

## The right to access to environmental information: Legal Consecration & Mechanism to Embed the Environmental Dimension for Sustainable Development

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### Abstract:

This study aims to try to discover the role of the legal consecration of the right to access to environmental information in embodying the environmental dimension of sustainable development, by shining a light on the real role of international conventions related to protecting the human right to an ecologically sound environment and the internal legislation of states in explicitly consecration this right and embodying it at the level of relevant legal texts. Then, we reveal the Algerian experience and other comparative countries' experiences in enshrining and enforcing this right as a guarantee for protecting the right to the environment within the framework of sustainable development. Considering that this right represents the actual legal mechanism that guarantees the citizen's right to seek information related to public environmental affairs and to see the decisions issued by public authorities clearly without ambiguity.

**Key words:** Legal Consecration, Right to access, Environmental information, Environmental dimension, Sustainable development

### المخلص:

تهدف هذه الدراسة إلى محاولة إبراز دور التكريس القانوني للحق في النفاذ إلى المعلومة البيئية في تجسيد البعد البيئي للتنمية المستدامة، من خلال تسليط الضوء على الدور الحقيقي للمواثيق الدولية المتعلقة بحماية حق الإنسان في بيئة سليمة إيكولوجيا والتشريعات الداخلية للدول في التكريس الصريح لهذا الحق وتجسيده على مستوى النصوص القانونية ذات الصلة، ومن ثمة الكشف عن التجربة الجزائرية وغيرها من تجارب الدول المقارنة في تكريس هذا الحق وإنفاذه كضمان لحماية الحق في البيئة في إطار التنمية المستدامة، باعتبار أن الحق في النفاذ إلى المعلومة البيئية يُمثل الآلية القانونية الفعلية التي تضمن حق المواطن في التماس المعلومات المتعلقة بالشأن البيئي العام ورؤية القرارات الصادرة عن السلطات العمومية بصفة واضحة دون غموض.

**الكلمات المفتاحية:** التكريس القانوني، الحق في النفاذ، المعلومة البيئية، البعد البيئي، التنمية المستدامة

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## **1-INTRODUCTION:**

Interest in the right to an ecologically sound environment as a human right has witnessed great development and priority within various international, regional, and national legal efforts, it emerged through the trend of most countries in the world towards holding conferences and concluding agreements aimed at protecting the environment within the framework of sustainable development and developing legislation and legal mechanisms for that, which in its entirety emphasized that the effectiveness of the right to the environment as a personal or collective right requires affirming other procedural rights and powers recognized for every person, the most important of which is the right to access to environmental information related to exercising and enforcing the right to the environment.

These legal efforts clearly reflected the nature and essence of the status enjoyed by environmental procedural rights associated with the exercise and enforcement of this right as a real guarantee for ensuring and implementing the human right to an ecologically sound environment.

The right to access to environmental information is aimed at giving every person the ability to intervene before it is too late, by giving him information about projects that may harm its environmental surroundings or transgressions and violations that may harm the environment and its natural resources, in addition to establishing guarantees and stabbing methods at his disposal, if his right to access environmental information held by public authorities is ignored, with a view to defending his environment against all actions that lead to harm to natural systems and elements. This effectively guarantees his basic right to enjoy and protect an ecologically sound environment, within the framework of achieving the sustainable development goals and embodying their interconnected dimensions, especially the environmental dimension.

Clearly, the issue of legal consecration of the right to access to environmental information is one of the most important pillars of sustainable development, and it is a fundamental measure that seeks to guarantee the right to an ecologically sound environment. In addition, this right represents the actual legal mechanism that guarantees the citizen's right to seek information related to public environmental affairs and to see the decisions issued by public authorities clearly without ambiguity, in a way that enables him to obtain, transmit and enforce them. This can only be made possible through a profound understanding of the status given to

the right of access to environmental information at the level of international conventions and within the framework of the internal legislation of countries related to environmental protection as a basic mechanism that seeks to embody the environmental dimension of sustainable development.

## **2- The right to access to environmental information and environmental aspect of sustainable development: The concept of and its content**

The increasing level of interest about the right to access to environmental statistics is an inevitable result of diverse legislative, administrative, economic, and technological traits witnessed by using the contemporary worldwide gadget, specially administrative and economic transparency, administrative democracy, and others. This targets to facilitate citizens' access to facts and information related to societal guidelines and public measures, making this right an essential aspect to enhancing ability of environmental consciousness and protection. It contributes to managing the surroundings by means of the public<sup>1</sup>. Additionally, discussing the right to get right of entry to environmental facts is inseparable from the concept of sustainable development.

