

Charting One Health: Leveraging Judicial Power to Align Principles with Albania's Legal Landscape and Courts*

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Il paradigma
One Health nella
giurisprudenza

SUMMARY: 1. An Overview of the One Health Paradigm. – 2. One Health and the Albanian Constitution: A Legal Framework for Integrated Health. – 3. Legal Fragmentation and Institutional Challenges in the Implementation of One Health in Albania. – 4. Missed Opportunities for One Health: Analysing the Gërdec Explosion Case in Albania's Supreme Court. – 5. Analysing the Patos-Marinza v. Bankers Petroleum Case in International Chamber of Commerce Arbitration. – 6. Advocating for One Health: Analysing the Vjosa River Hydro-Electric Complex Case. – 7. Final Considerations.

ABSTRACT:

The One Health approach, which emphasizes the interdependence of human, animal, and environmental health, provides a comprehensive framework for addressing complex health challenges. This paper explores the potential for integrating One Health principles into Albania's legal framework through a comprehensive analysis of judicial decisions issued by various courts. These rulings, while addressing core legal and health-related issues, serve as a focal point for evaluating how One Health can be systematically incorporated into the country's legal framework. First, an analysis of Albania's Constitution reveals an implicit alignment between One Health principles and the constitutional rights to health and environmental protection. Although the Constitution does not explicitly mention One Health, this analysis demonstrates that it offers a solid legal foundation for embedding its principles into national Legal System.

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Second, the paper conducts a comparative legal analysis, critically evaluating Albania's current legal landscape in areas such as environmental protection, animal health, and public health. Furthermore, this analysis exposes significant gaps in legal framework and institutional coordination, which hinder the of a more integrated health approach. Additionally, it underscores the relevance of Albania's international obligations which, if fully implemented, could reinforce the integration of One Health.

Finally, the analysis delves into different key legal cases, each ruled by a different Court, to illustrate the fragmented approach to health and environmental governance in Albania. The *Gërdec explosion case*, issued by Albania's Constitutional Court¹, highlights the missed opportunity to incorporate One Health principles into legal decisions addressing industrial disasters. Meanwhile, the *Patos-Marinza v. Bankers Petroleum case*², ruled by an international arbitration tribunal, on 5th of July of 2023, underscores the severe health and environmental impacts of industrial pollution. Similarly, the *Vjosa River Hydro-Electric Complex dispute*³, on 27th of July 2024, adjudicated by Albania's Court of Administrative Appeals, demonstrates the consequences of infrastructure development on both public and ecosystem health. Together, these cases reveal the fragmented nature of Albania's legal decision-making, where courts frequently overlook the interconnectedness of human, animal, and environmental health outcomes.

In conclusion, Albania faces significant challenges, including legal fragmentation and weak intersectoral coordination, but also substantial opportunities to integrate One Health into its legal framework. By pursuing sustained legal reforms, enhancing better cooperation across sectors, and strengthening alignment with international frameworks, Albania can advance toward a more holistic approach that addresses the intricate connections between human, animal, and environmental health.

1. An Overview of the One Health Paradigm

The One Health concept has evolved into a comprehensive framework addressing the interconnectedness of human, animal, and environmental health, revolutionizing global health governance. Consequently, this narrative follows the development of One Health, enriched with key citations that highlight its progression from a scientific concept to a globally endorsed approach by leading international organizations⁴.

At its core, One Health acknowledges the critical interdependence between humans, animals, and ecosystems, thus emphasizing the need for a collaborative, interdisciplinary approach to health challenges. Significantly, the global endorsement of One Health by organizations such as the Food and Agriculture Organization (FAO), World Health Organization (WHO), World Organisation for Animal Health (OIE), and United Nations Environment

¹ Decision No. 27, dated May 9, 2012; Decision No. 35, dated February 24, 2014; Decision No. 69, dated November 17, 2015; issued by Constitutional Court of the Republic of Albania.

² ICC Case No. 22676/GR, 2023, Final Award.

³ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

⁴ J. ZINSSTAG, E. SCHELLING, D. WALTNER-TOEWS, & M. TANNER, *One Health: The Theory and Practice of Integrated Health Approaches*, CABI, 2015, pp. 16

Programme (UNEP) underscores its growing importance in global health governance. Subsequently, these organizations formalized the operational definition of One Health through the One Health High-Level Expert Panel (OHHLEP), which advocates for integrated actions to address global health threats, including zoonotic diseases, antimicrobial resistance, and environmental degradation⁵.

The origin of One Health dates back to 2004 when the Manhattan Principles were formulated at The Rockefeller University. Therefore, this important document called for interdisciplinary collaboration and recognized the interconnectedness of living systems, laying the groundwork for the One Health movement. Specifically, the Manhattan Principles emphasized the need for sustainable health practices and a broad understanding of how environmental, animal, and human health intersect⁶.

Building on these principles, the One Health approach gained significant momentum, eventually culminating in the 2021 Joint Tripartite Statement on One Health issued by the FAO, WHO, OIE, and UNEP. As a result, this statement solidified One Health as a global strategy and emphasized the need for multisectoral collaboration to address health threats at the human-animal-environment interface. In turn, it provided a normative framework for countries to align their laws and policies with One Health principles, ensuring that health governance moves beyond siloed approaches to a more integrated model⁷.

In addition to its impact on policy, One Health has influenced various international agreements and frameworks. For example, the Nagoya Protocol⁸ on Access to Genetic Resources, adopted in 2010, incorporated One Health principles by emphasizing the importance of biodiversity for human and animal health. As a result, Courts and Legal Systems have increasingly recognized the interconnected nature of health, with many judicial decisions expanding the scope of legal protections to account for human, animal, and environmental rights⁹.

Moreover, the rise of zoonotic diseases has further propelled the legal and policy relevance of One Health. For instance, expanding livestock production and closer human-wildlife contact have led to the increased emergence of zoonotic diseases. In response, legal frameworks have been developed to manage these risks, as outlined by in their conceptual

⁵ FAO, WHO, OIE, UNEP. "One Health: Joint Tripartite and UNEP Statement." 2021, *Tripartite and UNEP support OHHLEP's definition of "One Health"* (who.int).

⁶ The Manhattan Principles. "One World, One Health." The Rockefeller University, 2004, 29 September 2004 Symposium (oneworldonehealth.org).

⁷ FAO, WHO, OIE, UNEP. "One Health: Joint Tripartite and UNEP Statement." 2021, *Tripartite and UNEP support OHHLEP's definition of "One Health"* (who.int).

⁸ Nagoya Protocol on Access to Genetic Resources. *Convention on Biological Diversity*, 2010, Article 1.

⁹ Significant decisions in this context include Council of State (Netherlands), PAS (Programma Aanpak Stikstof) Ruling, Case No. 201600614/1/R2 (2019); Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007); Urgenda Foundation v. State of the Netherlands, Supreme Court of the Netherlands, Case No. 19/00135 (2019).

framework for addressing zoonoses through a One Health lens¹⁰. Accordingly, this framework highlighted the legal and policy gaps in managing zoonotic outbreaks and called for interdisciplinary action to mitigate these threats.

