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## **ENVIRONMENTAL PARTNERSHIP**

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## **ENVIRONMENTAL PARTNERSHIP**

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### **Abstract:**

A leading and effective environmental partnership can only be achieved if the public enjoys the right to information and awareness, allowing them to understand the environmental situation and any new developments. This knowledge is essential to take the necessary actions to protect against potential threats. Environmental partnership requires the diversification of rights in different environmental areas, including chemicals and the ozone layer. However, this right often encounters obstacles when administrations refuse to provide citizens with environmental information under the pretext of professional secrecy, which they use as an excuse to monopolize decision-making in environmental matters. In addition, citizens may refrain from seeking environmental information due to a lack of awareness of these issues or the barriers that impede access to environmental information.

**Keywords:** access to information, environmental awareness, environmental communication, environmental information, public awareness, public information.

### **Introduction:**

Environmental partnership is a sign of progress and transparency, indicating conscious communication between management and the public. It has been established at both international and national levels. However, environmental partnership can only be realized in practice through the exercise of the rights to information and access to environmental data available from public

authorities. With this information, the public can protect their health from potential dangers and safeguard the environment from looming threats.

To delve deeper into environmental partnership and highlight its benefits and positive impacts on the public, management, and nations in general, states can address current and future environmental issues in conditions characterized by transparency and awareness. The importance of this topic lies in the fact that environmental partnership allows the public to quickly access environmental information and participate in decisions regarding environmental issues, keeping them informed about the state of the environment and potential risks. Thus, environmental partnership reflects the combined efforts of the state through the enactment of strict and precise laws in the field of environmental information and access, as well as the role of management in enabling citizens to exercise these rights and perform reporting and dissemination tasks as needed. Additionally, it involves the efforts of citizens resulting from their awareness to exercise their right to environmental information and participate in environmental decision-making. However, these rights often collide with professional secrecy, which management uses as an excuse to deny the public the exercise of their right to access environmental information. This leads us to the following question: Is it possible to realize environmental partnership under the constraints imposed on the right to access environmental information?

To address this issue, we will discuss it from two angles:

- Realizing environmental partnership between the rights to information and access.
- Examples of the public's right to access environmental information and the constraints on this right.

We have adopted a descriptive analytical approach in this topic by analyzing the legal texts of the Vienna Convention, the Montreal Protocol, and other international agreements, along with various information related to this subject.

### **Section One: Concept of the Right to Environmental Information**

Environmental information is the legal right of individuals to obtain environmental information from relevant authorities that possess this information, regardless of its form or nature. This right aims to protect the environment, positively impacting people's lives and sustainable development<sup>1</sup>.

On an international level, the right to access environmental information has gained significant importance within the frameworks and international texts for environmental protection. The Stockholm Declaration of 1972 was a pioneer in recognizing and affirming this right through its fundamental principles, particularly principles 19 and 20. These principles state that every

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<sup>1</sup>- Dr. Lotresh Ali Issa Abdul Qader, *Environmental Protection and Sustainable Development: Horizons and Challenges Between Arab and International Legislation*, Dar Al-Fikr Al-Jami'i, First Edition, Alexandria 2017, p. 129.

individual in society should enjoy the right to environmental information, allowing them to access information and measures related to the environmental field, while emphasizing the role of public bodies in upholding this right and ensuring compliance<sup>2</sup>.

The Global Nature Charter has affirmed that individuals are an integral part of the environmental conservation process and that their participation, either individually or through associations, is essential to achieving the goals and requirements of this Charter. Principle 23 states, “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”<sup>3</sup>.

In addition, the 1992 Rio de Janeiro Declaration on Environment and Development states in Principle 10: “The best way to deal with environmental problems is to ensure the participation of concerned citizens at the appropriate level. At the national level, everyone should have access to environmental information held by public authorities, including information on hazardous resources and activities. Everyone should also participate in environmental decision-making processes, and States should promote enhanced public participation by making information available and providing effective access to judicial and administrative procedures, including compensation and remedies”<sup>4</sup>.

## **Section Two: The Concept of Environmental Access Rights**

The Algerian legislator has not provided a definition for the right to environmental access, merely indicating that it is a legitimate right for citizens to request information from the relevant authorities that relates to the environment. This includes requests for environmental information regarding potential threats or information about measures to address these threats. The right to environmental access can be defined as follows: “The right to environmental access is a legitimate right for every individual residing within the state to request environmental information not provided by the relevant authorities in any form of communication”<sup>5</sup>.