Generally, we cannot talk about the right to environmental access without ensuring protection for residents' right to get entry to records related to the environment, its ecosystems, ownership, trade, and transfer, exactly embodies sustainable improvement for the surroundings and its available assets, and protects them from environmental depletion.

### **2.1- The right to access to environmental information: The concept of and its content**

Generally, the term of environmental information referring to information related to the current and anticipated environmental reality, and the nature and scale of environmental issues, as well as existing and planned activities and projects and their environmental impacts.

Another way, the right to get admission to sufficient informations in the environmental area, it represents a critical condition for the success

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<sup>1</sup> - Jean- Pierre Machelon, Du droit de l'environnement au droit à l'environnement, A la recherche d'un juste milieu, Editions L'Harmattan, Paris, 2010, p.108.

workout and enforcement of the proper to the environment. It broadens the opportunities for residents' involvement in environmental problems, presenting individuals and groups with better gear and methods, granting absolutely everyone the authority to have full access to data held by public entities and authorities associated with the management and management of the environment.<sup>2</sup> Additionally, it is necessary to determine the nature and kind of risks that threat environment, so that they can effectively address these risks.

For this reason, the right of environmental access is one of human fundamental rights, which are the foundation for the rest of the rights and freedoms.<sup>3</sup> This right devoted to each individual, granting them the public authority to get access to information and data regarding the state of the environment and surroundings its naturel elements. In addition, various numbers of threats and risks it could face. These factors can negatively affect the citizen's right to live in a sent environment. Also, it permits for the exam of the diverse measures and actions taken by means of those governments to guard and manipulate the environment inside the framework of sustainable development.

The content of get an access to environmental information is the right of every person to obtain informations related to the state of the environmental environment possessed by public authorities. This is accomplished by mechanisms that allow every person the possibility to access and examine this information for the reason of benefiting from it. This right is also considered a procedural right to exercise the right in an ecologically sound environment.<sup>4</sup>

Human rights bodies have affirmed that protection human rights from violations as a result of environmental threats requires States to offer get right to access to information associated with the environment. It also involves requiring an assessment of the environmental impacts that

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<sup>2</sup>- Tim Hayward, *Constitutional environmental rights*, oxford, university press, Inc., New York, 2005, p.178.

<sup>3</sup>- Michel Prieur, *droit de l'environnement*, Edition Dalloz, 4 éme Ed, Paris, 2001, p.99.

<sup>4</sup>- Okechukwu Ibeanu, *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including The Right to Development: Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights*, Human Rights Council, Seventh session, Agenda item 3, (A/HRC/7/21), 18 February 2008, p.11.

may prevent the enjoyment of human rights. More than, it is important for individuals to have information approximately the full scope of environmental effects that could rise up from initiatives supported by using environmental investment mechanisms proposed of their living surroundings. This is critical for his or her effective participation in making choices that can expose them to further influences arising from various environmental threats and disasters, which includes climate change.<sup>5</sup>

Therefore, the state and public authorities have the task of revealing information related to the state of the environment and its natural resources, making it available to citizens, and facilitating their knowledge of everything it's related. It includes the following axe:

- Information related to the existing and expected environmental reality, the nature and size of environmental problems, existing activities and projects and those intended to be established, and their environmental impacts.
- Collecting writing, audio and visual environmental information, sieved in electronic tools, material or any other methods<sup>6</sup>, that contributes to protection of the environment and prevents aggression against it.
- The measures and procedures taken to guarantying environment and its natural resources, similarly to the periodic reviews prepared, with the assistance of public authorities regarding the nation of the environment and its natural elements.

## **2.2- Environmental aspect of sustainable development: The concept of and its content**

Sustainable development considered as one of the most important contemporary topics related to international environmental law. It was first defined by Brundtland Report "Common Future" contributed with the International Commission on Environment and Development of the United Nations in 1987 as: "development that takes into account the current needs of society without compromising the ability to future generations to meet their needs."<sup>7</sup>

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<sup>5</sup>- Ibid, pp.11-12.

<sup>6</sup>- Malingrey Philippe, Introduction au droit de l'environnement, 4e édition, Lavoisier, TEC & DOC, 2008, pp.40-41.

<sup>7</sup>- Kamaljit S. Bawa, Reinmar Seidler, Dimension of Sustainable Development, Volume I, Oxford, United Kingdom, Publishers UNESCO, 2009, pp.25-26.

