but also a silent normalization of violation. If an individual is faced with the absence of infrastructure, local capacity, and systemic support, any sanction for *failing to separate* waste becomes less a tool for awareness and more an unjust burden. At this point, civic responsibility no longer stems from consciousness but from powerlessness.

In this light, the system of environmental sanctions can hardly function as a transformative behavioral mechanism. On the contrary, if accompanied by a persistent experience of impunity for institutional polluters or powerful

^[25] Government of the Republic of Albania, 2022, pp. 4-5

^[26] European Commission, 2024, p.17

^[27] OECD, 2024

economic actors, it loses even its moral authority. In such an unstable terrain, the citizen not only loses trust in the effectiveness of the law but sees awareness as an abstract narrative that does not translate into concrete opportunities for action.

A purely punitive approach is not sufficient. Awareness does not arise from fear of fines, but from the mutual understanding that individual behavior is intrinsically linked to a collective right. In this sense, any penalty imposed without first creating the conditions for compliance becomes an educationally ineffective, inefficient, and ultimately illegitimate measure. Thus, education and enforcement should not be seen as separate alternatives, but as processes that support each other within a coherent system where legal obligations align with the capacity to fulfill them.

What needs to change? Beyond declarations, coordination between legislation and the necessary infrastructure for its implementation is required. There must be a review of the division of competences, increased funding for local government, and support for meaningful citizen engagement. Otherwise, the demand for accountability from citizens will remain a one-sided act, serving more to shift blame than to build genuine climate citizenship.

Ultimately, what is needed is not merely education or enforcement, but environmental justice. The question is not simply whether citizens are informed, but whether the state is fulfilling its duty to provide them with the means to be active participants in safeguarding the shared right to a healthy environment. Without this, every sanction becomes more of an institutional alibi than an instrument of justice.

CONCLUSIONS

There is a crucial misalignment between legal obligations imposed on Albanian citizens and the institutional capacities necessary to support those obligations. Although Albania has made significant progress in aligning its environmental legislation with European standards, the implementation remains inconsistent and often symbolic. Citizens are encouraged to participate in environmental protection but are seldom empowered with the necessary tools and conditions. The current model, which emphasizes awareness and sanctions without equivalent structural support, risks delegitimizing both environmental law and civic responsibility. Future reform must focus on bridging this normative-practical divide. A more coherent and just approach would integrate legal obligations with infrastructural development and public empowerment, thereby fostering not only compliance but a genuine culture of environmental stewardship.

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