As for the parties involved in environmental access, environmental information lies between two primary parties within the equation of environmental protection and sustainable development. These parties are:

1. Holders of Environmental Information: Environmental information, regardless of its subject, form, or reporting procedures—whether prior or subsequent—can typically be found from operators depending on the existing facilities and their degree of danger. This information is also

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<sup>2</sup>- Dr. Karim Barakat, The Contribution of Civil Society in Environmental Protection, PhD Thesis, Faculty of Law, Mouloud Mammeri University of Tizi Ouzou 2014, p. 129.

<sup>3</sup>- The Global Nature Charter, issued by the General Assembly at its 49th session, on October 28, 1982.

<sup>4</sup>- Executive Decree 07-145 dated May 19, 2007, concerning the determination of the scope of application, content, and procedures for approving environmental impact studies and summaries, Official Gazette No. 34, May 22, 2007.

<sup>5</sup>- Dr. Lotresh Ali Issa Abdul Qader, Previous Reference, p. 133.

available from the administrative bodies responsible for environmental protection across various ministerial sectors. However, neither operators nor the administration disclose all that they know. This is not a general rule; rather, it stems from several reasons, including the withholding of environmental information that may provoke public debate<sup>6</sup>, the omission of detailed information, or the presentation of environmental information in generalities that lack precise details. Additionally, information may be withheld due to legislative or regulatory limitations that prevent its disclosure.

2. Requesters of environmental information: These people are concerned with environmental issues and sustainable development. Whether a legal entity or a natural person, they represent the party requesting environmental information in any form, regardless of its subject or nature. Naturally, environmental information is sought from the relevant authorities responsible for environmental protection. They refer to the environmental information they lack, which has not been addressed in the environmental communications issued by the competent authorities, whether it has been withheld for legitimate reasons or otherwise, or if it has been overlooked in published information that is too general and lacking in detail<sup>7</sup>.

### **Section Three: Concept of Environmental Partnership**

The recognition of the right of citizens to participate in decision-making stems from the Aarhus Convention, which states in paragraph four of Article 6: "Each Party shall take the necessary measures to ensure that public participation is provided before any decision is made." The aim is to influence the decisions made by administrative authorities in accordance with environmental protection requirements<sup>8</sup>.

Environmental partnership encompasses a set of procedures and frameworks that allow members of society and environmental organizations to actively participate in the processes and mechanisms that shape decisions and public management for environmental protection. Contemporary humanitarian trends at various levels endorse this principle as a procedure that public bodies are committed to in all matters related to managing and overseeing the environmental sphere, thereby affirming the fundamental right to enjoy a healthy and sound environment<sup>9</sup>.

International environmental agreements have granted special status to individuals and civil society to participate in environmental protection. The United Nations Conference on the Human

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<sup>6</sup>- Dr. Yahya Lounas, Legal Mechanisms for Environmental Protection in Algeria, PhD Thesis, Abou Bakr Belkaid University, Tlemcen, July 2007, p. 169.

<sup>7</sup>- Dr. Lotresh Ali Issa, Previous Reference, pp. 134-135.

<sup>8</sup>- Dr. Abdel Latif Allal, The Impact of Legal Protection of the Environment in Algeria on Sustainable Development, Master's Thesis, Faculty of Law, University of Algiers 2011, p. 109.

<sup>9</sup>- Dr. Karim Barakat, Previous Reference, p. 132.

Environment held in Stockholm in 1972 emphasized the responsibility of every individual to preserve the environment and to develop environmental education and awareness<sup>10</sup>.

The Global Nature Charter, adopted by the United Nations General Assembly on October 28, 1982, affirms that adherence to the Charter requires the following principles

- Informing the public in a timely manner of the essential elements of any planning, so as to enable effective participation in decision making.
- Ensuring that every individual, in accordance with national legislation, has the opportunity to participate, individually or collectively, in decisions affecting his or her environment<sup>11</sup>.

Principle 10 of the Rio Declaration states that the best way to deal with environmental problems is to ensure the participation of all citizens by:

1. Ensuring access to environmental information held by public authorities, including information on hazardous activities.
2. Providing opportunities for participation in environmental processes and decisions.
3. Governments should facilitate and encourage public participation by making environmental information available and by affirming that this environmental partnership is essential to environmental protection<sup>12</sup>.

Ensuring sustainable development can only succeed if governments enact legislation that promotes this goal, free from restrictive or ambiguous interpretations. Environmental awareness can only be raised through environmental education, which encourages public participation in issues that concern them, especially when threats may arise unexpectedly.

In addition, the Johannesburg Declaration, which emerged from the World Summit on Sustainable Development organized by the United Nations in Johannesburg, South Africa, from September 2 to 4, 2002, states that achieving sustainable development, which includes environmental protection and natural resource management, requires the broad participation of non-governmental organizations in policy formulation and decision-making at all levels<sup>13</sup>.