More than, the Stockholm Conference on the Human Environment of 1972 considered as the first international conference on the environment, through which the relationship between the environment and economic development was determined. The fifth principle of the Stockholm Declaration affirmed the necessity of using non-renewable resources of the Earth in a manner that safeguards against the risk of depletion in the future and in a way that enables all humans to benefit from them.<sup>8</sup>

However the sustainable development concept in the general mining considered as recently emergence models at international level.<sup>9</sup> Farther than, it is a subject of discussion at the international level, which includes a various range of issues: principles, goals, and requires the availability of a set of modern approaches and approaches that link several overlapping dimensions of sustainable development that cannot be separated. Such as the social dimension, the economic dimension, and the environmental dimension, that this paper analyzed.

Another way, environmental aspect of sustainable development is primarily concerned, with preserving an ecologically sent environment for current and future generations. Without discrimination, and aims mainly at the efficient and rational use of energy and natural resources, and protecting them from destruction or depletion. Especially non-renewable ones, as well as protecting ecosystems from pollution and environmental degradation, which it includes biodiversity, climate, agricultural lands and forests, seas and oceans, and other elements that fall within the environmental dimension of sustainable development. Generally, the environmental aspects of sustainable development can recapitulation in the following points:

**2.2.1-** Management the natural resources for the benefit of current generation and conserved it for the future one.<sup>10</sup> Therefore, people need collect information on a way to control the ones assets with suitable strategies and guard them, from wastefulness or depletion which can

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<sup>8</sup>- United Nations Environment Programme, Environmental Law Guidelines and Principles: Stockholm Declaration, United Nations Conference on the Human Environment, Stockholm, 16 June 1972, p.03.

<sup>9</sup>- Kamaljit S. Bawa, Reinmar Seidler, op.cit, p.25.

<sup>10</sup>-Heather M. Farley, Zachary A. Smith, Sustainability : If It's Everything, Is It Nothing? Critical Issues in Global Politics, Rutledge, New York, USA, 2013, p.46.

cause their undermining or eradication. This can handiest be performed by way of empowering people to get access to environmental statistics held by applicable public government. Allowing them to investigate the reputé of naturel sources and how they are presently being controlled and using rationally for the existing and future alongside retaining them.

**2.2.2-** Preserving the quality of surface and groundwater resources<sup>11</sup>, and protecting them from water pollution, waste in all its forms, and wasteful usage. This underscores the need for rational utilization of these threatened living environmental systems at sustainable levels. This can be achieved by increasing public awareness opportunities for individuals, providing relevant information on their conservation, and managing them wisely or utilizing them in appropriate quantities and methods.

**2.2.3-** Protecting forests, flora, fisheries, coral reefs and other natural resources from depletion and unsustainability<sup>12</sup>. This is considered a challenge that individuals face, requiring significant efforts to raise awareness about this issue. It involves urging them to demand accurate environmental information related to these resources from the relevant public authorities and to actively exchange and disseminate such information.

**2.2.4-** Conserve biodiversity throw optimize using of agricultural lands and preserving them. It also entails protecting animal species and plant cover from gradual destruction.<sup>13</sup> That posed a serious challenge to raising awareness among individuals about this issue, urging them to demand accurate environmental information related to these resources from the relevant public authorities and actively engaging in the exchange and dissemination of such information.

**2.2.5-** Protecting the climate from global warming and mitigating or minimizing it involves reducing emission levels, and stabilizing concentrations of greenhouse gases in the atmosphere or enhancing the

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<sup>11</sup>- Matthias Finger, Jeremy Allouche and Patricia Luis-Manso, *Water and Liberalization: European Water Research Series*, IWA Publishing, London, 2007, p.38.

<sup>12</sup>- Sharad K. Jain and V.P. Singh, *Water Resources Systems Planning and Management*, Elsevier, New York, 2003, p.398.

<sup>13</sup>- Abdul Malik, Elisabeth Grohmann, *Environmental Protection Strategies for Sustainable Development, Strategies for Sustainability*, Springer Science & Business Media, London, New York, 2011, pp.194-196.

sequestration of greenhouse gases. It also includes strengthening the capacity of individuals, communities, and ecosystems to confront the risks and effects of climate change and adapt to them in the future.<sup>14</sup> Father than it help to strengthening individuals' participation in addressing climate risks. Through public awareness, that achieves sustainable development. For another point, it contributes to harnessing knowledge and innovations, and education to build a culture of safety and disaster resilience at all levels. Providing climate information is essential to reduce their future exposure to hazards, transitioning from awareness to climate action.