The journey of One Health from the Manhattan Principles to the 2021 Joint Tripartite Statement thus illustrates how a scientific concept has shaped global health governance and legal frameworks. Indeed, the One Health approach continues to challenge traditional legal boundaries, promoting interdisciplinary collaboration and comprehensive governance models that integrate human, animal, and environmental health. As new and emerging health threats arise, One Health offers a dynamic and forward-looking solution for ensuring the well-being of all living systems.

2. One Health and the Albanian Constitution: A Legal Framework for Integrated Health

While the Albanian Constitution of 1998 does not explicitly reference the One Health paradigm, a deeper analysis reveals an implicit alignment with the core principles of this integrative framework. This connection underscores a sophisticated legal foundation that can support the development and implementation of policies that address health challenges through a holistic approach, recognizing the interconnectedness of human, animal, and environmental health.

At the heart of the Albanian Constitution, Article 21, which enshrines the right to life, provides a foundational basis for safeguarding human life, implicitly through measures that protect the environment and animal health. As zoonotic diseases and environmental hazards increasingly threaten public health, the protection of life extends beyond medical care to include preventive measures that address these broader ecological factors.

Further supporting this idea, Article 55 Const. guarantees the right to healthcare as a fundamental human right. While this article does not explicitly reference the health of animals or the environment, it aligns with the One Health concept, which posits that human health cannot be achieved in isolation from the health of the environment and animals. Interpreting healthcare as a holistic right creates a framework for policies that integrate environmental and animal health into public health planning, recognizing that the well-being of people is inextricably linked to the integrity of ecosystems and the welfare of animals. Furthermore, Article 56 Const., which supports the right to information about the environment, reinforces the importance of public awareness in the context of health risks that stem from environmental degradation. This right is crucial for promoting transparency

¹⁰ R. COKER, J. RUSHTON, S. MOUNIER-JACK, & E. KARIMURIBO, *Towards a conceptual framework to support One Health research for policy on emerging zoonoses*, *The Lancet Infectious Diseases*, Vol. 11, No. 4, 2011, pp. 326-331.

and enabling communities to respond to environmental threats that could impact public health.

In addition, Article 59 Cost., establishes a solid constitutional foundation for the integration of One Health principles into national policies by mandating state responsibility for public health, environmental protection, and sustainable resource management. In particular, Article 59(1)(c) underscores the state's obligation to ensure the highest attainable standard of physical and mental health, while Article 59(1)(d) enshrines the right to a healthy and ecologically sustainable environment for both present and future generations. Furthermore, Article 59(1)(dh) stipulates the rational utilization of forests, waters, pastures, and other natural resources in accordance with the principle of sustainable development. Collectively, these constitutional provisions underscore the interdependence between human, animal, and environmental health, thereby aligning with the core tenets of the One Health framework. By emphasizing a cross-sectoral and integrative approach to addressing health risks, these provisions provide a constitutional basis for improving interdisciplinary collaboration in health, environmental, and natural resource governance.

Beyond these constitutional provisions, Albania's broader legal framework also aligns closely with One Health principles. For example, Law No. 10 431/2011 "On Environmental Protection"¹¹ highlights the protection of the environment as essential for public health, reinforcing the One Health perspective that environmental degradation can lead to health risks for both humans and animals. By promoting sustainable management of natural resources and aiming to reduce pollution, this law addresses a key element of the One Health framework: maintaining a healthy environment to prevent diseases linked to ecological disruption.

Similarly, Law No. 10 433/2011 "On the inspection in the Republic of Albania" contribute to the One Health approach by establishing regulatory frameworks for inspections that promote public health and environmental safety. Although the law might not explicitly reference One Health, its focus on inspections related to environmental protection, food safety, animal health, or public health oversight inherently supports the holistic understanding that human, animal, and environmental health are interdependent¹².

Law No. 10 465/2011 "On Veterinary Service in the Republic of Albania" further strengthens Albania's capacity to manage health risks at the animal-human interface¹³. By providing a legal framework for disease surveillance, monitoring, and control, this law empowers the veterinary sector to play a pivotal role in preventing zoonotic disease outbreaks. It also underscores the importance of veterinary services in the One Health paradigm, ensuring that animal health professionals are integrated into public health planning.

¹¹ Law No. 10 431/2011, "On Environmental Protection," in Official Gazette of Albania, 2011, No. 105.

¹² Law No. 10 433/2011, "On the inspection in the Republic of Albania." in Official Gazette of Albania, 2018, No. 122.

¹³ Law No. 10 465/2011, "On Veterinary Service in the Republic of Albania," in Official Gazette of Albania, 2023, No. 45.

Public health legislation, such as Law No. 10 138/2009 “On Public Health”, complements these sector-specific laws by establishing a comprehensive approach to health protection. This law emphasizes preventive measures, monitoring, and interventions to address health risks, implicitly supporting the One Health principle of integrating human, animal, and environmental health into public health strategies. It reflects a holistic view of health that is essential for addressing complex health challenges in a world where environmental and animal health are closely linked to human well-being¹⁴.

Biodiversity protection also plays a key role in supporting the One Health framework. Law No. 9 587/2006 “On the Protection of Biodiversity” focuses on the preservation of Albania’s rich biodiversity, recognizing its importance in maintaining ecosystem balance. This is crucial from a One Health perspective, as biodiversity loss and ecosystem disruption are major drivers of emerging infectious diseases. By safeguarding biodiversity, Albania reduces the risk of new diseases arising from the disruption of natural habitats¹⁵.

Additionally, Article 52 Const., which outlines social security provisions for those incapacitated by illness, complements these efforts by acknowledging the need to protect public health to prevent illness and incapacity. From a One Health perspective, ensuring a healthy environment and managing animal health risks can prevent widespread disease outbreaks, thereby reducing the burden on social security systems.

Albania’s active engagement in international organizations such as the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) further highlights its commitment to One Health principles. These organizations lead global efforts to address health threats that transcend national borders, promoting the interdisciplinary collaboration needed to tackle complex health challenges. Albania’s participation in these initiatives positions it as an active player in global health governance, committed to developing policies that integrate human, animal, and environmental health¹⁶.

However, to fully operationalize One Health in Albania, the country must first overcome several challenges. Specifically, one key issue is the need for stronger cross-sectoral coordination among the health, agricultural, and environmental sectors. Additionally, these traditionally siloed areas must collaborate more effectively to address complex health risks, such as zoonotic diseases and environmental degradation. Moreover, legal frameworks that facilitate such collaboration are critical to the successful implementation of One Health in Albania.

Although the 1998 Albanian Constitution predates the formalization of the One Health concept, it establishes a solid legal framework that can readily support its integration into Albania’s policy landscape. The Constitution’s focus on human rights, environmental pro-

¹⁴ Law No. 10 138/2009, “*On Public Health*,” in Official Gazette of Albania, 2009, No. 87.

¹⁵ Law No. 9 587/2006, “*On the Protection of Biodiversity*,” in Official Gazette of Albania, 2017, No. 120.