The 2010 Bali Declaration includes many guiding principles to ensure the right to participate in environmental decision-making, including:

- Guiding Principle Eight: States should ensure opportunities for public participation in environmental decision-making and inform the public of available opportunities for early involvement in the decision-making process.

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<sup>10</sup>- Dr. Yahya Lounas, Previous Reference, p. 159.

<sup>11</sup>- Dr. Habib Ben Khalifa, The Legal Value of General Principles in the Environmental Field, Master's Thesis, University of Adrar 2015, p. 56.

<sup>12</sup>- Dr. Bqnech Othman, Dr. Lotresh Ali Issa, The Extent of Realizing Environmental Partnership Between National and International Legislations by Activating the Rights to Information and Access. pp. 33-34.

<sup>13</sup>- Dr. Habib Ben Khalifa, Previous Reference, p. 56.



- Guiding Principle Nine: States should proactively seek public participation in a transparent and consultative manner, ensuring adequate opportunities for the affected public to express its views.
- Guiding Principle Ten: States should provide the public concerned with all relevant information related to environmental decision-making in an objective, understandable and timely manner<sup>14</sup>.

These international sources related to the right to information have had a positive impact on the political landscape regarding environmental issues, at least at the official level, through Algeria's successive participation in these international seminars and conferences, which eventually led to the recognition of the right to information in national legislation<sup>15</sup>.

### **Requirement Two: Realize environmental partnership through the right to information and awareness**

The realization of environmental partnership is considered a manifestation of transparency and progress in the environmental field. It allows the public to have access to various environmental information that poses a real threat to their lives, enabling them to protect themselves and be fully aware of the risks they face. The first recognition of this right was made by the Organization for Economic Cooperation and Development (OECD) in 1979, where the Environment Committee recommended that the public be provided with information on environmental hazards.

In this section, we will elaborate on the realization of environmental partnership, focusing on three areas: informing plant workers in the first subsection, informing the public in the second, and informing neighboring countries in the third.

#### **Subsection One: Informing Facility Workers**

It is essential to inform facility workers about the risks they face because, by the nature of their work, they are the most vulnerable to environmental harm. Many of them may be unaware of these risks or may have failed to take preventive measures. As a result, it has become imperative for facility managers to inform workers of any hazards that may arise from their activities. This includes training them to prevent potential injuries, especially those related to environmental risks. In addition, channels of communication with management should be established to facilitate access to information about impending hazards. A notable example is the 1986 initiative of the International Federation of Free Trade Unions, which adopted trade union principles for the prevention of chemical disasters. These principles include recognition of the right of workers to be informed of all information relating to the hazards associated with their work<sup>16</sup>.

#### **Subsection Two: Informing the Public**

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<sup>14</sup>- Dr. Issa Jaïroun, International Efforts to Protect the Ozone Layer from Pollution, PhD Thesis, Faculty of Law, Sid Bel Abbes University, Djilali Liabes University 2017, p. 124.

<sup>15</sup>- Dr. Yahya Lounas, Previous Reference, pp. 159-160.

<sup>16</sup>- Dr. Lotresh Ali Issa Abdul Qader, Previous Reference, p. 155.

Members of the Organization for Economic Cooperation and Development (OECD) have addressed the issue of informing the public and ultimately reached a binding decision with three interconnected pillars:

1. First Pillar: This pillar stipulates the right to information about environmental hazards for populations exposed to certain risks due to new facilities in their areas. It also emphasizes the right to access environmental information to understand the potential impacts of any incident.
2. Second Pillar: This involves providing additional information about the consequences of environmental hazards and informing the public accordingly.
3. Third Pillar: This includes notifying residents about the safety measures that should be taken in the event of an environmental threat<sup>17</sup>.

### **Subsection Three: Informing Neighboring Countries**

It is well known that environmental damage is transboundary and does not recognize state sovereignty or its territorial limits. In this context, it is impossible to exclude the possibility that one country may be exposed to health and environmental risks from incidents that occurred in other countries. This makes it difficult for the country or countries concerned to be aware of such risks and, consequently, to take the necessary preventive measures.

This situation leads the OECD Council to encourage countries to exchange information on existing or potentially new facilities that could cause transboundary environmental damage. This exchange should take place in three stages:

1. Information and consultation phase: Authorities must exchange views and information on transboundary environmental hazards.
2. Warning and emergency phase: The country that is the source of environmental damage must take the initiative to alert and warn neighboring countries that may be at risk from a potential or actual disaster. This will allow these countries to take the necessary measures to mitigate or at least reduce the extent of the damage.
3. Public notification phase: This involves informing the public in neighboring countries that may be exposed to transboundary environmental risks<sup>18</sup>.

