

RESEARCH ARTICLE	Environmental Partnership: Rights, Access, and Constraints
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Doi Serial	https://doi.org/10.56334/sei/8.10.79
Keywords	Access to information, environmental awareness, environmental communication, environmental information, public participation, transparency.

Abstract

A leading and effective environmental partnership can only be realized when the public enjoys the right to information and environmental awareness, enabling them to understand current conditions and anticipate new developments. Such knowledge is essential for taking preventive measures against potential threats. Environmental partnership requires a diversification of rights in multiple domains, including chemicals management and ozone layer protection. However, this right often encounters significant obstacles, particularly when authorities refuse to provide citizens with environmental information under the pretext of professional secrecy, thereby monopolizing decision-making. In addition, lack of awareness and structural barriers often discourage citizens from seeking environmental information.

Citation. Merzaka Z. (2025). Environmental Partnership: Rights, Access, and Constraints. *Science, Education and Innovations in the Context of Modern Problems*, 8(8), 897–906. https://doi.org/10.56352/sei/8.10.79
https://imcra-az.org/archive/384-science-education-and-innovations-in-the-context-of-modern-problems-issue-10-vol-8-2025.html

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Received: 23.03.2025 | Accepted: 26.07.2025 | Published: 08.08.2025 (available online)

Introduction

Environmental partnership is an indicator of progress, transparency, and democratic governance. It reflects conscious communication between public authorities and citizens, ensuring mutual trust and accountability. Both international and national legal frameworks emphasize the principle that environmental partnership is realized through the exercise of the public's right to access environmental information. Such rights allow individuals to safeguard their health, prevent ecological degradation, and actively participate in environmental governance.

The importance of this subject lies in the fact that environmental partnership facilitates quick and equitable access to information and encourages public participation in decision-making processes regarding environmental issues. Consequently, it requires the combined efforts of:

- 1. States by enacting precise and enforceable legislation that guarantees access to environmental data.
- Public authorities by ensuring transparency, enabling citizens to exercise their rights, and disseminating information.
- 3. **Citizens** by raising awareness, exercising the right to information, and participating in environmental decision-making.

Despite these advances, obstacles remain. Professional secrecy is often invoked to justify withholding information, creating a conflict between legal obligations to protect the environment and administrative practices that restrict public access. This raises the fundamental question: Is it possible to realize an effective environmental partnership under the constraints imposed on the right to environmental information?

To address this issue, the discussion proceeds along two dimensions:

• The realization of environmental partnership through the right to information and access.



Case examples highlighting the exercise of public rights to environmental information and the constraints
encountered.

This study employs a **descriptive-analytical approach**, examining the legal provisions of the Stockholm Declaration (1972), the Vienna Convention, the Montreal Protocol, and other international frameworks, complemented by national legal perspectives.

Section 1. Concept of the Right to Environmental Information

The **right to environmental information** refers to the legal entitlement of individuals to obtain relevant environmental data from competent authorities, regardless of the nature or format of the information. Its ultimate aim is to protect the environment, thereby contributing to sustainable development and improving quality of life (6-12).

On the international level, this right has been strongly affirmed. The **Stockholm Declaration of 1972** was the first major international instrument to recognize the principle of access to environmental information, particularly under Principles 19 and 20. These provisions affirm that every individual has the right to access information and measures concerning the environment and those public bodies are obliged to ensure compliance with this principle.

Further recognition was provided by the **World Charter for Nature (1982)**, which emphasized that individuals are integral to environmental conservation and must be given opportunities to participate in decision-making. Principle 23 stipulates:

"Individuals should have the opportunity to participate in decision-making that directly affects them, and all persons should have the opportunity, in accordance with national laws, to participate individually or collectively in decisions that directly affect them, and to have access to remedy when their environment is damaged or degraded." (7, 18)

Such frameworks confirm that environmental information and public participation are not privileges but **fundamental rights**, crucial for transparency, accountability, and sustainable governance.

Section Two. The Concept of Environmental Access Rights

The 1992 Rio Declaration on Environment and Development emphasizes in Principle 10 that:

"The best way to deal with environmental issues is with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available and by providing effective access to judicial and administrative proceedings, including redress and remedy. (20, 21)"

Despite these international commitments, the **Algerian legislator** has not provided an explicit definition of the right to environmental access. Instead, legislation merely recognizes it as legitimate right enabling citizens to request environmental information from relevant authorities. This includes information concerning potential threats as well as measures designed to mitigate such threats.