¹⁶ WHO-*Albania Country Cooperation Strategy*, WHO Country Office Report, 2018, pp. 45–60.

tection, and animal welfare, when viewed through the One Health lens, reveals a forward-thinking and nuanced understanding of the interconnectedness between these domains. Coupled with Albania's existing laws on environmental protection, animal health, and public health, the country is well-positioned to address complex health challenges in a holistic and integrated manner. Furthermore, Albania's engagement with international health initiatives strengthens its capacity to respond to global health challenges through a comprehensive and unified approach, ensuring the well-being of humans, animals, and the environment as an interconnected whole.

3. Legal Fragmentation and Institutional Challenges in the Implementation of One Health in Albania

Albania, situated in the heart of the Balkans, faces a unique challenge in harmonizing its traditional systems with the demands of modern governance. The country's path toward fully embracing the One Health approach reflects this delicate balance between historical legacies and emerging reforms. Specifically, Albania's legal framework -a mix of inherited socialist structures and contemporary European Union-inspired reforms- exemplifies this dynamic, often revealing inconsistencies in how health, environmental, and animal welfare laws are addressed¹⁷.

Despite growing awareness of the interconnectedness of human, animal, and environmental health, the legal infrastructure remains fragmented. Laws in Albania often treat these domains as separate issues rather than acknowledging their interdependence, a fundamental principle of the One Health framework. For instance, while environmental protection and public health are constitutionally recognized¹⁸, Albania's specific legal provisions regarding animal health and ecosystem management are spread across different legislative acts, resulting in a lack of cohesion¹⁹. This fragmented legal landscape undermines the implementation of policies that should integrate human, animal, and environmental health. Furthermore, the institutional landscape mirrors this fragmentation. Different ministries and agencies operate in silos, each pursuing its mandate without a comprehensive view of public health's broader implications. The Ministry of Health and Social Protection, the Ministry of Agriculture and Rural Development, and the National Agency of Natural Resources, for example, function with minimal cross-sectoral coordination, complicating efforts to implement an integrated health approach. This lack of coordination reflects the

¹⁷ Constitution of the Republic of Albania, Tirana, 1998, Article 55 and Article 59; Law No. 10 465, "On Veterinary Service in the Republic of Albania," in Official Gazette of Albania, 2023, No. 55.

¹⁸ Constitution of the Republic of Albania, Article 59, Tirana, 1998.

¹⁹ Law No. 10 433/2011, "On the inspection in the Republic of Albania." in Official Gazette of Albania, 2018, No. 122.

broader challenges of governance in Albania, where government agencies struggle to collaborate, as noted by studies on governance inefficiencies in the region²⁰.

The challenge of enforcement further complicates Albania's capacity to fully embrace the One Health approach. Although many laws exist on paper, their practical implementation remains inconsistent. For example, while environmental laws are in place to safeguard ecosystems, the enforcement of these regulations faces significant obstacles, including insufficient monitoring capacity and limited governmental resources²¹. These constraints hinder the ability of local authorities to effectively enforce regulations that could prevent health risks stemming from environmental degradation.

In the realm of policy, Albania has made strides in health policy development, yet the One Health approach has not fully penetrated the national agenda. Policy priorities are often driven by immediate concerns -such as economic growth and political pressures- which overshadow the need for a long-term, integrated strategy addressing the interconnectedness of health. As highlighted by Albania's health sector strategy²², while there are efforts to improve public health systems, the One Health framework is still notably absent from the overarching health agenda. This short-sighted focus on immediate issues, without addressing underlying systemic problems, mirrors the broader challenge in many post-socialist countries transitioning to modern governance.

Public awareness and engagement also play a critical role in shaping health policies. In Albania, there is a notable lack of understanding of the One Health concept among policymakers, professionals, and the public alike. This deficit hinders the development of a societal mandate for integrated health approaches. Public health campaigns are often narrowly focused on individual health issues rather than promoting a broader understanding of how human, environmental, and animal health are interconnected. Without a widespread recognition of these linkages, political will to prioritize One Health initiatives remains weak²³.

Moreover, Albania's international legal obligations highlight the complexities of the situation. As a signatory to multiple international agreements advocating for integrated health approaches, such as the WHO International Health Regulations and the FAO's Global Animal Health Strategy, Albania is committed on paper to adopting integrated health solutions. However, a gap remains between these commitments and Albania's current legal and institutional capacities to implement them. For instance, while Albania has agreed to EU directives on environmental protection as part of its accession process, the country has

²⁰ European Commission, *Albania 2020 Report, Albania Report 2020 - European Commission* (europa.eu).

²¹ European Union's *Environmental Implementation Review*, 2022, *resource.html* (europa.eu) page 22-23.

²² Albania Health Strategy 2021–2030, *The National Health Strategy in Albania 2021-2030 | Country Planning Cycle Database* (who.int).

²³ WHO-Albania *Country Cooperation Strategy*, WHO Country Office Report, 2018, pp. 45–60.

struggled to align its national policies with these international standards²⁴. This disconnection underscores Albania's need for more substantial investments in institutional reforms and capacity building to bridge the gap between its aspirations and its ability to fulfil international health obligations.

The judicial perspective plays a vital role in advancing the One Health approach in Albania by interpreting and applying laws in ways that consider the interconnectedness of human, animal, and environmental health. In a country with a fragmented Legal System, where health, environmental, and animal welfare laws often operate in silos, the judiciary has the ability to bridge these gaps. By doing so, courts can ensure a holistic approach to legal decision-making that reflects the interdependent nature of these sectors²⁵. In the end, Albania stands at a critical juncture. By embracing the One Health approach, the country not only fulfils its international obligations but also positions itself to build a more resilient, health-conscious society. Although Albania's legal and institutional frameworks currently face several challenges, adopting One Health could pave the way for comprehensive reforms that enhance both national well-being and environmental sustainability.

4. Missed Opportunities for One Health: Analysing the Gërdec Explosion Case in Albania's Supreme Court

The Gërdec explosion of March 15, 2008, remains one of the most tragic industrial disasters in Albania's recent history. Specifically, it occurred at a factory in Gërdec, a village near Tirana, where obsolete military ammunition was being dismantled for scrap metal. This operation was part of a broader governmental initiative to decommission large quantities of outdated munitions accumulated over decades of military stockpiling. Unfortunately, on that fateful day, a catastrophic explosion ripped through the factory, resulting in the deaths of 26 individuals, injuring approximately 300, and causing extensive damage to the surrounding area. Moreover, the blast displaced over 4,000 people from 313 homes, which were either destroyed or severely damaged²⁶. Additionally, the environmental impact was severe, with significant air, soil, and water contamination, particularly from the release of hazardous chemicals such as lead, which posed long-term public health risks, the assessment identified environmental risks near the factory, including waste, contamination, and runoff. Local awareness was low, and urgent action was needed to manage debris.

²⁴ European Commission, *2021 Albania Progress Report, Albania Report 2021 - European Commission (europa.eu)*.

²⁵ J. ZINSSTAG, E. SCHELLING, D. WALTNER-TOEWS, M. TANNER, *From "One Medicine" to "One Health" and systemic approaches to health and well-being*, 2011, pp. 148-156.