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<sup>17</sup>- It should be noted that the Organization for Economic Cooperation and Development (OECD) has placed great importance on informing the population, as evidenced by its recognition as a right.

<sup>18</sup>- It should also be noted that the practical steps taken by the OECD to realize international environmental partnerships have become a model to follow, influencing organizations such as the International Labor Organization and extending to various countries in their domestic laws. In Algeria, for instance, labor law stipulates the necessity of having representatives and delegates for workers who meet with employers to prepare what is known as the internal regulations of workplaces and play a role in developing health and environmental safety plans in workplaces, thus serving as a link between the interests of workers and employers to create a suitable and healthy environment for workers.



## **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 that facilitate effective environmental partnership by allowing citizens to access information in various environmental fields. In addition, administrations should welcome citizens, consider their requests, provide sufficient environmental information and disseminate updates on environmental issues in specific areas. The public also needs to maintain awareness and continuous monitoring of environmental issues and understand the risks that threaten their lives and the environment, including the ozone layer, while minimizing restrictions on citizens' requests for information under the pretext of professional secrecy or unilateral decision-making without public participation.

In this section, we will examine examples of the public's right of access to environmental information in the first subsection and the limitations on this right in the second subsection.

### **Subsection One: Examples of the Public's Right to Access Environmental Information**

The United Nations General Assembly enshrined this right in its expanded form in 1999 through Resolution No. 54/944 of December 22, 1999. In this resolution, it recognized the public's right of access to environmental and health information and committed itself to promoting environmental awareness.

The first paragraph emphasized the right of consumers to safe products and their right to sustainable development and environmental protection. It encouraged sustainable consumption patterns, which are particularly important in developed countries because they can exacerbate environmental degradation in general. The Guiding Principles state that sustainable consumption is the responsibility of individuals, producers, organizations, governments, the business sector, labor organizations, consumer groups and environmental organizations, all of which must play a leading role in this area.

Conversely, consumers can contribute to promoting sustainable consumption in its various economic, social and environmental dimensions, in particular by making informed choices that influence producers to achieve sustainable consumption<sup>19</sup>.

To achieve sustainable consumption, it is essential to cultivate environmental awareness among consumers, as this issue is of utmost importance. The guiding principles strive to accomplish this through paragraphs 35 to 41 under the title "Awareness and Information Programs," which state:

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<sup>19</sup>- Dr. Khaled Al-Sayed Metwally Mohamed, *The Right to Environmental Information in International Legal Instruments and Arab Environmental Laws*, Dar Al-Nahda Al-Arabiya, First Edition, Cairo 2013, p. 303.

35 Governments should develop and encourage public programs to raise consumer awareness and provide them with information, including details about the impacts of consumer choices and behaviors on the environment<sup>20</sup>.

37. Consumer awareness programs should include critical information to protect consumers, such as:

- (a) health, nutrition, prevention of foodborne diseases, and food fraud;
- (b) product risks;
- (c) product labeling;
- (d) environmental protection;
- (e) effective use of materials, energy, and water<sup>21</sup>.

38: Governments should encourage consumer organizations and other relevant associations, including the media, to implement awareness-raising and information programmes that address the impact of consumption patterns on the environment<sup>22</sup>.

Paragraph 44 of the Guiding Principles also emphasizes the need for governments to raise awareness of consumption patterns, stating that “Governments, in cooperation with the business sector and relevant civil society organizations, should develop and implement strategies to promote sustainable consumption through a mix of policy measures and media programmes to raise awareness of the impact of consumption patterns, eliminate subsidies that encourage unsustainable consumption and production patterns, and promote best practices in environmental management in specific sectors<sup>23</sup>.”

Governments should also promote waste recycling programs to encourage consumers to buy recycled products. In addition, they must establish national and international environmental standards for the health and safety of products and services and ensure that all necessary means and resources are available to implement these standards<sup>24</sup>.

In addition, environmental assessments of products should be conducted, minimizing the use of harmful chemicals and opting for environmentally friendly materials and alternative energy sources. This approach should also focus on developing health awareness in relation to sustainable consumption and production patterns, taking into account the health implications for living organisms in protecting the environment<sup>25</sup>.

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<sup>20</sup>- Dr. Issa Jaïroun, Previous Reference, p. 130.

<sup>21</sup>- Article 37 of the United Nations Guidelines for Consumer Protection, Department of Economic and Social Affairs, United Nations, New York 2003.

<sup>22</sup>- Dr. Issa Jaïroun, Previous Reference, p. 131.