Accordingly, the right to environmental access may be defined as follows:

"The right to environmental access constitutes a legitimate entitlement of every individual residing within the state to request and obtain environmental information not otherwise communicated by the competent authorities, regardless of the form or medium of such information."

Within this framework, two principal parties shape the dynamics of environmental access:



1. Holders of Environmental Information

Holders of environmental information are entities and authorities responsible for collecting, generating, and preserving data on environmental conditions. This includes operators of industrial and agricultural facilities, public agencies, and ministerial departments mandated with environmental protection. However, disclosure is frequently incomplete. Withholding occurs for multiple reasons:

- Concerns that sensitive information may provoke public controversy.
- Omission of technical or detailed data in favor of general, non-specific reporting.
- Legislative or regulatory provisions that impose limitations on disclosure.

As a result, environmental information is often fragmented or insufficient, undermining the effectiveness of environmental access.

2. Requesters of Environmental Information

Requesters are natural or legal persons—citizens, researchers, non-governmental organizations (NGOs), or civil society groups—who seek environmental information from competent authorities. Their motivation typically arises when information relevant to environmental protection is absent, overly generalized, or inaccessible due to restrictions. The legitimacy of their request lies in ensuring accountability, safeguarding collective health, and supporting sustainable development.

Thus, the relationship between **holders** and **requesters** is central to environmental access, determining whether transparency and public participation are realized in practice.

Section Three. The Concept of Environmental Partnership

The recognition of citizens' rights to participate in environmental decision-making is deeply rooted in international law. The **Aarhus Convention** (1998) explicitly provides in Article 6, paragraph 4, that:

"Each Party shall provide for early public participation, when all options are open and effective public participation can take place, in decision-making on specific activities."

The purpose of this provision is to ensure that citizens and organizations can influence administrative decisions, thereby aligning governance processes with environmental protection requirements (25-30).

Environmental partnership refers to the institutionalized set of procedures, frameworks, and mechanisms enabling individuals, communities, and environmental organizations to contribute to decision-making and policy implementation in environmental governance. It affirms the idea that sustainable development requires not only the state's commitment but also active civic engagement.

Contemporary international trends reinforce this principle by emphasizing that public authorities must ensure transparency and accountability in all matters related to environmental management. The principle thereby recognizes the fundamental right of all individuals to live in a healthy and ecologically balanced environment.

Historical Foundations and International Recognition

- The Stockholm Conference on the Human Environment (1972) emphasized the responsibility of every
 individual to contribute to environmental preservation and highlighted the role of education and awareness in
 this process.
- The World Charter for Nature (1982), adopted by the United Nations General Assembly, reaffirmed that
 effective environmental protection requires transparency, particularly by:
 - o Informing the public in a timely manner of essential elements of environmental planning, thereby enabling meaningful participation in decision-making.
 - Ensuring that individuals and groups may participate directly or indirectly in shaping environmental policies.



Through these international milestones, environmental partnership has evolved from a conceptual aspiration into a recognized legal and procedural framework—one that integrates state responsibilities with civic rights and obligations.

Requirement Two. Realizing Environmental Partnership through the Right to Information and Awareness

The **realization of environmental partnership** represents both transparency and progress in the governance of environmental protection. It enables citizens to access diverse forms of environmental information that directly affect their health and quality of life, while ensuring that they are adequately informed about the risks they face.

The earliest recognition of this right can be traced to the 1979 recommendations of the Environment Committee of the Organisation for Economic Co-operation and Development (OECD), which emphasized that the public must be provided with sufficient information about environmental hazards. Since then, this right has been reinforced by numerous international declarations and conventions—including the Rio Declaration (1992), the Johannesburg Declaration (2002), and the Bali Guiding Principles (2010)—which highlight access to information as an indispensable prerequisite for public participation in environmental decision-making.

To examine the concrete realization of environmental partnership, three dimensions are considered: (i) informing facility workers, (ii) informing the general public, and (iii) informing neighboring countries.

Subsection One. Informing Facility Workers

Facility workers are among the most vulnerable groups in environmental protection. Due to the nature of their work, they are directly exposed to hazardous materials, pollutants, and potential ecological risks. Many of these workers, however, lack sufficient awareness of the dangers associated with their tasks, and in some cases, are not equipped with preventive or protective measures (4-10).