²⁶ OCHA (United Nations Office for the Coordination of Humanitarian Affairs) *Reports: Albania: Explosions*, DREF operation No. MDRAL001 Final Report – pp. 1-2, <https://reliefweb.int/report/albania/albania-explosions-dref-operation-no-mdral001-final-report>.

Recycling is advised to reduce further impact, and a national program is recommended to raise awareness. Tests founded no dangerous heavy metals, but explosive chemicals were detected in the soil²⁷. In the case of the Gërdec explosion, the environmental degradation caused by the release of toxic substances into the air, water, and soil was not adequately studied or addressed in subsequent legal actions. This lack of focus on ecological impacts suggests that these issues were not viewed as central concerns in the aftermath of this anthropogenic disaster. Despite the significant damage that such human-induced events can cause to ecosystems—ranging from water contamination to the disruption of local biodiversity—the absence of studies highlights the broader tendency to prioritize immediate human and economic concerns over long-term environmental consequences.

Drawing on the reflections Luigi Ferrajoli²⁸, it becomes evident that this oversight is part of a larger issue within the legal and academic frameworks, where natural resources are not given the same level of protection as other fundamental rights. He advocates for an expansion of the constitutional paradigm to include the protection of “*vital natural goods*,” recognizing their intrinsic value to human survival. In the context of the Gërdec explosion, this would mean acknowledging the far-reaching ecological impacts as crucial components of post-disaster assessments. Moreover, the absence of environmental studies on the Gërdec explosion illustrates a broader failure to integrate ecological considerations into responses to industrial disasters. Thus, there is a need for a legal and academic shift that treats the environment as a fundamental right, requiring protection and restoration in the face of human-induced activities.

Despite the disaster’s significant impact on both human lives and the environment, the subsequent legal proceedings²⁹ predominantly focused on individual accountability, failing to address broader public health and environmental concerns

Decision no. 27/2012, Constitutional Court³⁰, Decision no. 35/2014, Constitutional Court³¹, and Decision no. 69/2015, Constitutional Court³², - three case laws connected to the 2008 Gërdec explosion- which, while addressing issues of criminal responsibility and compensation, did not take into consideration the One Health principles. As a result, the

²⁷ United Nations Disaster Assessment & Coordination (UNDAC), *Assessment and recommendations following the Gerdec Explosions Albania*, 8 April 2008, pp 12.

²⁸ L. FERRAJOLI, *Per una Costituzione della Terra*, 2022, pp. 114-127.

²⁹ The Gërdec explosion led to a complex series of legal proceedings that spanned many years, three of which will be analysed in this paper. Despite the extensive litigation, the trials largely focused on individual accountability and procedural fairness, rather than addressing the broader environmental and public health consequences of the disaster. However, the case has recently been reopened by Albania’s Special Anti-Corruption Structure (SPAK), signalling renewed legal attention on the responsibilities of key officials.

³⁰ Decision No. 27, dated May 9, 2012, Constitutional Court of the Republic of Albania.

³¹ Decision No. 35, dated February 24, 2014, Constitutional Court of the Republic of Albania.

³² Decision No. 69, dated November 17, 2015, Constitutional Court of the Republic of Albania.

long-term implications of the disaster on human, environmental, and animal health were insufficiently considered.

The Constitutional Court of Albania has ruled on several significant cases arising from the 2008 Gërdec explosion, primarily addressing issues of procedural justice and constitutional rights. This in-depth analysis of Decision No. 27/2012, Constitutional Court, Decision No. 35/2014, Constitutional Court, and Decision No. 69/2015, Constitutional Court examines the legal basis for each ruling while drawing attention to the missed opportunities to incorporate a One Health perspective.

In Decision No. 27/2012, Const³³, the applicants challenged the Supreme Court's refusal to prosecute a high-ranking official, arguing that this decision violated their right to a fair trial under Article 42 of the Constitution³⁴ and breached the principle of separation of powers by encroaching on prosecutorial functions. The applicants argued that this dismissal breached their right to a fair trial and violated the principle of separation of powers. The Constitutional Court ruled that the Supreme Court had overstepped its judicial role by dismissing the case on procedural grounds, thus infringing on the prosecutorial functions of the Prosecutor General's Office. This encroachment on prosecutorial duties violated both the principle of separation of powers and the applicants' right to a fair trial. The Constitutional Court emphasized that maintaining distinct judicial and prosecutorial roles is crucial to upholding the integrity of legal processes. While the ruling addressed the procedural and constitutional issues, it overlooked the broader implications of the Gërdec explosion. The disaster had profound effects on public health, the environment, and potentially animal health. A One Health approach could have provided a more comprehensive analysis, recognizing the multi-faceted impacts of the explosion. By failing to integrate this perspective, the Constitutional Court missed an opportunity to address the long-term health and environmental consequences of the disaster, limiting the scope of its decision to procedural matters.

³³ In considering the case, the Constitutional Court of Albania relied on a combination of constitutional provisions and international human rights conventions. Central to its reasoning was Article 42/2 of the Constitution of Albania, which ensures the right to a fair trial and access to a public hearing. The Court also drew on Article 131/f and Article 134/1/g of the Constitution, which outline the Court's jurisdiction to address claims of constitutional rights violations. Additionally, the Court referenced Articles 2, 6, and 13 of the European Convention on Human Rights (ECHR), which set out international standards for fair trial procedures and access to justice. Furthermore, Law No. 8577, which governs the organization and functioning of the Constitutional Court, was reviewed, particularly regarding how the lower courts had handled procedural aspects of the case legal remedies and protection. In essence, it protects the right to judicial recourse and the principle of fairness in legal proceedings.

³⁴ Article 42 of the Albanian Constitution guarantees the right to access the courts for anyone whose rights or freedoms are violated. It ensures the right to a fair trial before an independent and impartial court, allowing individuals to seek legal remedies and protection. In essence, it protects the right to judicial recourse and the principle of fairness in legal proceedings.

Decision No. 35³⁵ dealt with individuals who had been convicted of “abuse of office” for their roles in dismantling operations leading up to the Gërdec explosion. Initially acquitted by the Tirana District Court, they were later convicted on appeal. The defendants contended that procedural errors and the failure to consider crucial evidence had compromised their right to a fair trial. The Constitutional Court agreed with the defendants, finding that the Tirana Court of Appeal had failed to consider crucial evidence, thus undermining the defendants’ right to a fair trial. The Court emphasized that detailed judicial reasoning is essential, particularly when reversing an acquittal, as it ensures transparency and fairness in the judicial process. Despite the Constitutional Court’s focus on procedural fairness, it did not address the broader context of the Gërdec disaster. A One Health perspective would have illuminated the disaster’s far-reaching effects on public and environmental health, as well as potential implications for animal health. By concentrating solely on legal technicalities, the Constitutional Court overlooked the interconnected health and environmental challenges that the Gërdec explosion posed, thereby missing a chance to incorporate a more holistic view into its legal reasoning.