<sup>23</sup>- Article 44 of the United Nations Guidelines for Consumer Protection, aforementioned.

<sup>24</sup>- Dr. Issa Jaïroun, Previous Reference, p. 131.

<sup>25</sup>- Article 42 of the United Nations Guidelines for Consumer Protection, aforementioned.

### **Subsection Two: The Right to Information on Chemicals and Hazardous Pesticides**

The heyday of the industrial revolution and subsequent developments have led to the extensive use of chemicals, which has had a negative impact on the earth and living organisms. This issue has become a major concern for both decision-makers and the general public due to the harms associated with the use of chemicals and hazardous pesticides, particularly in developing countries that lack the necessary infrastructure to monitor the import, use and illicit trade of these chemicals.

In response to these challenges, both the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) have initiated voluntary programs for the exchange of information on chemicals. The FAO General Conference adopted the “Code of Conduct on the Distribution and Use of Pesticides” at its twenty-third session in 1985. This Code was revised in 1985 following approval by the FAO General Conference at its twenty-fifth session.

At the 103rd session of the FAO Council in 2001, a revised version of the International Code of Conduct on the Distribution and Use of Pesticides was adopted. This Code emphasizes the public’s right to information and requires governments, natural and legal persons - both public and private - to share information and raise environmental awareness about the risks associated with the continued use of pesticides, especially in developing countries that lack advanced monitoring mechanisms.

By promoting transparency and awareness, these initiatives aim to reduce the risks posed by hazardous chemicals and pesticides, thereby protecting public health and the environment<sup>26</sup>.

### **Subsection Three: The Right to Environmental Information Under Judicial Provisions**

In this context, it is essential to reference the Aarhus Convention, which guarantees, under Article 9, the right to seek judicial recourse if any party to the agreement is denied access to environmental information and participation in environmental decision-making. This provision outlines the individuals entitled to exercise this right and obligates the contracting parties to ensure procedures for accessing the judiciary.

Article 9 of the Aarhus Convention distinguishes between two categories of individuals entitled to access information from public authorities according to Article 4 of the convention. The convention defines the public as “one or more natural or legal persons according to national legislation or practices, as well as the associations or organizations representing them.” Additionally, individuals seeking judicial recourse must demonstrate sufficient interest, with

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<sup>26</sup>- Dr. Issa Jaïroun, Previous Reference, p. 132.

non-governmental organizations (NGOs) dedicated to environmental protection qualifying as having sufficient interest, provided they meet national legal requirements<sup>27</sup>.

The right of access to environmental information has been recognized by numerous court decisions, including those of the European Court of Human Rights. One notable case is the “Guerrera” case, in which a group of residents living near a dangerous chemical plant appealed to the Court because the local Italian authorities refused to provide information about pollution risks and how to respond in the event of a serious incident. The Court ruled that serious environmental problems could affect the interests of individuals and interfere with their enjoyment of their homes, constituting an interference with their private and family life.

In light of the Court’s decision, the Italian authorities were required to take positive action by providing all the information necessary to assess the risks to residents living near the hazardous chemical plant. Failure to disclose this information was considered a violation of their rights under Article 8 of the European Convention on Human Rights<sup>28</sup>.

Another relevant case is “McGinley and Egan”, where the applicants appealed to the European Court of Human Rights regarding exposure to radiation from a nuclear test conducted in the Christmas Islands. They sought access to records relating to the potential risks associated with radiation exposure. The Court upheld the applicants’ right to access the requested information, thereby reinforcing the obligation to provide information in this context.

These cases underscore the importance of judicial mechanisms in upholding the right to environmental information and ensuring that individuals can effectively assert their rights to environmental safety and protection<sup>29</sup>.

However, the issue of access to information is not absolute. As Tony Mendel pointed out, while the European Court has recognized this right, it is still a complex issue. The Court has indicated that its rulings relate to each individual case and cannot be generalized to apply to all cases. This creates a complicated situation, as the reliance on the right to respect for private and family life imposes restrictions on the right of access to information. This was evident in the “Guerrera” case, where the Court upheld justice and democratic principles, but the lack of a general principle led to complications. The Court could have recognized the right to information as an integral part of the right to freedom of expression.

Conversely, there are international rulings issued by arbitration bodies. An example is the ruling of the OSPAR Commission, established under the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic. In relation to the right of access to information under Article 9 of this Convention, Ireland sought to obtain revised and excerpted information from reports prepared as part of the licensing process for the MOX (Mixed Oxide Fuel) plant in

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<sup>27</sup>- Dr. Hussein Boutalha, The Role of the Aarhus Convention in Environmental Protection, Scientific Research Journal in Environmental Legislation, Vol. 06, No. 01, 2019, p. 33.