It is therefore imperative for facility managers to:

- Provide timely information regarding occupational and environmental risks.
- Implement **training programs** to ensure that workers are adequately prepared to respond to potential hazards.
- Establish clear communication channels between management and workers to facilitate the rapid dissemination of information in emergency situations.

A notable development in this regard was the **1986** initiative of the International Confederation of Free Trade Unions (ICFTU), which adopted trade union principles for the prevention of chemical disasters. These principles recognized the **right of workers to be informed** about all risks related to their work environment and established frameworks for communication, training, and protective measures.

Subsection Two. Informing the Public

The OECD has further emphasized the necessity of **informing the public** about environmental hazards, culminating in a binding decision structured around **three interdependent pillars**:

1. First Pillar - Right to Hazard Information

Populations exposed to risks from new or existing facilities must be informed about the potential environmental and health impacts. Public access to this information ensures that individuals understand the risks and can take preventive measures.

2. Second Pillar - Information on Consequences

Citizens must be provided with additional and detailed information on the potential consequences of environmental hazards. This includes clarifying the scale and likelihood of damage that may result from environmental incidents.

3. Third Pillar - Notification of Safety Measures

Residents should be informed in advance of the **safety protocols and protective measures** to be followed in the event of environmental emergencies. This enhances preparedness, reduces panic, and minimizes damage.



Together, these pillars establish a **system of transparency and accountability**, ensuring that the public is adequately prepared to face environmental risks.

Subsection Three. Informing Neighboring Countries

Environmental hazards are inherently **transboundary** in nature; pollution, radiation, and chemical disasters do not respect political borders or state sovereignty. Consequently, a single incident in one country may pose severe environmental and health risks to neighboring states.

To address these challenges, the **OECD Council** has encouraged governments to adopt a cooperative framework for **information-sharing across borders**, consisting of three progressive phases:

1. Information and Consultation Phase

States must exchange relevant data and engage in consultations regarding potential transboundary environmental risks linked to industrial facilities, infrastructure projects, or hazardous activities.

2. Warning and Emergency Phase

In the event of a potential or actual disaster, the state of origin bears the **primary responsibility** for issuing early warnings and alerts to neighboring countries. This enables them to prepare protective measures, reduce risks, and limit damage.

3. Public Notification Phase

Governments must ensure that citizens in neighboring countries are informed promptly about environmental risks that may affect them. This public notification is essential for cross-border preparedness and collaborative risk mitigation.

Section Two. Examples of the Public's Right of Access to Environmental Information and Limitations to That Right

The realization of **environmental partnership** requires the collective efforts of all stakeholders within their respective spheres of competence. Governments must enact laws and policies that facilitate access to environmental information across all sectors. Public administrations should not only welcome citizens' requests but also provide them with timely, sufficient, and accurate information on environmental matters. Simultaneously, citizens must exercise vigilance, maintain awareness, and actively monitor environmental developments, particularly those that threaten public health and ecosystems such as ozone depletion, chemical exposure, and hazardous waste management.

Unfortunately, the exercise of these rights often faces restrictions, either under the pretext of professional secrecy or through unilateral decision-making that excludes public participation. This section provides illustrative examples of how public access to environmental information has been recognized in international frameworks, followed by a discussion of limitations on such rights.

Subsection One. Examples of the Public's Right to Access Environmental Information

The United Nations General Assembly expanded recognition of this right in Resolution No. 54/944 of 22 December 1999, which acknowledged the importance of environmental and health information while encouraging governments to raise public awareness. The resolution stressed that consumers have the right to safe products, sustainable development, and environmental protection, and it underscored the responsibility of individuals, producers, governments, businesses, labor unions, and consumer organizations in advancing sustainable consumption.

In this framework, **consumers are not passive recipients** but active participants who can promote sustainability by making informed choices that influence producers toward environmentally sound practices. Achieving such a transformation, however, requires systematic efforts to enhance **environmental awareness**.

The Guiding Principles on Sustainable Consumption outlined in paragraphs 35-41 of the resolution highlight the importance of awareness and information programs, including:

- Government-led awareness campaigns to inform citizens about the environmental consequences of consumption choices.
- Consumer protection measures, particularly regarding:
 - o (a) Health, nutrition, and prevention of foodborne diseases and fraud.



