

Consolidating the Principle of the Right to Environmental Information: An Analytical Study of International Laws and National Legislations

تكريس مبدأ الحق في الإعلام البيئي:
دراسة تحليلية في القوانين الدولية والتشريعات الوطنية

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Abstract:

The aim of the study revolves around the legal establishment of the principle of the right to environmental information through exposure to the various public and private legal texts at the international and national levels, which will be described and analyzed in order to know the evolvement of this right and the suitability of its legislation with the reality of its practice so to extract the most important mechanisms for its embodiment. Thus, this study focuses on a careful examination of the various articles of international law in the field of environmental protection, whether they are texts or declaration documents for Earth Summit Conferences or articles in international framework agreements on environmental protection or documents for regional efforts, especially at the European level or the articles of agreements devoted to enshrining the principle of the right to environmental information, or the analysis of the texts and articles contained in the national law of some countries. French and Algerian laws will be analyzed so to extract the most important legal frameworks at the international and national levels which enable us to assess the adequacy of public and private legal legislation to exercise this right in French and Algerian laws.

Keywords: The Right; Environmental Information; International Laws; National Legislations.

ملخص:

يتمحور هدف الدراسة في التأصيل القانوني لمبدأ الحق في الإعلام البيئي من خلال التعرض لمختلف النصوص القانونية العامة والخاصة على المستويين الدولي والوطني وصفا وتحليلا من أجل معرفة تطور هذا الحق ومدى ملاءمة تشريعاته مع واقع ممارسته واستخلاص أهم آليات تجسيده. تركز هذه الدراسة على فحص دقيق لمختلف مواد القانون الدولي في مجال حماية البيئة سواء كانت نصوصا أو وثائق إعلان لمؤتمرات قمم الأرض أو مواد في اتفاقيات دولية إقليمية بشأن حماية البيئة أو وثائق لجهود الإقليمية، خاصة على المستوى الأوروبي أو مواد الاتفاقيات المخصصة لتكريس مبدأ الحق في الإعلام البيئي، أو تحليل ما جاء من نصوص ومواد في القانون الداخلي لبعض الدول وسوف نخص تحليل القانونين الفرنسي والجزائري، ثم استخلاص أهم الأطر القانونية على المستويين الدولي والوطني والتي تقودنا لتقييم مدى ملاءمة التشريعات القانونية العامة والخاصة لممارسة هذا الحق ومدى كفايتها خاصة في حالي القانون الفرنسي والجزائري.

الكلمات المفتاحية: الحق؛ الإعلام البيئي؛ القوانين الدولية؛ التشريعات الوطنية.

1. INTRODUCTION

The right to the environment is considered one of the inalienable human rights due to its correlation with the existence of the human race vis-a-vis the safety of the natural environment. The recognition of this right has been reiterated during several international occasions and, as a result, was enhanced with the principle of the right to environmental information which was considered as a basic human right of which approval and embodiment have led to further environmental protection.

Therefore, the principle of the right to environmental information is considered among the rights of the third generation or solidarity rights for the human being. But this principle cannot be realized unless there are legal justifications guaranteeing the right of the individual to communication and knowledge to be aware of environmental information and having access to its sources and being able to obtain it.

As a matter of fact, insuring the right of environmental information will motivate the individual to participate in protecting his natural environment and preserving the elements and constituents of its sustainability as a framework for coexistence, all of which are essential requirements for contemporary human life and the reasons for its integration into a safe and healthy environment.

The right to environmental information has been recognized in many legal texts and international conventions to protect the environment since the 1970s with the aim of making this right available to all actors, whether individuals or organizations, to access information related to the environment and to ensure its dissemination through various means of communication. This is so because this right is an organic basis in the formation of environmental awareness and pushing the general public to get involved and actively participate in protecting and preserving its environment within the framework of sustainable development.

The right to environmental information derives its legal justifications from the texts of international human rights law namely the universal declaration of human rights in its nineteenth article. This right is expressed in expressive terms at the regional level in the European Convention for Human Rights and Fundamental Freedoms in its tenth article. It is also included in the American Convention on Human Rights in the first paragraph of article thirteen and recognized by the African Charter on human and peoples' rights in its ninth article.

However, the international community recognized the right to environmental information in this quality only at the United Nations Conference on the Human Environment held in Stockholm in 1972. In fact, this right was mentioned in the final statement of the World Charter for Nature in 1982. But it was only evident in the Rio Declaration emanating from the World Summit on Environment and Development held in Rio de Janeiro in 1992. This right to environmental information was finally confirmed as a mechanism for environmental protection in the framework of sustainable development through the political declaration of the Earth Summit for Sustainable Development, held in Johannesburg in 2002.