The proper to get admission to environmental records constitutes an effective guarantee for taking part in the right to enjoying to a safe ecological environment. Undoubtedly, it represents a powerful tool in attaining the environmental measurement of sustainable development, and solidifying its various principles and aspects inside the scope of the inner systems of nations. That are searching for to protect its natural assets for the gain of contemporary generations whilst maintaining their sustainability or transferring them with minimum damage for the advantage of future generations. In the absence of environmental information, the environment cannot be protect from pollutants, the natural resources cannot be preserved from environmental depletion, and environmental issues cannot be addressed. This contradicts the ideas of sustainable development and contributes to undermining its environmental size.

### **3- The role of legal consecration of the right to access to environmental information in embodying the environmental dimension of sustainable development:**

The right to access to environmental information is a procedural validity recognized for every person or as a first procedural component of the right to environment, especially in various national, regional and international sources and laws which cannot accept discussion in terms of its normative extension.<sup>15</sup> Therefore, the legal texts that acknowledged the

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<sup>14</sup>- Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between Climate Change and Human Rights, Human Rights Council in Tenth session, Agenda item2, (A/HRC/10/61), United Nations, General Assembly, 15 January 2009, p.06.

<sup>15</sup> -Vincent Rebeyrol, op.cit, p.65.



right to access the environmental information are multiple and clear, both internationally and internally.

### **3.1- At the International level:**

The international standards framing the human right to an ecologically sound environment revealed the strong link between the right to an ecologically sound environment and the right of access to environmental information as a basic procedural rights recognized for every human being <sup>16</sup>, starting from the Stockholm Conference of 1972 on the Human Environment, when it affirmed in Principles 19 and 20 the importance of the free flow of information related to environmental field in solving environmental problems at the international and national levels, by developing environmental education, enlightening public opinion, and contributing to finding solutions to various environmental and other issues<sup>17</sup>. And through the World Charter for Nature of 1982<sup>18</sup>, which referred in Principle 23 to the requirements for enforcement environmental democracy, including recognition of the right to freely access to environmental information.

In addition, the right to access to environmental information has received important acknowledgment in many international conventions and declarations related to environmental protection. In this context, we can talk about the Rio Declaration on Environment and Development of 1992, which stipulates in its tenth principle that: "The best way to address environmental issues is to ensure everyone's contribution". Also, the declaration confirmed the necessity of empowering citizens at the national level of access to environmental information, especially that related to dangerous materials and activities in their communities<sup>19</sup>. Moreover, the Declaration noted: "Everyone should have access to information, including information regarding activities undertaken within his local community, and States should encourage and awareness the

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<sup>16</sup> -Michel Prieur, *Droit de l'environnement*, op.cit, p.99.

<sup>17</sup> - Art 19 of the Final Declaration of the United Nations Conference on the Environment, meeting in Stockholm from June 5 to 16, 1972.

<sup>18</sup> - The world charter for nature adopted by the General Assembly of the United Nations in its resolution 37/7, on October 28, 1982.

<sup>19</sup> - Michel Prieur, *Droit de l'environnement*, op.cit, pp.99-100.

public and facilitate its participation by making information widely available".<sup>20</sup>

Likewise, the right of access to environmental information is consecrated in the jurisprudence of the European Court of Human Rights<sup>21</sup>, where the court put a mission of informing the public on the shoulders of public authorities. As for the Aarhus Convention of 1998 on procedural environmental rights, it has been consecrated in its fourth and fifth articles, the public's right to environmental information, and it required public authorities alone to possess the necessary information about the state of the environment to exercise their functions, it also obligated it to put at the disposal of the public the information required of it about the environment<sup>22</sup>.

While Chapter 22 of Agenda 21 referred to valuing and strengthening the role of the main totals, and it should be made available to individuals, groups and organizations an introduction to information related to the environment and development and information concerning environmental protection affairs.<sup>23</sup> For example, in the context of climate change, article 6, paragraph (a) of the United Nations Framework Convention on Climate Change obliges its parties to encourage and facilitate public education and awareness programmes.<sup>24</sup> Also to providing the public with access to information related to climate change and its impacts. And article 12 of the Paris Agreement of 2015 calls on its parties to cooperate in taking the necessary measures to strengthen those measures.<sup>25</sup>

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<sup>20</sup>- Ibid, pp.99-100.

<sup>21</sup> - Vincent Rebeyrol, op.cit, p.64.

<sup>22</sup>- Malingrey Philippe, op.cit, p.40.