Decision No. 69³⁶ involved a compensation claim by a Gërdec resident whose property had been damaged by the explosion. The High Administrative Court initially ruled in favour of the claimant, but this decision was overturned on appeal. The claimant then challenged the ruling, citing procedural delays and issues with the composition of the judicial panel. The Constitutional Court found that the Administrative Chamber had violated the claimant’s right to a timely trial by failing to resolve the case within the legally mandated 90-day period. Although the Constitutional Court upheld the composition of the judicial panel, it emphasized that procedural delays undermined the fairness of the legal process. The ruling reinforced the principle that justice delayed is justice denied, and that courts must adhere to legal timelines to ensure fairness. Although the Constitutional Court’s fo-

³⁵ The Constitutional Court of Albania assessed the case by relying on both Albanian constitutional provisions and international human rights standards. Central to the legal basis for the decision was Article 42 of the Constitution of Albania, which guarantees the right to a fair trial. Additionally, Article 6 of the European Convention on Human Rights (ECHR) was invoked, as it enshrines the right to a fair and public hearing within a reasonable time.

The Court also referenced Articles 131/f and 134/1 of the Constitution, which provide individuals the ability to appeal to the Constitutional Court on the grounds of constitutional rights violations. Furthermore, Articles 15/1, 17, 27, 31/d, 33/1, 42, 43, 49, and 142/1 of the Constitution were invoked to protect individual freedoms and procedural rights. Finally, Law No. 8577 on the Organization and Functioning of the Constitutional Court of Albania governed the Court’s procedural rules, ensuring that the judicial process adhered to established standards. Furthermore, even in this case, it is notable that the legal frameworks covering One Health principles, which include various national laws and international conventions, were not integrated into the Court’s considerations.

³⁶ In the rulings of the Constitutional Court of Albania, the legal framework primarily relied on key provisions from both domestic and international law. Article 42/1 of the Albanian Constitution was central, guaranteeing the right to a fair trial, while Article 6 of the European Convention on Human Rights (ECHR) further supported the principle of fair and timely proceedings. The Court’s jurisdiction to address constitutional violations was grounded in Articles 131/f and 134/1/g of the Constitution, ensuring that claims of rights violations were properly adjudicated. Additionally, for administrative cases, Articles 12/3 and 60/2 of Law No. 49/2012 on the Organization and Functioning of Administrative Courts underscored the need for timely case resolution and proper court composition. Nevertheless, it is still notable that the legal frameworks covering One Health principles are missing into the Court’s considerations.

cus on procedural fairness was appropriate, it did not extend its analysis to consider the broader health and environmental consequences of the Gërdec explosion. A One Health approach would have provided a more comprehensive understanding of the disaster's impact, considering how the explosion affected not just property but also the health and well-being of the community, the environment, and potentially local wildlife. This broader analysis could have enriched the Constitutional Court's decision, ensuring that the legal process accounted for the full spectrum of the disaster's consequences.

Throughout these rulings, the Constitutional Court of Albania skilfully navigated issues of procedural fairness and constitutional rights. However, the consistent omission of a One Health perspective limited the scope of the Constitutional Court's decisions. The Gërdec explosion not only triggered legal and procedural issues but also had far-reaching effects on public health, environmental conditions, and potentially animal health. Incorporating a One Health approach would have allowed the Constitutional Court to address these inter-related impacts, offering a more nuanced and comprehensive resolution. By recognizing the interconnectedness of human, animal, and environmental health, the Constitutional Court could have bridged the gap between legal adjudication and broader public health and environmental considerations. Such an approach would ensure that future decisions are not only procedurally sound but also responsive to the complex health and environmental challenges posed by industrial disasters like Gërdec. In doing so, the Legal System would be better equipped to address the full consequences of such events, providing justice that reflects the holistic realities of the situation.

For the second time, the Constitutional Court of Albania overlooked the One Health Approach in its rulings on the Gërdec explosion, focusing solely on procedural fairness and constitutional rights. This omission ignored the broader health and environmental impacts of the disaster, failing to address its long-term consequences on human, animal, and ecosystem health.

Firstly, the Constitutional Court's rulings on the Gërdec explosion cases were largely grounded in procedural fairness and constitutional guarantees such as the right to a fair trial and the separation of powers. For example, in Decision No. 27³⁷, the Constitutional Court focused on the applicants' claim that the Supreme Court overstepped its jurisdiction by refusing to pursue criminal charges, thereby violating Article 42 Const., which guarantees the right to a fair trial, and Article 131/f Const., which addresses the court's jurisdiction over violations of constitutional rights. The Constitutional Court's primary concern was to rectify procedural errors rather than address broader societal or environmental implications³⁸.

³⁷ Decision No. 27, dated May 9, 2012, Constitutional Court of the Republic of Albania.

³⁸ Decisions No. 35, dated February 24, 2014; No. 69, dated November 17, 2015; and No. 27, dated May 9, 2012, Constitutional Court of the Republic of Albania.

Furthermore, the omission of a One Health perspective can be attributed to the lack of legal precedent for its application in judicial decision-making. Although One Health is gaining prominence in public health policy, particularly through Article 59 of the Criminal Procedure Code³⁹, which outlines the separation between prosecutorial and judicial functions, it has yet to be fully integrated into the judiciary. Legal Systems, including Albania's, tend to prioritize individual rights and the principles of due process over interdisciplinary frameworks, particularly in cases where environmental and public health concerns are not directly invoked by the parties⁴⁰.

Moreover, the narrow scope of the cases under review further contributed to the exclusion of a One Health approach. For instance, Decision No. 35⁴¹ revolved around the criminal responsibility of officials involved in dismantling military ammunition before the Gërdec explosion. The case centered on whether the Tirana Court of Appeal violated the defendants' right to a fair trial by not considering critical evidence, as guaranteed under Article 42 of the Albanian Constitution and Article 6 of the European Convention on Human Rights⁴². In addition, the institutional framework of Albania's Legal System operates largely in silos, particularly between the judiciary, public health, and environmental policy sectors. Although One Health advocates for collaboration across these sectors, the judiciary typically confines itself to the legal questions presented, especially when the constitutionality of decisions is at stake.

Lastly, judicial proceedings are often constrained by the need for efficiency and adherence to legal timelines. In Decision No. 69⁴³, the Constitutional Court addressed delays in the Administrative Chamber's handling of a compensation claim brought by a Gërdec Resident, citing a violation of the claimant's right to a fair trial within a reasonable time, as enshrined in Article 42 of the Constitution and Article 6 of the ECHR⁴⁴. The ruling highlighted the procedural delays without considering the longer-term health or environmental impacts of the explosion, which would have required a more complex and interdisciplinary approach. Courts, generally focused on timely resolutions, may have found it difficult to integrate broader health perspectives into their legal reasoning⁴⁵.

In conclusion, the One Health approach was ignored in these rulings due to a combination of the Legal System's procedural focus, a lack of established precedent, the narrow

³⁹ Article 59 of the Criminal Procedure Code of the Republic of Albania, Law No. 7905, dated March 21, 1995.

⁴⁰ See Decision No. 27/2012; No. 35/2014; No. 69/2015 issued by Constitutional Court of the Republic of Albania

⁴¹ Decision No. 35, dated February 24, 2014, Constitutional Court of the Republic of Albania.

⁴² Article 6 of the European Convention on Human Rights, "Right to a Fair Trial," adopted by the Council of Europe on 4 November 1950.