After laying the legal basis for the right to environmental information, its recognition on the regional level began, especially in the European Union where this was translated in its series of conferences, recommendations, and decisions since 1977. On the national level, many governments have endorsed the principle of the right to environmental information in their laws, whether by ratifying the international agreements which include this principle they signed or the enactment of national legislation in this regard. Perhaps the most enriching law for this principle is the French law, where the right to environmental information has known a number of stages before evolving to become as it is nowadays.

At the third world countries level, Algeria can be considered a model for these countries that have recognized this principle through Law [10/03] related to protecting the environment in the context of sustainable development dating back to 19 July 2003, where the legislator devoted a

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whole chapter to the principle of the right to environmental information, which will be detailed in this study.

Based on what has been said so far, this study raises a pivotal question expressed as follows:

To what extent the texts of international laws and national legislations have devoted the principle of the right to environmental information?

Based on the above and in order to reach the aim of the study, we will focus on four elements, namely:

- What does “the right to environmental information” mean in legal jurisprudence?
- What are the most important legal frameworks that approved the principle of the right to environmental information at the international and national levels?
- How appropriate are public, private legislation and legal texts to exercise the right to environmental information?
- Are the current mechanisms put in place by the Algerian legislature sufficient to materialize the exercise of the right to environmental information?

2. What is meant by the right to environmental information in legal jurisprudence?

2.1. Terminological and legal concept of the right to environmental information:

The right is legally defined as: the power to obtain a moral or material interest recognized and protected by law. The concept of right is generally related to general human rights concepts and fundamental freedoms, such as: freedom of opinion and expression, and freedom of the press (Agostinelli & Debbasch, 1994: 13). As well, factors such as: the spread of education, the civil maturity of citizens, the development of political institutions, the development of information and communication technology, and media competition have contributed to nurturing and vaccinating the right to information (Gaillard, 1992: 06-10), which has come to include the freedom of individuals to receive information. For this reason, every media outlet should ensure this information by adopting it at the top of its media agenda (Agostinelli & Debbasch, 1994: 69).

Indeed, in order to achieve this right, information should be credible and objective. However, it is quite impossible to create a reliable information source, unless the legal capabilities and texts are available. This in its turn will enable the recipient to claim his/her right to impartial and honest information (Auby & Ducos, 1976: 06). Environmental information concept includes all data recorded by public authorities or on its behalf as well as all paper records or electronic mail, information stored on computer tapes or in the form of audio-visual materials (audio or video) or "microfiche", maps or images or any handwritten note, or any other form of information (CFI, 2005) about the state of the atmosphere, water, land, natural sites and living organisms including GMOs, and all data on emissions and residues discharged into natural environment components, industrial waste, radioactive materials and energy materials. It, also, includes all information on the measures, policies, legislation, plans, activities, programs and environmental conventions and the various results of scientific reports, all data on the benefits and costs, and all the factors that affect the safety of the environment and human health and living conditions (CEE, 2003: 06, 07).

2. 2. The right to environmental information and to revoke its confidentiality rule:

Information is not only a necessity for the public, but it is also an important element in establishing an effective and good democratic government, as no government can continue under the permanent practice of confidentiality (Mendel, 2012: 01). Despite the fact that the nature of the governments of most countries maintains and monopolizes information, the reality requires that information be published on many issues and be subject to public scrutiny in full freedom and

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transparency, and accordingly some democracies are turning in a remarkable way towards the openness of their institutions (Scoffoni, 1992: 01).

Accordingly, some democracies are noticeably turning towards the openness of their institutions (Scoffoni, 1992: 01) by making more efforts to reduce the principle of confidentiality and recognition of the right to access and obtain information sources, and this gives the public the right to know and the power to discuss decisions related to it (Ossoukine, 1994: 10). Denying the public, the right of access to information is a farce, or rather a real tragedy, or perhaps both (Chomsky & McChesney, 2012: 23). On the other hand, other countries seek to multiply the number of anomalies of the principle of secrecy without arriving at a general principle of this right to be fulfilled and be recognized (Lemasurier, 1980: 1239-1241).