<sup>23</sup>- Fatma Zohra Ksentini, Human Rights, Environment and Development, In : UNEP's New Way Forward: Environmental Law and Sustainable Development, UNEP/ Earth print, 1995, pp.96-100.

<sup>24</sup>- Article 6 (paragraph a) of the United Nations Framework Convention on Climate Change of 1992, p.10.

<sup>25</sup>- Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Report "Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment", Human Rights Council at its thirty-first session,

It should be noted that the process of accessing information and enable access to it, is considered a prerequisite to ensure that individuals and groups can participate in consultation processes. In this regard, article 19 (paragraph 2) of the International Covenant on Civil and Political Rights guarantees the right "to seek, receive and impart information" as part of the right to freedom of expression<sup>26</sup>, before consultations can be held with relevant persons on any proposed environmental projects, States must ensure that human rights and environmental impact assessments are conducted.<sup>27</sup> As confirmed by the International Court of Justice on it conducting an environmental impact assessment must be considered a requirement under the general rules of international law, whenever there is a risk that the activity could have a negative impact in a cross-border context, especially on a common resource.<sup>28</sup>

### **3.2- At the internal level of Countries:**

The acknowledgment of the right of individuals to access environmental information is embodied in many countries of the world through legislation and internal laws related to environmental protection, as the Georgia Environmental Protection Act of 1996 and the law on protection of the natural environment of Ukraine.<sup>29</sup> While other countries tended to approve and regulate its provisions under their own legislation, such as the Access to Environmental Information Act of the Czech Republic, and the law relating to the right of public access to information in the environmental field of the Principality of Luxembourg, which generally recognized the need for them to enjoy adequate environmental information that guarantees them the right to access information related to the state of the environment and the various measures and procedures taken to protect it.

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agenda item 3, (A/HRC/31/52), General Assembly, United Nations, New York, 1 February 2016, p. 17.

<sup>26</sup>- United Nations, General Assembly, Report of the Special Rapporteur on the rights of indigenous peoples: Note by the Secretariat, Human Rights Council, Thirty-ninth session, (A/HRC/39/17), 10 August 2018, p.06.

<sup>27</sup>- Report of the Special Rapporteur (A/HRC/39/17), op.cit, p.06.

<sup>28</sup>- International Court of Justice, Reports of Judgments, Advisory Opinions and Orders, Case Concerning Pulp Mills on The River Uruguay (Argentina v. Uruguay) Judgment of 20 April 2010, p.14.

<sup>29</sup>- Norman Lee, Colin H. Kirkpatrick, Sustainable Development and Integrated Appraisal in a Developing World, Edward Elgar, New York, 2000, p.114.

The degree of this acknowledgment rises to the level of the constitutional rules of some countries, such as France, through what was included in the French Environment Charter of 2004<sup>30</sup>, in Article 7 of it, which stipulates that: "Every person has the right, under the conditions specified by law, to access information related to the environment, which is in the possession of public authorities". Accordingly, every citizen has the right to be informed of everything related to the environment, its condition, and all dangerous activities<sup>31</sup>, and countries must also encourage and facilitate the process of raising public awareness by placing environmental information at their disposal<sup>32</sup>.

The constitutional consecration of the right to access environmental information is a qualitative leap in the track of protecting the human right to an ecologically sound environment. The most prominent example of this is what the Algerian constitutional legislator turned to through the constitutional amendment of 2016 through the text of Article 51 thereof and according to the 2020 constitutional amendment, when he explicitly affirmed, under Article 64 thereof, the citizen's right to a healthy and clean environment within the framework of sustainable development.

Then, in Article 55 thereof, the citizen's right to obtain and trading information and administrative documents<sup>33</sup>, which refers that the constitutional legislator has taken a new track regarding the right to obtain information in general without being restricted to a specific field. This means that the citizen has the right to request any information or data that may affect his environmental surroundings, as a real guarantee for any violation of his right to enjoy a clean and healthy environment within the framework of sustainable development.

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<sup>30</sup>- It should be noted that the French Environment Charter of 2004 was adopted as a constitutional document in accordance with the constitutional amendment issued on: 01/03/2005. See: Constitutional law No.: 2005-05 of 03/01/2005 relating to the environmental charter, No.: 51 of 03/02/2005, p.3697.

<sup>31</sup> - Poli -Broc Aurélia, Guide pratique du droit de l'environnement, berger-levrault, Paris, 2004, p.18.

<sup>32</sup>- Jean -Pierre Machelon, op.cit, p.108.