⁴³ Decision No. 69, dated November 17, 2015, Constitutional Court of the Republic of Albania.

⁴⁴ Article 6 of the European Convention on Human Rights, "Right to a Fair Trial," adopted by the Council of Europe on 4 November 1950

⁴⁵ Decisions No. 35, dated February 24, 2014; No. 69, dated November 17, 2015; and No. 27, dated May 9, 2012, Constitutional Court of the Republic of Albania.

legal scope of the cases, institutional silos, and the constraints of judicial efficiency. While these rulings successfully addressed procedural justice and constitutional violations, they fell short in addressing the broader public health and environmental impacts that a One Health approach would have provided. As Albania continues to face complex health and environmental challenges, integrating this perspective into the judiciary could ensure more comprehensive and interdisciplinary legal outcomes in the future.

5. Analysing the Patos-Marinza v. Bankers Petroleum Case in International Chamber of Commerce Arbitration

The One Health framework highlights the intricate interconnections between human, animal, and environmental health, advocating for integrated approaches to health across these interconnected systems. This narrative explores how key Albanian legal cases reflect the principles of One Health and how these cases reveal the environmental, health, and legal dimensions critical to protecting both people and ecosystems.

In Patos-Marinza, Albania's largest oil-producing region, residents reported severe health problems, allegedly linked to Bankers Petroleum's extraction activities. Local communities faced respiratory diseases and chronic illnesses, claiming these were caused by environmental contamination from the company's oil operations. Albpetrol Sh.A⁴⁶ acknowledged the direct impact of pollution on human health, underlining that human health is inseparable from environmental conditions⁴⁷. Patos-Marinza v. Bankers Petroleum case highlighted potential violations of the Albanian Constitution, particularly Articles 55 and 59, which protect the rights to health and a healthy environment⁴⁸, and pointed to regulatory failures in safeguarding these rights through adequate oversight and enforcement.

Moreover, the Residents of Patos-Marinza v. Bankers Petroleum case (2022) cannot be fully understood without considering broader international legal precedents like ICC Case No. 22676/GR. This case between GBC Oil Company Ltd. and the Republic of Albania focused on whether the oil company met its environmental and safety obligations in several Albanian oilfields, including Cakran-Mollaj, Gorisht-Kocul, and Ballsh-Hekal. The arbitration scrutinized GBC Oil's compliance with Article 10 of the Petroleum Agreements, which

⁴⁶ Albpetrol Sh.A. is a state-owned oil company in Albania. It is responsible for overseeing and managing the exploration, production, and distribution of petroleum and natural gas resources in the country. The company is fully owned by the Albanian government and operates under its guidance. In the context of ICC Case No. 22676/GR, Albpetrol was one of the respondents involved in the dispute with GBC Oil Company Ltd.

⁴⁷ J. ZINSSTAG, E. SCHELLING, D. WALTNER-TOEWS, & M. TANNER, *One Health: The Theory and Practice of Integrated Health Approaches*, CABI, 2015, pp. 104.

⁴⁸ Constitution of the Republic of Albania, Tirana, 1998, Article 55 and Article 59.

required full adherence to environmental regulations⁴⁹. The case underscores the vital role of environmental protection in industrial operations, directly aligning with One Health's broader aim of protecting both human and ecological health.

The ICC Tribunal found GBC Oil in breach of its environmental obligations. Neglecting basic maintenance led to oil spills, improper waste disposal, and other hazardous practices, which in turn created significant risks for local communities⁵⁰. The connection between environmental degradation and community health impacts mirrors core One Health concerns, emphasizing how environmental mismanagement can have severe consequences for public well-being⁵¹.

The tribunal's findings reinforced international standards for corporate environmental responsibility. GBC Oil's failure to meet its environmental and safety obligations constituted a material breach of the Petroleum Agreements, resulting in the eventual termination of the contracts by Albpetrol Sh.A⁵². This case demonstrates how arbitration can hold corporations accountable for environmental violations and highlights the critical role of enforcing environmental standards to protect public health.

Moreover, ICC Case No. 22676/GR reflects a global trend toward ensuring corporate operations adhere to both local and international environmental regulations. Legal mechanisms like arbitration provide a well-grounded framework for holding companies accountable for environmental harm, and these principles echo One Health's integrated approach to governance, which requires human, animal, and environmental health considerations in corporate operations⁵³.

Additionally, the ICC Tribunal urged Albania to strengthen its regulatory frameworks. The tribunal's decision called for Albania to enhance its environmental protection laws to meet international standards, ensuring that future corporate activities do not compromise public health⁵⁴. By adopting international insights from cases like this, Albania can better manage environmental risks and enforce corporate accountability for ecological and health impacts⁵⁵.

The ICC Case No. 22676/GR produced a mixed outcome. While Albania successfully terminated the Petroleum Agreements due to GBC Oil's environmental and safety violations⁵⁶, the Country was held liable for breaching its contractual obligation to maintain financial stability as agreed upon in the fiscal stabilization clauses. These clauses were intended

⁴⁹ ICC Case No. 22676/GR, 2023, Final Award, pp. 52.

⁵⁰ *Ivi*, pp. 237-242.

⁵¹ *Ivi*, pp. 237-239.

⁵² ICC Case No. 22676/GR, 2023, Final Award, pp. 250-251.

⁵³ *Ivi*, pp. 237-239.

⁵⁴ *Ivi*, pp. 255.

⁵⁵ *Ivi*, pp. 286-287.

⁵⁶ *Ivi*, pp. 237-242.

to protect GBC Oil Company Ltd. from adverse changes in tax policies or financial regulations. By failing to uphold these commitments, Albania violated the terms of the agreement, resulting in a ruling against the country. Consequently, the tribunal awarded GBC Oil \$12,577,852 in damages⁵⁷, reflecting the complex balancing act of corporate and governmental responsibilities.

This mixed ruling underscores the importance of accountability on both sides. Albania effectively upheld environmental regulations but fell short on its fiscal obligations. This reinforces the need for comprehensive governance frameworks that ensure companies operate sustainably while states maintain their contractual and regulatory commitments. Moreover, this case demonstrates how adopting a One Health approach can help ensure that corporate compliance with environmental standards is not only a legal requirement but a fundamental part of protecting public health.

Ultimately, ICC Case No. 22676/GR serves as a pivotal case study in how international arbitration deals with the interconnected issues of environmental protection, corporate governance, and public health. The ruling highlights the critical need for One Health principles in legal and corporate governance, emphasizing that sustainable operations must account for the broader impact on both human and environmental health. Moving forward, Albania's Legal System must be adequately equipped to address the interdependencies between economic activities, environmental protection, and public health, fostering a more sustainable and healthier future for all.