Furthermore, advocates of environmental protection and spectrum of civil society in some western countries are striving to establish the right to environmental knowledge and mandatory disclosure of information controlled by governments, personal interest people, or companies that monopolize environmental risk data on the grounds of the principle of administrative or commercial confidentiality. In addition, other environment advocates seek to create local environmental information and security committees with the aim of constitutionalizing the right to have access to environmental information and disregarding the rule of confidentiality in the nuclear technology sector and the potential for radioactive pollution resulting from it, by placing at the disposal of the public all information that does not affect the law of the nuclear secret. Thereby, making it easy to obtain, bearing in mind that this information must be scientific and credible (CADA, 1982: 181). This is evident in the French Executive Decree related to ensuring the scientific and technical quality of informing the public (dated on October 29, 1981) which confirmed that special plans having to do with the intervention of protection and rescue services must be published through the media, especially for residents living near nuclear power plants (Prieur, 2000: 105).

Indeed, after the "Chernobyl" disaster in the Soviet Union, there was a noticeable development in the right to environmental information. For example, in France, the Supreme Council for Security and Nuclear Information was installed by decree on March 2, 1987, and on April 20, 1989, the Prime Minister issued an instruction regarding nuclear information stipulating that the public has the right to be informed about it and stressing the necessity to report actions by numbers on radiation levels in areas with nuclear contamination (CADA, 1989: 104). Furthermore, it is worthwhile to note that, even in some socialist systems such as the People's Republic of China and Cuba, environmental information about the state of the environment, its quality, protection measures, statistics, and plans for emergency and natural disasters, except for information related to state security can be obtained from the competent authorities.

From what has been said so far, one can say that the right to undertake and cancel the rule of confidentiality on environmental information in an absolute manner is not included in the laws on environmental protection, even in the largest democratic countries because the lawsuit to protect national and state security is linked to the dissemination of information which deepens the problem of the right to information in general.

2. 3. The right to access and obtain environmental information:

The right to access sources of information has been recognized as a contemporary interpretation of the right to knowledge in various state legislations (Scoffoni, 1992: 29). In fact, The right to access sources of information and obtain information and ideas means the right to receive them from all sources, broadcast and publish them so that the public has the opportunity to form their opinions and positions in a human way without pressure to adopt certain positions, or prevent the arrival of alternative opinions and ideas (Fisher, 1982: 03-06). Indeed, access to information sources is considered the basis for many political and civil liberties since it generates the opinion that expresses its holder. As a result of this, freedom of criticism cannot be established

without the freedom of press which guarantees the right to self-defense. However, if it is necessary to inform the public to have a positive role in social and civil life, it is better to be done by providing reliable information rather than unverified one. Infact, the actual embodiment of the right to information and access to information sources requires reducing the distance between the rank and file and the rest of society by removing political and administrative obstacles and pressures that control the flow of information and its access.

Evidently, thinking about the legitimacy of the right to access and obtain environmental information sources has started since the mid-eighties of the twentieth century by creating environmental agencies in certain countries to monitor the government and companies in order to compel them to publish information related to their activities that affect the surrounding environment automatically. As a result of the refusal of certain governments and companies to disclose information or its sources about their activities affecting the environment, many complaints and law suits were brought before courts with respect to these environmental misdeeds. Many court verdicts have been enacted in laws, among which the right to access information sources after the courts recorded many of the cases brought by the public or environmental advocates after the government or companies refused to disclose the information or facilitate access to it.

Sweden was a pioneer with respect to the right to access and obtain environmental informationsince it was derived from the Swedish Freedom of the Press Act in 1766, which stipulated that: *“Every citizen, without discrimination, has the right to access public data, including administrative documents that contain environmental information”*. However, the Stockholm Declaration of 1972 affected much national legislation and laws related to the right to access and obtain information. In the United States of America, the governments recognized in the same year the right of the press to access and obtain information, considered it a constitutional right and warned that freedom of the press would be destroyed if accessing sources of information and obtaining information were protected. In general, this law required from the executive authority to take all necessary measures to adopt effective methods to enable the public to access information sources and its right to access the documents through a written request without justification, and all administrative refusal to give the public the sources of the information in question to access it, should be justified and individuals can resort to justice if the administration rejects their request.

2. 4. The right of public participation in environmental decision-making:

The right to public participation in environmental decision-making is one of the most important pillars of the right to environmental information. This is so because public participation provides the members of the public with the opportunity to be aware of the information and measures related to the environment. Thus, public participation can influence environmental decision-making as well as contribute to the monitoring the environmental management matters. Thus, specialists in the area of environmental law have considered the right to public participation in environment decision making as an important indicator because it reflects the extent of enjoying a healthy and safe environment and ensures the efficacy of the environmental decisions and measures taken regardless of the difference of views between members of the public and the authority which are critical factors in achieving environmental democratization and environmental governance. As a result of this, the right of the public to participate in environmental decision-making was among the recommendations that were not overlooked by international environmental protection laws based on the general principles formulated by the Stockholm Declaration in 1972 in charting human tendencies in the field of environmental protection.