<sup>28</sup>- Dr. Issa Jaïroun, Previous Reference. p. 133.

<sup>29</sup>- Dr. Khaled Al-Sayed Metwally Mohamed, Previous Reference, p. 445.

the UK. The purpose of the request was to determine the United Kingdom's compliance with the above-mentioned Convention, as well as with the 1982 United Nations Convention on the Law of the Sea and European Community law.

The information requested centered on the annual production capacity of the plant, the timetable for reaching that capacity, sales figures, actual production, estimated sales demand, number of employees, fuel prices for MOX, maximum production figures, the life of the plant, and whether there were any final contracts for the purchase of fuel.

These cases highlight the continuing tension between the right of access to information and other legal considerations, and illustrate the complexities involved in balancing transparency with privacy rights and other obligations<sup>30</sup>.

#### **Subsection Four: The Right to Information about the Ozone Layer**

The deteriorating condition of the ozone layer has galvanized international efforts to find solutions, particularly through the United Nations Environment Programme (UNEP) in coordination with the World Meteorological Organization, involving experts and specialists. These efforts culminated in the adoption of the Vienna Convention for the Protection of the Ozone Layer, signed on March 22, 1985. Subsequently, the Montreal Protocol on Substances that Deplete the Ozone Layer was established on September 16, 1987, which has undergone several amendments, including those made in London (June 29, 1990), Copenhagen (November 25, 1992), and further modifications during the ninth meeting of the parties in Montreal in September 1997, as well as an amendment in Beijing (September 3, 1999) and the Kigali Amendment in October 2016<sup>31</sup>.

These successive amendments aim to limit the production and consumption of ozone-depleting substances and to phase them out by the year 2000. However, the continued use of these substances in Arab and developing countries poses a major challenge to the gradual and eventual elimination of these harmful substances.

To address this problem, it is essential to strengthen the monitoring and control of ozone-depleting substances and to combat the illegal trade in these materials at the national, regional and global levels. This includes the need to strengthen legislation on ozone-depleting substances through investment in customs resources, including training and equipment. In addition, it is essential to promote cooperation between authorities at the national and regional levels, as recognized in various agreements to protect the ozone layer, in particular the Vienna Convention and the Montreal Protocol.

In order to protect human health and the environment from the adverse effects of changes in the ozone layer caused by harmful activities, international cooperation and work must be based on scientific and technical foundations. Continued research and regular monitoring are needed to

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<sup>30</sup>- Dr. Issa Jäiroun, Previous Reference, p. 135.

<sup>31</sup>- Muhammad Abdul Qader Al-Fiqi, *Ozone*, Ibn Sina Library, First Edition, Cairo 1999, p. 236.

improve scientific understanding of the ozone layer and the effects of ongoing changes affecting it<sup>32</sup>.

The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol emphasize the need for the exchange of information in the economic, commercial and legal fields related to the agreement, as outlined in its second annex. This information is to be made available to designated entities agreed upon by the Parties, all of which are required to maintain confidentiality until the information is made available to all Parties.

Key aspects of cooperation between the Parties:

1. Cooperation among States:

Cooperation among States Parties shall be consistent with their national laws, regulations and practices, taking into account the situation and needs of developing countries. Such cooperation may take place directly or through specialized international bodies aimed at promoting technology transfer and knowledge development.

2. Facilitating access to alternative technologies:

- Parties should facilitate access by other Parties to alternative technologies that do not deplete the ozone layer.

3. Provision of information on alternative technologies:

- Comprehensive information on alternative technologies to ozone-depleting substances should be made available. This includes the provision of references and guidance materials detailing these alternatives.

4. Equipment needed for research and monitoring:

- The availability of equipment needed for ongoing research and monitoring is essential.

5. Adequate training of scientific and technical personnel:

- Adequate training must be provided for all scientific and technical personnel involved in this effort<sup>33</sup>.

In addition to Article 2, paragraph (2/a) of the Convention, which states: “To this end, the Parties shall cooperate, according to their available means and capabilities, through systematic monitoring, research and exchange of information, with a view to understanding and assessing the effects of human activities on the ozone layer and the effects of changes on human health and the environment<sup>34</sup>”.

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<sup>32</sup>- Dr. Issa Jaïroun, Previous Reference, pp. 137-138.

<sup>33</sup>- Article 04 of the Vienna Convention for the Protection of the Ozone Layer of 1985.

<sup>34</sup>- Article 02 of the Vienna Convention for the Protection of the Ozone Layer mentioned above.



The efforts of government systems to regulate, legislate, monitor, and develop programs to protect the environment require the support of individuals, as well as the support of civic, professional, and political organizations. Without this support, there can be no success and no achievements<sup>35</sup>.