- o (b) Risks associated with unsafe products.
- o (c) Transparent product labeling.
- o (d) Environmental protection and conservation.
- o (e) Efficient use of resources such as materials, energy, and water.

Furthermore, paragraph 44 emphasizes that governments, in collaboration with businesses and civil society organizations, should:

- Develop **strategies and media programs** that promote sustainable consumption.
- Eliminate subsidies that encourage unsustainable practices.
- Promote **best practices** in environmental management.
- Encourage waste recycling and consumer preference for recycled products.
- Establish national and international environmental standards to safeguard public health and the environment.

Additionally, product assessments should minimize the use of harmful chemicals, prioritize **eco-friendly alternatives**, and advance health awareness programs that link sustainable production and consumption with environmental and human well-being.

Subsection Two. The Right to Information on Chemicals and Hazardous Pesticides

The rapid industrialization of the modern era has significantly increased the use of chemicals and pesticides, resulting in grave consequences for both ecosystems and human health. These risks are especially pronounced in **developing countries**, where regulatory infrastructures for monitoring the importation, trade, and use of hazardous substances remain underdeveloped.

To mitigate these threats, several international initiatives have been launched:

- 1. The FAO Code of Conduct on the Distribution and Use of Pesticides (1985) adopted at the FAO's 23rd General Conference, it was later revised to incorporate stronger safeguards and accountability measures.
- The Revised International Code of Conduct (2001) adopted during the FAO's 103rd session, it reinforced
 the principle that governments, private entities, and civil society actors are collectively responsible for
 disseminating information about pesticide risks.

Both the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) have also developed voluntary information-exchange programs on chemicals and hazardous substances. These frameworks emphasize transparency, public awareness, and the principle that access to information is critical to protecting public health and ensuring sustainable agricultural practices.

The goal of these initiatives is twofold:

- To **reduce risks** arising from the use and misuse of hazardous chemicals.
- To empower citizens with knowledge that enables them to hold both governments and private actors
 accountable.

By promoting **transparency and environmental awareness**, these international instruments strengthen environmental partnership and contribute to the global effort to safeguard ecosystems and human health from chemical hazards.

Section Two. Restrictions on Environmental Partnership Representation

Although the right to access environmental information held by public authorities is well established in both international and national legislation, its practical implementation remains hindered by numerous restrictions. These restrictions are often justified by invoking different forms of secrecy—administrative, security, or commercial—which allow authorities or operators to withhold information. Such practices widen the gap between the public's legal entitlement to information and the actual exercise of that right.

This section addresses the principal limitations imposed on access to environmental information, focusing on:



- 1. Administrative secrecy
- 2. Security secrecy
- 3. Commercial secrecy

Subsection One. Administrative Secrecy

The right to environmental information generally encompasses the authority to access documents and data held by administrative institutions, including those related to:

- Planned public or private projects.
- Environmental impact assessments.
- Classified facilities.
- Waste management operations.
- Administrative notifications and inspection reports.
- Safety and regulatory decisions.

Despite these entitlements, the principle of **administrative secrecy** frequently overrides public access. Rooted in administrative law, this principle permits authorities to deny disclosure when requested information conflicts with documents deemed confidential by law.

Scholars such as **Professor Oskin** have noted that the concept of administrative secrecy remains **ambiguous**, lacking a precise legal foundation. The absence of a uniform definition creates significant variability in interpretation—differing not only across ministries and departments but even between individual officials (9;11).

In practice, **French administrative courts** have tended to classify preparatory work and non-final administrative matters as inaccessible to the public. This restrictive approach illustrates how administrative secrecy can be applied in ways that curtail transparency, even when public safety is implicated.

A particular concern arises in relation to **classified facilities under the Ministry of National Defense**, which are subject to exceptional rules of authorization, inspection, and supervision. Requests for environmental information in such cases are directed exclusively to the Minister of Defense, who determines the extent of disclosure in line with national security requirements.

Similarly, information relating to radioactive contamination falls under nuclear secrecy, overseen by the High Commission for Research, which retains exclusive authority over disclosure. Such restrictions significantly limit citizens' ability to evaluate risks associated with nuclear activities.