Many international texts that support this principle have come to existence. As a matter of fact, the World Charter for Nature issued on 28 October 1982 stipulated in its article: [16] that: *“the participation of the public in environmental issues is a principle underlying the various measures and procedures related to planning and developing strategies or taking environmental decisions”*.

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The Rio Conference Declaration of 1992, in its turn, reaffirms the importance of adopting this principle in its article: [10] *“which stipulates that ensuring the right of the public to participate in environmental issues is among the ways to solve many of the environmental problems”*. This principle was strengthened in Agenda 21, in chapter: [27], *“where it pointed to the most important practical mechanisms that determine the nature, methods and areas of this participation”*. The principle of participation in the texts of international agreements, such as the United Nations Framework Convention on Climate, and the Cartagena Protocol on Bio-safety is also confirmed in the text of the article: [23] thereof.

At the regional level, the greatest agreement in which this principle received much attention is the Aarhus Agreement which was devoted to establishing the concept of the right to participation and giving it a central dimension within the European systems of environmental protection as will be shown later.

Furthermore, several national legislations were affected by the texts of international and regional law regarding the establishment of the principle of the public's right to participate in environmental decision-making until it reached its dedication in the articles of constitutions of some countries as in the case of article: 29 of the Constitution of Burkina Faso in 1991 and in article: [14] of the Finnish Constitution in 1995.

With regard to environmental legislation, many laws were enacted worldwide such as the Swiss Environmental Protection Law promulgated on October 07, 1983, article: [35] of the Environment Law of the State of Ivory Cost issued in 1996, as well as an article: [09-05] from Environmental Protection Law issued on August 05, 1996, of the State of Cameroon and the article: [03] of the Algerian law: [03-10] related to protecting the environment in the context of sustainable development issued on July 19, 2003, which affirms the Syndromic and complementary relationship between the right to environmental information and the right to participate in environmental decision-making as stated in the article: [07] of the French Charter for the Environment of 2004 on that. As well, many articles of the environmental laws were enacted in many countries of the world which cannot be mentioned in this instance.

3. Analysis of texts from international and national law devoted to the principle of the right to environmental information:

The international community has known many developments in the field of human rights jurisprudence. Indeed, the Global Compact for Human Rights was the first fruit of international efforts for all public rights and freedoms of which was the freedom of opinion and expression. Thereafter, regional efforts appeared in the same field such as the European and American agreements and the African Charter for Human Rights in addition to several legal legislations of many countries that devote civil rights to human beings.

At the same time other international efforts to protect the environment have emerged. Since the sixties of the twentieth century talks about the right to a clean environment began. This right was enshrined within the third generation of human rights. As a result, the environment's experts agree that the media is one of the most effective means to materialize this right, protect it and promote it. Accordingly, the right to environmental information within the third generation of public rights and freedoms emerged more clearly in international declarations for the protection of the environment. Despite the recentness of this right, it first appeared in the Stockholm Conference in 1972. However, the political declaration that emanated from it devoted two articles entirely to detailing the philosophy of the right to environmental information and the right to access its sources. Ever since this summit, it has become a tradition for both conferences and environmental decision-makers to include the principle of the right to environmental information in various countries in the announcements of the meetings about these issues.

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This right has witnessed great development since the World Summit on Environment and Development held in Rio de Janeiro in 1992, because Agenda 21 has expanded the concept of this right to public participation in environmental decision-making and sound environmental management and confirmed the political declaration of the Earth Summit for sustainable development held in Johannesburg in 2002 in its tenth chapter on the necessity of embodying the right to environmental information as a mechanism for protecting the environment within the framework of sustainable development.

Furthermore, several international agreements and treaties for the protection of the environment also defined in their recommendations the consecration of the principle of the right to environmental information as a conducive way to protect the environment. It can be said that the European agreements to protect the environment were a model to be followed in the field of the right to environmental information. Indeed, this is seen in the minutes of the meetings of the Council behind the European Union since 1977, or through the meetings of the European Commission for Human Rights, or through the regulations and recommendations of the Parliament of the European Union, or through the provisions of the European Charter for Environment and Health. Therefore, the European Economic Community countries have worked since the conclusion of the European Commission's evaluation agreement of the cross-border environmental effects of the year 1991 in order to prepare the ground for a European agreement on the problem of the right to environmental information. These efforts were embodied in the conclusion of the European Economic Committee agreement on access to information, public participation in decision-making and access to environmental justice "Aarhus" in 1998, which is a legal reference in the field of the right to environmental information at the international and regional levels. This right is also considered an effective mechanism for environmental protection and sustainable development.