There is an urgent need for the media to play an active role in educating individuals about the dangers of various pollutants through seminars and various media. The public should also be informed about the importance of environmental protection by incorporating environmental issues into curricula at all levels of education, according to the age of the learners<sup>36</sup>.

Utilizing information banks available through UN programs and international organizations to collect, organize, and use this information for ongoing environmental education is essential. Collaboration with international bodies is necessary to translate and disseminate most publications, brochures, and films related to ozone layer protection. Information should be conveyed directly and indirectly<sup>37</sup> through schools, homes, mosques, kindergartens, factories, administrations, barracks, and other institutions<sup>38</sup>.

In recent years, there has been a significant increase in media materials related to the ozone hole, in addition to serious scientific research and studies published in peer-reviewed journals, including books and hundreds of popular articles in newspapers and cultural magazines. Environmental awareness has played a major role in prompting governments to hold scientific conferences and sign international agreements related to the ozone layer. Undoubtedly, awareness is higher in developed countries where the population benefits from a high level of education, supported by very active civil societies that focus on ozone issues<sup>39</sup>. The media also play a clear role in explaining environmental issues to the public, resulting in citizens in Europe and the United States being well informed about environmental issues and their impact on health, families and the economy<sup>40</sup>.

Countries cannot be considered to be in compliance with their ozone layer protection commitments unless they take the initiative to raise environmental awareness, especially through various media. This can be achieved by developing programs to promote environmental awareness and scientific culture regarding banned and ozone-depleting substances. The role of educational institutions is crucial, as their curricula should include discussions on ozone

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<sup>35</sup>- Dr. Ahmed Malha, Environmental Challenges in Algeria, Al-Najah Printing, undated, Ben Aknoun, Algeria 2000, p. 106.

<sup>36</sup>- Dr. Muhammad Abdul Qader Al-Fiqi, Previous Reference, p. 210.

<sup>37</sup>- Ibrahim Suleiman Issa, \*Environmental Pollution: The Most Important Issues of Our Time, Problems and Solutions, Dar Al-Kitab Al-Hadith, Algeria 2010, p. 79.

<sup>38</sup>- Dr. Kadri Ben Harzallah, Awareness and Sensitization for Achieving Natural Environmental Behavior, Al-Ummah Magazine, No. 10, July 2003, p. 19.

<sup>39</sup>- Dr. Muhammad Abdul Qader Al-Fiqi, Previous Reference, p. 210.

<sup>40</sup>- Mustafa Kamal Taleb, Climate Change Will Affect the Security and Safety of the Entire World. Political Science Magazine, No. 170, Vol. 42, October 2007, p. 111.

depletion and its consequences at all levels of education. Universities, colleges and specialized research centers should also provide training on the effects of ozone depletion.

## **Section Two: Restrictions on Environmental Partnership Representation**

The right to information and access to environmental data held by public authorities has become a well-established right enshrined in international and national legislation. However, the practical exercise of this right faces numerous exceptions that hinder its implementation, often justified by professional secrecy. Frequently, administrators and managers of facilities refuse to provide environmental information to requesters, citing privileges that allow them to deny access to such information, widening the gap between the public and the right to information and awareness.

In light of the above, this section will address the limitations on the right to access information by elaborating on them, specifically by discussing administrative secrecy in the first subsection, security secrecy in the second subsection, and commercial secrecy in the third subsection.

### **Subsection One: Administrative Secrecy**

It is well known that the right to environmental information is the authority granted to access documents and information held by administrative institutions relating to the environment, including all public and private projects planned for implementation, as well as plans such as those relating to classified facilities, waste management, notifications, and decisions to be made, such as inspection and safety decisions.

However, this right often conflicts with the principle of administrative secrecy, which is a fundamental element of administrative law. Accordingly, the administration may refuse to disclose environmental files and data to citizens if their requests conflict with confidential information whose disclosure is prohibited by law<sup>41</sup>.

Professor Oskin mentioned that the legal concept of secrecy is characterized by ambiguity because it is not based on a clear legal foundation. In addition, there is no precise administrative definition of confidentiality, which leads to differences in its scope from one ministry to another, from one department to another, and even from one employee to another. On the other hand, French courts have tended to consider non-final matters and preparatory work carried out by the administration as inaccessible<sup>42</sup>.