6. Advocating for One Health: Analysing the Vjosa River Hydro-Electric Complex Case

The Decision No. 1240/2024 issued by the Court of Administrative Appeals⁵⁸, stands as a landmark in Albanian environmental law and public health policy, particularly when analysed through the lens of One Health principles. The interconnections that this concept emphasizes, significantly influenced the legal and judicial proceedings that led to the protection of the Vjosa River. Initially, the Albanian government proposed constructing a large hydroelectric complex along the Vjosa River to meet the growing demand for renewable energy. However, the project quickly attracted opposition from environmentalists, public health advocates, and local communities. These groups argued that the project threatened biodiversity, disrupted ecosystems, and posed serious public health risks to communities that relied on the river for agriculture, drinking water, and fishing. Furthermore,

⁵⁷ *Ivi*, p. 292.

⁵⁸ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

the project's environmental degradation risked exacerbating public health risks, including waterborne diseases, habitat destruction, and ecosystem collapse.

The legal case against the Vjosa HEC project was grounded in the Albanian Constitution, specifically Article 59 Const., which guarantees citizens the right to a healthy environment, and Article 56 Const., which ensures public access to environmental information. These constitutional protections were further bolstered by international legal obligations, including the EU Water Framework Directive⁵⁹ and the Bern Convention⁶⁰, which emphasize the importance of preserving water bodies and natural habitats critical to human and animal health. These legal frameworks reflect the One Health perspective, which views ecosystem protection as integral to safeguarding human and animal health.

Nevertheless, despite these constitutional guarantees and international obligations, the initial government approval of the HEC project demonstrated insufficient environmental review and a lack of attention to the broader health implications of the project. Albania, as a signatory to multiple international conventions, including the Nagoya Protocol⁶¹, is required to preserve biodiversity, an essential pillar of public health under One Health principles. Therefore, environmental and legal experts contended that proceeding with the project violated Albania's legal commitments to protect both biodiversity and public health.

Crucially, the Court of Administrative Appeals⁶² became instrumental in halting the HEC project. In its 2024 ruling, the Court of Administrative Appeals determined that the government had failed to comply with its constitutional obligations to protect the environment and public health. The Court of Administrative Appeals emphasized that the

⁵⁹ EU Water Framework Directive, Directive 2000/60/EC of the European Parliament and of the Council, 23 October 2000, [resource.html \(europa.eu\)](http://resource.html(europa.eu)).

⁶⁰ *Bern Convention on the Conservation of European Wildlife and Natural Habitats*, 1979.

⁶¹ *Nagoya Protocol on Access to Genetic Resources. Convention on Biological Diversity*, 2010, Article 1.

⁶² The legal basis that the Court of Administrative Appeals used to rule on the case:

Law no. 49/2012 "On the organization and functioning of administrative courts and the adjudication of administrative disputes,"; Law no. 8485/1999 "The Code of Administrative Procedures,"; Law no. 125/2013 dated 25.04.2013 "On concessions and public-private partnerships,"; Law no. 146/2014 "On notification and public consultation,"; Law no. 8461/1999 "On expropriation and temporary use of private property for public interest,"; Law no. 8672/2000 "On the ratification of the Convention 'On the right of the public to access information, to participate in decision-making, and to seek justice in environmental matters' (Aarhus Convention),"; Law no. 8294 dated 02.03.1998 on the ratification of the Convention "On the Conservation of European Wildlife and Natural Habitats" (Bern Convention); Law no. 91/2013 "On Strategic Environmental Assessment,"; Law no. 10440/2011, "On Environmental Impact Assessment,"; Law no. 10431/2011 "On Environmental Protection,"; Decision of the Council of Ministers (DCM) no. 576 dated 10.07.2013 "On the approval of rules for identifying, evaluating, and granting concessions for hydroelectric plants,"; DCM no. 13 dated 04.01.2013 "On the approval of rules, responsibilities, and deadlines for the development of the environmental impact assessment procedure,"; DCM no. 247 dated 30.04.2014 "On defining rules, requirements, and procedures for informing and involving the public in environmental decision-making,"; DCM no. 507 dated 10.06.2015 "On the approval of the detailed list of plans or programs with negative environmental impacts, subject to the Strategic Environmental Assessment process,"; DCM no. 127 dated 23.03.2000 "On the content and procedures for submitting requests and notifications for expropriation and temporary use of private property for public interest,"; DCM no. 416 dated 13.05.2015 "On the approval of general and specific conditions, accompanying documents, validity period, application forms for authorization and permits, procedures for review and decision-making, and formats for authorization and permits for the use of water resources."

Environmental Impact Assessment (EIA)⁶³ conducted for the project did not fully consider the interconnected impacts on human, animal, and ecosystem health, thus violating One Health principles. Moreover, the Court of Administrative Appeals noted that the project's potential effects on biodiversity, water quality, and public health had not been adequately studied, particularly in light of Albania's obligations under the EU Water Framework Directive⁶⁴. This directive requires the protection of water resources and ecosystems to safeguard both environmental and public health. By failing to incorporate these considerations into the EIA, the Albanian government neglected its obligations to protect the Vjosa River's ecological and public health functions.

The Court of Administrative Appeals' decision is significant for its explicit recognition of the One Health framework as an essential aspect of legal and environmental governance. The Court of Administrative Appeals highlighted that the degradation of the Vjosa River would have profound effects not only on the environment but also on public health, particularly for the rural populations that depend on the river for their livelihood. The ruling reaffirmed the interconnectedness between ecosystem health and human well-being, underscoring that environmental destruction often has direct and long-term impacts on public health.

In this context, the Court of Administrative Appeals referenced the international legal obligations Albania must uphold, including its commitments under the Bern Convention⁶⁵ and EU environmental directives⁶⁶, which emphasize the protection of biodiversity and ecosystems as fundamental to public health. These references reflect the integration of One Health principles into the legal framework and affirm that sustainable development cannot come at the cost of environmental and public health degradation.

The proposed hydroelectric project posed multiple risks, which the Court of Administrative Appeals emphasized in its ruling. The construction would have likely led to the disruption

⁶³ Draft *Rapport of the Environmental Impact Assessment, 16806f417b (coe.int)*.

⁶⁴ EU *Water Framework Directive, Directive 2000/60/EC* of the European Parliament and of the Council, 23 October 2000, *resource.html (europa.eu)*.

⁶⁵ *Bern Convention on the Conservation of European Wildlife and Natural Habitats*, 1979.

⁶⁶ In its ruling on the Vjosa HEC case, the court referenced Albania's obligations under several EU environmental directives, including the EU Water Framework Directive (2000/60/EC), which mandates the sustainable management of water resources. The court emphasized that the Vjosa River, as a key ecological zone, required protection under this directive to maintain its natural water status.

Additionally, the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC), both critical for protecting biodiversity, were invoked to highlight the project's potential harm to species and habitats of European importance. The court stressed that disrupting these habitats would contradict Albania's commitments to biodiversity conservation.

Moreover, the Environmental Impact Assessment (EIA) Directive (2011/92/EU) was crucial to the court's reasoning. The court found that the Environmental Impact Assessment conducted for the project was inadequate in addressing long-term ecological and public health risks, thus undermining compliance with the directive's requirements for thorough environmental review. This aligned with One Health principles, integrating the protection of ecosystems with public health. By referencing these EU directives, the court concluded that the Vjosa HEC project failed to meet Albania's legal and environmental obligations, emphasizing that sustainable development must not compromise biodiversity or public health.

of fish habitats, the loss of critical biodiversity, and significant impacts on water quality. These environmental changes would have posed serious public health risks, including the potential spread of waterborne diseases and other health issues that arise when natural ecosystems are disrupted. The Court of Administrative Appeals's acknowledgment of these risks aligns with the findings from the *Patos-Marinza v. Bankers Petroleum*⁶⁷ case, in which environmental pollution led to adverse health outcomes in surrounding communities.