3. 1. The foundations of the principle of the right to environmental information in international human rights treaties:**3. 1. 1. Universal Declaration of Human Rights:**

The international community recognized early on the concept of the right to communication media and information in its broad form, whereby the United Nations General Assembly declared during its first session in its regulations number: [1/59] of December 14, 1946 that: *"Freedom of information is a basic human right and the basic model for the freedoms granted to people. This concept includes freedom of communication media and the right to collect, broadcast and publish information about new developments everywhere and without hindrance"* (Toby, 2008: 08).

After the adoption of the universal declaration of human rights, it was publicly published by UN General Assembly Resolution N°: [217 / A-III] of December 10, 1948 in Paris and voted by 48 of the 56 UN members. Thus, it became a legal reference for many fundamental rights and freedoms in most countries of the world. As a result, the right to information is considered among the third generation of human rights, as stated in article: [19] of this declaration as: *"Every person has the right to enjoy freedom of opinion and expression. This right includes freedom to hold opinions without harassment, seek, receive and impart news to others by any means and without regard to the borders"* (UN: 1948: 05). The universal declaration of human rights did not clearly stipulate in the same article which enshrined the right to information anything about the restrictions contained in this freedom. However, the article [29] of the declaration itself confirmed that: *"Individuals should not be subject to restrictions during the exercise of their rights except to the restrictions established by law only"* so that this requirement is considered as a necessary measure in any democratic society.

3. 1. 2. European Convention for Human Rights and Fundamental Freedoms:

At the regional level, the right to information is expressed in the European convention on human rights and fundamental freedoms which was signed between the European Union on November 04, 1950 and entered into effect on December 3, 1953, as article 10 states: *“Everyone has the right to freedom of expression, and this right includes freedom to receive and transmit information or ideas without obstacles”* (CE, 1950: 12). Therefore, the European convention on human rights is considered the first of its kind as it guarantees the right of the individual to search for information, obtains it, transmits and transfers it as well as free opinions in terms of expressing and transmitting them without any pressure or restriction practiced by the public administration or authorities (Cohen-Jonathan, 1989: 374).

3. 1. 3. American Convention on Human Rights:

The American Convention on Human Rights stipulated in its article: [13/1] that: *“Everyone has the right to freedom of thought and expression and the freedom to search for various types of information and ideas and transfer them to others without taking into account borders”*. Also, this agreement emphasizes that the right to information is one of the basic human rights and therefore, the authorities must pass the information on to the public within the framework of the law. This agreement was strengthened by the declaration of Nueveo León 2004 which reaffirmed that the right to information and public participation in decision-making is necessary in building the institutions of the rule of law since it is the corner stone of a democracy in any political or social system. Thus, all member states and governments must guarantee the right to information to the public stipulated in this agreement without discrimination (Mendel & UNESCO, 2008: 10-13).

3. 1. 4. African Charter on Human and Peoples' Rights:

Despite the slow ratification of the right to information in the continent of Africa, the African Charter on Human and Peoples' Rights held on 27 June 1981 in "Nairobi", which entered into effect on October 21, 1986 and ratified by 41 African countries is still a basic reference in the field of human rights in the continent at the forefront of which is the right to information is evident in article: [09] which states: *“Everyone has the right to express and spread ideas and information within the limits of legal frameworks”* (OUA, 1979). However, the application of this right has been restricted because the freedom of transferring and exchanging information without regard to borders is not explicitly referred to in the text of this charter (Eteka Yemet, 1996: 96, 97).

Ever since the international community signed the universal declaration of human rights in 1948, human rights in general and the right to information in particular has known the emergence of other types of rights in many fields. However, other ways and mechanisms have emerged at the same time to implement and protect them with the participation of partners led by non-government organizations (NGO's).

3. 2. Legal recognition of the principle of the right to environmental information: International declarations for the protection of the environment:

3. 2. 1. Declaration of the United Nations Conference on the human environment:

The declaration document of the united nations conference on the human environment held in Stockholm between 05 and 16 June 1972 is considered as the basic reference in international law for the protection of the environment because it devotes in its articles: [19] and [20] respectively the right to environmental information and the right to access to sources of environmental information, Public participation in environmental decision-making as a prerequisite for the success of the environment and Environmental Protection Project (Capitani, 2005).