<sup>33</sup>- Law No. 16-01 of March 6, 2016, c. No. 14, issued on March 7, 2016, containing the constitutional amendment.

Besides this to this constitutional acknowledgment of the right to access environmental information, the most countries go to consecrate this conception essentially within its internal legislation and laws related to environmental protection, Such as the Algerian Environmental Protection Law No. 03-10 relating to the environmental protection within the framework of sustainable development<sup>34</sup>, which confirmed in the last paragraph of Article Three, to adopt the principle of media and participation within the framework of environmental protection policy, as well as Law No. 96/12 relating to the management of the environment to the State of Cameroon, in the fifth paragraph of Article 09 thereof<sup>35</sup>.

Based on the above analyzed, It turns out that a bailment the right of access to environmental information through international or internal protection would lead to greater guarantee and maintenance of the right to the environment, without ignoring the activity and efforts of environmental defense associations in following up on the activities of public authorities related to the environmental field, and stand for the extent of its seriousness in achieving the protection intended by the legislator by consecrating this right as a basis for implementing the human right to an sound environment<sup>36</sup>.

#### **4-Conclusion:**

The right to access to environmental information constitutes a third generation human right and a basic procedure in environmental policy-making. Also this right plays a pivotal role in promoting and protecting the human right to a sound environment and providing ecological awareness. It is a basic and indispensable condition for carrying out any activity related to protecting the environmental field and a vital element to participate in making sound environmental decisions, on the one hand, in line with the goals of achieving sustainable development, and on the other hand, consolidating the principles of democracy and supporting the principles of transparency and integrity

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<sup>34</sup>- Law No. 03-10, dated July 19, 2003, relating to environmental protection within the framework of sustainable development, c. No. 43, issued on July 20, 2003, amended and supplemented.

<sup>35</sup>- Law No. 96/12, dated 05/08/1996, relating to the management of the environment in the State of Cameroon.

that seek to combat all forms of corruption and empowering good governance.

It should be noted that consecration the principle of environmental media at the level of national constitutions or internal laws of states, is the legal mechanism that leads to Involving the individual in formulating decisions related to environmental affairs, by allowing citizens to clearly see the decisions issued by public authorities related to the environmental surroundings and expressing its opinion, whether individually or collectively in relevant environmental policies, procedures and measures.

Among the most important results of this study are the following:

**4.1-** The right of access to environmental information is a decided right in order to empowerment every individual of the effectively enjoy his right to an ecologically sound environment, through access by every person holder of right to information and data related to the state of the environment which makes him capable to confront public authorities in any matter related to members of society and their environmental interests.

**4.2-** The right to access information in the environmental field as a procedural right received great international attention and then with a detailed legal confession, whether at the level of international conventions and efforts or under national laws and internal legislation of countries related to environmental protection.

**4.3-** The constitutional consecration of the right to access to environmental information is characterized by kind of complexity in light of its implicit consecration beside to the right to environmental media.

**4.4-** Consecration or acknowledging the right to access the environmental information at the level of national laws and internal legislation of countries is not considered sufficient to enforce this right at the level of practical reality, especially in light of the many transgressions which recently touched the right to an ecologically sound environment. Where this requires determine a set of conditions, methods and procedures, as well as the necessary mechanisms that empowers every person holder of right to exercise his right of access to environmental information and effective enjoyment by it.

**4.5-** The right to access to information related to the environment on the one hand, it represents a necessary and inevitable tool for putting the right to the environment into practice and implementation, and an effective mechanism to consolidate and achieve the environmental

dimension of sustainable development on the other hand, because the legal consecration of this right confers its holder (every person, citizen, public...) the power to access, transmit and exchange the environmental information.

**4.6-** Environmental information currently lacks comprehensiveness and compile of all relevant elements, due to lack of clarity and adequacy of answers on requests for information submitted by those concerned, under the pretext of the administration invoked by administrative secret or proactively, through the failure of public authorities to full and complete disclosure about environmental information and exchange it with citizens.

**- Suggestions:**

By studying a topic of the right to access to environmental information, the most important of which are the following:

1- The need of a comprehensive and careful review of environmental legislation and laws, while allocating sufficient space for the right to access<sup>37</sup> to environmental information.

2- The necessity of preparing legislative and regulatory laws concerning the right to access to environmental information within the framework of sustainable development, and prepare national plans to enforce this right.

3- Urging states, to publications the environmental information, and consecrating a culture of effective environmental citizenship in cooperation with the relevant public authorities and bodies.

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