The principle of the right to information and access to administrative documents relating to the environment is subject to security exceptions. These exceptions concern the classified facilities of the Ministry of National Defense<sup>43</sup>, which are subject to special rules of authorization, investigation and supervision supervised by the Minister of National Defense. Requests for consultation concerning classified facilities conducted for the Ministry of National Defense are

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<sup>41</sup>- Dr. Nasima Ben Mahra, *Environmental Media and Its Role in Environmental Conservation*. Master's Thesis, Faculty of Law, University of Algiers 2012, pp. 76-77.

<sup>42</sup>- Dr. Yahya Lounas, *Previous Reference*, p. 167.

<sup>43</sup>- Article 20 of Law 03/10, *Law on Environmental Protection in the Context of Sustainable Development*.

directed to the Minister of Defense, who shall make the necessary publicity in accordance with the requirements of national defense<sup>44</sup>.

In addition, documents related to radioactive contamination are restricted from public access, a situation referred to as nuclear secrecy, where the advisory authority lies with the High Commission for Research<sup>45</sup>.

### **Subsection Two: Security Secrecy**

The Algerian legislator, within the framework of the law on environmental protection and sustainable development, has ensured the protection of the installations built for the Ministry of National Defense. These installations are covered by the right to secrecy, which prevents unauthorized persons from accessing information about their environmental impact. Even if there is a negative impact on the environment, third parties do not have the right to access related environmental information.

Due to this gap, and in order to prevent these facilities from having a negative impact on the environment, regulations have established various mechanisms, such as licensing, monitoring, and supervision, among others<sup>46</sup>.

### **Subsection Three: Economic Secrecy**

Based on the respect for trade secrets, industrial companies are not allowed to have access to the trade secrets of their competitors. In this context, the principle of confidentiality serves as a safeguard against unfair competition within a liberal economic framework characterized by competition rules. In addition, the potential for employee turnover can lead to the leakage of industrial or commercial secrets to other institutions, thereby benefiting one company at the expense of another. Trade secrecy extends beyond the obligation to protect innovative ideas to include the obligation to monopolize those ideas.

A notable example of this is the appeal filed by a group of individuals with the Administrative Documents Review Committee against the administration's refusal to release a report on the situation at the C.A.D.A. plant, on the grounds that it contained legally protected secrets. The Committee upheld the refusal on March 4, 1981, stating that access to the data contained in the report would conflict with the obligation to maintain economic secrecy, state security, and public safety<sup>47</sup>.

At the national level, the decree regulating facilities does not clearly define industrial secrecy, relying instead on a subjective criterion that allows the owner of a classified facility to determine

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<sup>44</sup>- Article 13 of Executive Decree No. 90/78 dated February 27, 1990, concerning the study of environmental impact.

<sup>45</sup>- Law 86-72 dated April 8, 1986, establishing the High Commission for Research, Official Gazette No. 15, 1986.

<sup>46</sup>- Article 20 of Law 03/10, Law on Environmental Protection in the Context of Sustainable Development, aforementioned.

<sup>47</sup>- Dr. Nasima Ben Mahra, Previous Reference, p. 79.

the information relating to manufacturing methods, target materials and products produced. Therefore, exposing these secrets to scrutiny would result in a breach of industrial secrecy<sup>48</sup>.

In fact, the subjective criterion can specify the data allowed for public access, particularly through public notices on essential elements. For example, the governor or the head of the municipal council may, based on the project owner's declaration, initiate the removal of information that they believe would reveal manufacturing secrets contained in the license application. This may include, for example, graphic maps, environmental impact assessment studies, studies that identify potential errors, and studies of the risks that the facility may pose and the measures necessary to mitigate them<sup>49</sup>.

### **Conclusion:**

The Declaration of Principles that enshrines the right to information serves as a slogan that has not found the appropriate environment for its realization in practice, mainly due to the lack of advocates in the field of environmental protection and other areas, which reinforces a policy of unilateral and closed administrative practices.

The exercise of the right to environmental information is based on three pillars: first, the advocates of the right to environmental information; second, the legal framework that supports this right; and third, the operational methods adopted by the administration. On the legal side, there is ambiguity regarding the exercise of the right to environmental information. In addition, the administration itself suffers from a lack of media resources dedicated to environmental issues and the specific needs of citizens to address potential environmental damage.

Undoubtedly, these obstacles and difficulties can affect the willingness of citizens to exercise their right to information, leading to a reluctance to participate in the decision-making process for environmental protection. In order to facilitate communication between the administration and citizens, positive government intervention is required, along with the establishment of practical means that allow citizens to freely exercise their right to information without restrictions.

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<sup>48</sup>- Dr. Yahya Lounas, Previous Reference\*, p. 169.

<sup>49</sup>- Article 08 of Executive Decree 06-198 dated May 31, 2006, regulating the organization applied to classified facilities and environmental protection in Algeria, Official Gazette No. 37, 2006.