3. 2. 2. World Nature Charter:

The closing statement of the world charter for nature, held by the United Nations general assembly resolution no: [37/7] of October 28, 1982, at its session no. [37], which included all

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mechanisms related to protection of natural environment, stated that: *“Any strategic planning for natural environment taking into account that information about all its systems must be inventoried and assessment of the effects of the policies having to do with the activities to be carried out should be done”*. Also, the principle: [15] of this charter stipulated that the public should be informed of all these elements and it should be published by all possible means including the communication media as well as it should be as an essential right for the public to facilitate the process of environmental protection (PNUE, 1982: 04).

Further, the united nations general assembly resolution no: [45/94] of December 14, 1990, at its general session no: [68] dealing with the need to ensure a healthy environment for human well-being stressed that all countries, while taking measures to stop pollution and environmental degradation, should take into consideration the provision of all information to the public and encourage its participation in taking the right to environmental decision and consider it among the basic human rights and freedoms (ONU, 1990).

3. 2. 3. Declaration of the United Nations Conference on Environment and Development:

The right to environmental information was evident in the Rio Declaration in 1992, as article [10] of it states: *“Environmental issues are better addressed with the participation of members of the public at the national level, and everyone must obtain the appropriate environmental information held by public authorities, including information on hazardous materials and activities in their communities, opening up the scope for participation in decision-making, and countries facilitating, encouraging, educating and engaging the public, by making information widely available”* (UN. 1992: 03).

Therefore, the U.N environment experts' agreement on the right to environmental information is considered as one of the main pillars of the successful sound environmental management and one of the main requirements for achieving environmental justice and sustainable development.

3. 2. 4. Declaration of the Earth Summit for Environment and Sustainable Development:

The declaration of the Johannesburg conference on sustainable development in 2002, in its tenth chapter concerning the means of implementation in article: [105 - Paragraph (a)] emphasized the need to provide information to the public more effectively. But, article: [127] states that: obtaining environmental information and judicial action in environmental matters - at the national level- should be ensured as well as public participation in decision-making in order to promote the principle: [10] of the Rio declaration on environment and development. As well, full observance of principles: [05], [07] and [11] from the declaration must be ensured. Also, article: [129] stresses the need to enhance information, statistical and analytical services related to environment and sustainable development data and programs (UN. 2002).

3. 3. European efforts in the field of the right to environmental information:**3. 3. 1. Recommendations and decisions of the Council of Ministers of European Union countries:**

The efforts of the European Economic Community in the area of legal recognition of the right to environmental information are due to recommendation no. [31/31 / CEE] stated in the minutes of the meeting of the council of ministers of European Union countries held on September 28, 1977 on the protection of individuals in view of management practices which includes the right of the citizen to have access to information sources before management enters and processes this information (CEE, 1977: 01, 02).

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In a deeper look, recommendation no. 81/19 / CEE mentioned in the minutes of the meeting of the council of ministers of European Union countries held on November 25, 1981 on the right to access the sources of information kept by the public authorities, confirms in the article [01]: that: *“Every material or legal person has the right to obtain upon request any information preserved by public authorities considering that informing the public is an important element for every democratic society”*. As well, article: [02] states that: *“Public authorities must provide all effective means to ensure the public's access to information. Yet, article [03] states that: Public authorities should not reject any request to obtain information, but rather ensure equal access to information among members of the public”*. Further, article: [07] states that: *“Any refusal by public authorities to allow access to information must be justified and should be reconsidered when the public authorities refuse a request to access information sources”*, as stipulated in article: [08] *“all this is in order to strengthen the public's confidence in its public administration”* (CEE, 1981: 01, 02).

This requirement concerning the right to information about the environment is undoubtedly recommended in resolution no. [85/377 / CEE] dated June 27, 1985 which is mentioned in the minutes of the meeting of European Union countries about the assessment of the effects of some public and environmental projects, where the principles [05] and [06] respectively stipulate that the public or private companies are required to provide good information about projects undertaken as well as describing them in terms of the main types of products, raw materials used, their quantity, means used in their manufacture, their side effects on water, air, soil, noise, vibrations, lighting, heat and the radiation they may cause ... etc. (CEE, 1985: 40). This decision is one of the first European Union laws to lead to the Aarhus Agreement.

Further, instruction no: [171] of the European Parliament of October 14, 1986 relating to the standing committee of local and regional authorities of the European Union stipulated the right to a safe, clean and healthy environment, the right to public participation in environmental decision-making and the right to access environmental information sources (CEE, 1986: 02).