Additionally, the Court of Administrative Appeals underscored the project's failure to adequately account for climate change risks⁶⁸. The Vjosa River's natural floodplain plays a crucial role in flood prevention, and the alteration of the river's natural course could have increased the risk of catastrophic flooding in downstream communities. This finding reinforced the need for comprehensive environmental governance that fully considers the interconnected impacts of environmental changes on human health, a core tenet of the One Health approach.

The Decision No. 1240/2024⁶⁹ also reinforced Albania's commitment to several international environmental and public health agreements. By referencing the Nagoya Protocol⁷⁰ and the EU Water Framework Directive⁷¹, the Court of Administrative Appeals underscored Albania's legal obligation to protect biodiversity and preserve the health of ecosystems that are essential to human well-being. Failure to comply with these international agreements, the Court of Administrative Appeals found, could place Albania in jeopardy of violating its commitments to both environmental and public health protections⁷².

The Decision No. 1240/2024 reflects a growing trend toward judicial activism in the protection of environmental and public health rights. The Court of Administrative Appeals's ruling not only halted the construction of the hydroelectric complex but also set a precedent that places public health, biodiversity, and environmental stewardship at the centre of future development projects. This decision aligns with international legal frameworks that emphasize the need for sustainable development that does not compromise human, animal, or environmental health.

The Vjosa HEC case serves as a compelling example of how the integration of One Health principles into environmental law can protect ecosystems and public health. The Court of Administrative Appeals' 2024 ruling⁷³ demonstrated that sustainable development requires a holistic approach, one that considers the intricate connections between human, animal, and environmental health. By halting the hydroelectric project, the Court of Administrative

⁶⁷ See the *Patos-Marinza v. Bankers Petroleum* Case.

⁶⁸ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

⁶⁹ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

⁷⁰ Nagoya Protocol on Access to Genetic Resources. Convention on Biological Diversity, 2010, Article 1.

⁷¹ EU Water Framework Directive, Directive 2000/60/EC of the European Parliament and of the Council, 23 October 2000, [resource.html \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060).

⁷² Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

⁷³ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

Appeals reaffirmed that public health and environmental protection are inseparable, and that economic development must adhere to both constitutional and international legal obligations. Furthermore, the ruling highlights the role of judicial activism in ensuring that Albania complies with its One Health commitments, ultimately securing a more sustainable and resilient future for the country.

7. Final Considerations

Integrating the One Health approach into Albania's legal and institutional framework presents a transformative opportunity to holistically address the complex challenges of human, animal, and environmental health. While Albania's Constitution, particularly Articles 55 and 59 Const., provides a well-established legal foundation for the adoption of One Health principles, one of the most prominent barriers to implementing this approach effectively in Albania is the fragmentation of its legal and institutional structures. Laws governing health, environmental, and animal welfare issues are handled separately, hindering comprehensive responses to interconnected health risks. Furthermore, the public institutions dealing with these issues often operate in isolation, preventing effective coordination across sectors.

The analysis of *Gërdec* cases⁷⁴ reveals the potential of judicial precedents to embed One Health principles within Albania's legal framework. They reflect a critical gap in the judicial system's approach to complex industrial disasters, limiting its ability to deliver a comprehensive response that captures the full extent of the damage, focusing primarily on procedural fairness, criminal responsibility, and compensation. By not incorporating a One Health perspective, these rulings fell short in addressing the multifaceted risks that extend beyond legal and procedural matters.

In addition to the *Gërdec* cases, the *Patos-Marinza v. Bankers Petroleum* case⁷⁵ serves as another example of a missed opportunity to integrate One Health. This case dealt with severe health risks to local communities stemming from environmental contamination caused by oil extraction. While the tribunal recognized the human health impacts of environmental degradation, aligning with One Health principles, the ruling primarily focused on corporate accountability and compliance with environmental standards, without fully considering the long-term ecosystem and public health impacts.

Similarly, the *Vjosa River Hydro-Electric Complex* case⁷⁶ presented another opportunity to apply One Health principles. The Court of Administrative Appeals halted the construction of a hydroelectric complex along the Vjosa River, citing threats to biodiversity, ecosystem

⁷⁴ Decision No. 27/2012, Decision No. 35/2014, and Decision No. 69/2015 issued by the Constitutional Court of Albania

⁷⁵ ICC Case No. 22676/GR, 2023, Final Award.

⁷⁶ Decision No. 1240, dated 27 of June 2024, Court of Administrative Appeals, Tirana.

integrity, and public health. This ruling demonstrates a deeper understanding of the interconnectedness between environmental degradation and human health, inherently reflecting One Health principles in its reasoning, even though the Court of Administrative Appeals never explicitly framed its decision in those terms. However, this case remains an exception in a broader landscape where environmental and public health outcomes are frequently treated as separate legal issues. To effectively implement One Health, Albania needs substantial reforms to foster intersectoral collaboration, streamline legal frameworks, and create mechanisms that recognize the interconnectedness of human, animal, and environmental health.

By addressing these issues through legal rulings, Albania's judiciary has the potential to reshape the country's legal framework to reflect a more integrated health approach. The judiciary plays a crucial role in setting judicial precedents that account for the interdependence of human, animal, and environmental health. Courts can and should lead the effort in advancing One Health principles by ensuring that public health and environmental impacts are part of their legal reasoning in cases involving industrial, environmental, and health-related disputes.

One of the key challenges in addressing these cases is the lack of integrated studies on the impacts of the disaster on ecosystems and public health. Legal frameworks must evolve to include the protection of "*vital natural goods*," and Case Laws like the ones analysed on this paper should stimulate legal systems to go beyond procedural and individual justice, incorporating broader assessments that account for ecological damage and public health risks. The absence of such studies in the rulings examined here reflects a larger issue within the legal and institutional frameworks, where natural resources and ecosystems are not given the same level of protection as other fundamental rights. By overlooking the long-term ecological and health impacts, these rulings failed to deliver comprehensive justice that considers the full spectrum of damages caused by such disasters⁷⁷.

In conclusion, by adopting the One Health approach, Albania can build a more resilient and sustainable future. This approach promises not only to enhance public health outcomes but also to safeguard the long-term sustainability of Albania's ecosystems. Through comprehensive legal reforms, Albania can successfully embed One Health into its legal framework, addressing the intricate connections between human, animal, and environmental health. The integration of these principles into court decisions offers a pathway towards a holistic legal approach that better addresses the nation's health and environmental challenges. Future legal rulings can ensure that justice is served in a way that reflects the complexities of health governance, ensuring that future cases, like the ones analysed on this narrative, contribute to building a more sustainable and health-conscious society in Albania.

⁷⁷ L. FERRAJOLI, *Per una Costituzione della Terra*, 2022, pp. 114-127.