Subsection Two. Security Secrecy

Within the Algerian legal framework on environmental protection and sustainable development, a special regime exists for **military installations** and other defense-related facilities. These facilities are automatically covered by **security secrecy provisions**, which strictly prohibit unauthorized access to environmental data concerning their operation or impact.

Consequently, even if defense installations generate environmental risks or negative impacts on surrounding ecosystems, third parties—including citizens, researchers, and NGOs—are effectively barred from obtaining relevant information. This creates a **legal vacuum** in which environmental concerns linked to defense activities remain shielded from public scrutiny.

To mitigate such risks, regulations mandate **specific oversight mechanisms**, including licensing, monitoring, and regular supervision. However, the effectiveness of these measures is often questioned, given the lack of public participation or independent access to information.



Subsection Three. Economic and Commercial Secrecy

Respect for **trade and industrial secrets** has long been a principle of commercial law, ensuring fair competition within liberal economic frameworks. Companies are prohibited from accessing the proprietary knowledge of their competitors, as such information—if disclosed—could lead to **unfair competition** and undermine the integrity of market relations. Moreover, employee mobility between institutions increases the risk of sensitive information being leaked, further reinforcing the need for protective measures.

Commercial secrecy is therefore not limited to safeguarding **innovative ideas** but extends to ensuring that such ideas remain the exclusive property of their creators. In practice, this often creates tension between the right to environmental information and the duty to maintain corporate confidentiality.

A notable example concerns the **C.A.D.A.** plant case (France, 1981), where a group of individuals appealed to the Administrative Documents Review Committee after being denied access to an environmental report. The administration justified its refusal on the grounds that the report contained legally protected secrets. On 4 March 1981, the Committee upheld the refusal, citing that disclosure of the information would conflict with economic secrecy, state security, and public safety.

At the national level, the **Algerian decree regulating classified facilities** does not clearly define the boundaries of industrial secrecy. Instead, it relies on a **subjective criterion** whereby the owner of a facility can determine which information constitutes trade secrets. This allows project operators considerable discretion to withhold environmental information, including:

- Manufacturing methods
- Target materials
- Production processes

In practice, this discretion often extends to removing key elements from environmental licensing documents. For instance, municipal governors or local authorities may, upon the project owner's request, redact sensitive sections such as:

- Graphic maps of facilities.
- Environmental impact assessment (EIA) studies.
- Risk analysis and error-detection reports.
- Safety measures designed to mitigate environmental hazards.

While intended to protect industrial secrecy, such practices often restrict public access to essential environmental data, thereby weakening transparency and undermining the **principle of environmental partnership**.

Conclusion

The **Declaration of Principles** affirming the right to environmental information has remained, to a large extent, a **theoretical slogan**, lacking effective mechanisms for practical implementation. Its limited impact is largely attributable to the absence of strong advocates within the environmental protection field and the persistence of unilateral, closed administrative practices.

The exercise of the right to environmental information rests upon three interdependent pillars:

- 1. Advocates of the right citizens, NGOs, and civil society organizations that demand transparency and accountability.
- 2. **The legal framework** national and international instruments that enshrine and protect this right.
- Administrative practice the operational methods by which public authorities respond to requests for information.

In practice, ambiguities in legislation, coupled with restrictive interpretations by administrations, significantly constrain the effectiveness of this right. Many authorities lack adequate **communication resources**, specialized environmental



departments, and outreach mechanisms to inform citizens about ecological risks. This, in turn, discourages citizens from seeking information and weakens their participation in environmental decision-making processes.

To overcome these challenges, **positive government intervention** is essential. States must establish clear, enforceable frameworks that balance the need for confidentiality with the public's right to know. Furthermore, **capacity-building measures** should be adopted, including:

- Dedicated communication channels between authorities and citizens.
- Awareness campaigns and environmental education programs.
- Mechanisms for independent oversight of administrative decisions.

Only by adopting such measures can governments foster an environment where citizens freely exercise their right to information, actively participate in environmental governance, and contribute to the protection of both public health and the natural environment.

Acknowledgment

The author would like to express gratitude to colleagues at the University of Bin Youssef Bin Khadda, Algeria, for their support and valuable insights during the preparation of this study. Special thanks are also extended to the institutions and international organizations whose reports, conventions, and declarations provided critical frameworks for the analysis of environmental partnership, rights, and access.

Conflict of Interest

The author declares no conflict of interest related to the publication of this article.

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