The European Union countries are working to improve the democratization of environmental and ocean policies. In fact, the instruction: [90/313 / CEE] dated 07 June 1990 relating to freedom of access to environmental information which was officially started on December 31, 1992 was adopted. This instruction states that: *“Any material or moral person can obtain environmental information and that any refusal to provide information by the authorities must be justified within a maximum period of two months. This refusal is subject to appeal by the public and the information regarding the protection of some of the few secrets is excluded”*, as articles: [02] and [03] of this instruction stipulate. However, the right to environmental information does not imply access to sources of information and administrative documents, especially those having to do with projects outline plans or works that are often known to the public late (Prieur, 1998: 75).

3. 3. 2. Salzburg Declaration:

It was stated in the Salzburg declaration stemming from the second meeting of the European commission on the environment and human rights held on December 03, 1980 in Austria, which included the protection of the right to environmental information and public participation in environmental decision-making (Stec & Casey-Lefkowitz, 2000: 03).

3. 3. 3. European Charter for Environment and Health:

The European charter for the environment and health, held in Frankfurt, Germany, between 07 and 08 December 1989, at the request of the regional strategy for the world health organization with regard to health in Europe and the report of the world committee for environment and development in the prospects for the year 2000 and beyond, and based on resolutions: [42/186] and [187 / 42] of the united nations general assembly and resolution no: [WHA 42.26] of the world health assembly, principle: [07] of the European Charter for environment and health confirmed that: *“the role of the media in raising public awareness and establishing positive attitudes towards the*

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environment in order to protect them and improve the quality of health through the right to information and to receive correct and accurate information about the environment and public health whereas the public authorities should encourage the transfer of this information to the public in an effective manner". As well, article: [08] indicates that active NGOs in the field of the environment have an important role in the field of environmental information by disseminating information, communicating it to the public, and contributing to its enlightenment, awareness, and environmental guidance (OMS, 1989: 01, 02).

3. 3. 4. European Commission Agreement for the Assessment of Trans-boundary Environmental Effects:

Among the effective efforts made by the European Union in this field is that of the European commission agreement for the assessment of trans-boundary environmental effects held at the fortieth session of the members of the European Economic Community in the Finnish city of Espoo, Finland between 25 February and 01 March 1991 which entered into effect on September 10, 1997 and signed by 29 states in mid-1999 (CEE-ONU, 1991: 05, 06). This agreement is the first legislation in the field of trans-boundary environmental impacts in order to review parts that have been affected and / or harmed by trans-boundary effects on the environment. As well, its other aim was to review the decisions applied in the framework of plans, policies and projects with possible negative impacts on the environment and its capabilities or what is called the *Espoo Strategic Environmental Assessment Model*.

In the context of achieving its strategic goals, this agreement has devoted the importance of public participation in the EIA process, which is stipulated in paragraph: [02] of the principle: [04] of this agreement (CEE-ONU, 2000: 06).

3. 3. 5. Agreement on the Trans-boundary Effects of Industrial Accidents:

The previous agreement was supported by the agreement on the trans-boundary effects of industrial accidents concluded in the Finnish capital, Helsinki, on 17 and 18 March 1992, which entered into force on April 19, 2000. This agreement allocated the principle: [09] under the title Media and Public Participation, which affirms in its three paragraphs the right of the public in receiving effective information about the parts affected by industrial accidents that occur as a result of dangerous activities, as well as enabling the public to participate in decision-making and to express an opinion on the procedures in this regard (Stec & Casey-Lefkowitz, 2000: 04).

3. 4. Aarhus Agreement and enshrining the principle of the right to environmental information at the European level:

The environmental policy committee established in its meeting on January 17, 1996, a special team to prepare the draft of European economic committee agreement on access to information, public participation in decision-making and access to justice in environmental matters known as the Aarhus Agreement which was held on June 29, 1998 in the Danish city of Aarhus, Denmark in order to support the principle of the right to environmental media to achieve sustainable development (Drobenko, 1999: 42).

This agreement entered into effect in 2001 and was joined by more than 39 countries at the end of 2006, The United Nations and the European Union large number of NGOs active in environmental protection contributed to its convening to monitor the implementation of the principles and provisions of the agreement and open accession to all UN member states (ONU, 2006: 02, 03).

Further, this agreement came in 22 major principles and annexes, most of which focus on the right of public to environmental information as a mechanism to protect and sustain the environment, and to support the efforts of public authorities in this field. Perhaps the most important principles related to it are as follows:

3. 4. 1. The right to access and obtain sources of environmental information:

The fourth principle states that: *“public authorities should make the public's right to access environmental information sources as part of the national legislation of states. This principle should be applied, its provision must be taken into account and that environmental information should be made available as soon as possible, no later than one month from the date of filing the request. However, this period can be extended to a maximum of two months if the type of request, the size and complexity of the information require the extension”*. (CEE-ONU, 1998: 06).

Further, the third paragraph of the fourth principle states: *that public authorities may refuse a request to obtain environmental information in the event that the request is deposited in a non-competent administrative body that does not have the required information, or that the request is illogical or unclear or affects the public interest, or that the information or the required documents are incomplete*.

The fourth paragraph of the same principle states that public authorities may refuse to request information if its disclosure affects the following things: state secrets, international relations, national defense matters, public interest or obstructs the process of justice or commercial and industrial secrets that the law protects for legitimate economic interests, as well as intellectual property rights or confidentiality of data and / or personal files of individuals or sites of raising exotic animal and plant species. But, the rejection of the request for these exceptions should be explained.

The seventh paragraph of this principle requires a written rejection to the request in order to obtain information if the request is submitted in writing. However, the refusal and its reasons should be provided as soon as possible and no later than one month after the date of the request, whereas this period can be extended to a maximum of two months. (CEE-ONU, 1998: 07).

3. 4. 2. The right to collect and publish environmental information:

The first paragraph of the fifth principle states that everyone must ensure that public authorities possess and update relevant environmental information to exercise tasks of establishing mandatory systems around proposed activities, or those that are in the process of preparation and their effects on the environment, or information on threats to human health and the environment, whether caused by human activities or natural causes (risks / disasters). As well, it is also possible for the members of the public to collect and publish information that enables them to take the necessary measures to prevent or mitigate the damage, provided that this information is published immediately and periodically without any delay.

The second paragraph of the same principle states that each party must ensure the information within the framework of national law and make it available to the public effectively and in full transparency by providing the public with sufficient and qualitative information on the state of the environment in order to enable them to reach through practical procedures and arrangements such as presenting lists, records or files accessible to the public, and identifying points of contact for obtaining them.

The third paragraph of the same principle states that: *“every party should guarantee environmental information and gradually make it available in databases to enable the public to easily access it through public communication networks. Among the information that must be made available: reports on the state of the environment, environmental texts, laws and legislation. It is also possible, when necessary, to publish this information in form of statements of policies, plans and programs related to the environment”* (CEE-ONU, 1998: 08).

The fourth paragraph of principle five states that: *“each party must publish and distribute a national report on the state of the environment at regular intervals not exceeding three to four months including information on the quality of the environment and the pressures it is exposed to”* (CEE-ONU, 1998: 08).

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As for the fifth paragraph of the same principle, it is stipulated that: each party takes the necessary measures and procedures within the framework of the law to publish legislations, laws and documents on environmental policy strategies, programs and action plans and progress reports by the government as well as texts and recommendations of international treaties and conventions and protocols related to the environment, wherever that was appropriate.

The sixth paragraph of this principle affirms that each party should encourage actors who profess activities that have an impact on the environment in order to educate the public about the environmental impact of their activities and products in a voluntary basis such as: environmental marking wherever appropriate.

As for the seventh paragraph of the same principle, it is stipulated that: each party should publish the facts and their analyses related to establishing proposals for the main processes and measures regarding the environment as well as publishing and / or submitting documents about how to deal with the public, and providing information in an appropriate form, in a manner that enables the administration at all levels to exercise its functions of providing public services regarding environmental issues.

Further, paragraph eight of this principle states: that mechanisms must be put in place to ensure that enough information about industrial products is made available to the public consumer to know environmental options (CEE-ONU, 1998: 09).

As with regard to the ninth paragraph of the same principle, it is stated that: the necessary measures should be taken to develop a system and national inventories to register information related to pollution to include it in databases and to make it available to the public. This system can take into account inputs, bulletins, and transfers in different environments, their treatment sites, and their disposal forms, both inside and outside the site as well as the range of materials and products resulting from a series of activities including energy, water and resources used in these activities (CEE-ONU, 1998: 10).

3. 4. 3. Public participation in decision making regarding some specific environmental activities:

In this regard, the first paragraph of principle VI states that: the authorities should apply the provisions of this section when it comes to proposed activities having possible environmental impacts. So, a decision is taken about each case listed in this agreement. When the environmental decision-making process starts, public authorities must inform the public effectively in the right time by a public announcement or via personal contact at an early stage. This communication should provide information about the proposed environmental activity in terms of subject, issue, problem, the nature of the decision that was adopted or its draft, the authority or department responsible for making decisions, the date and location of the sessions during which the decision was made, the range of options available to the public for participation and the date of the disclosure of the results of decisions related to environmental activity (CEE-ONU, 1998: 10).

According to the second paragraph of the sixth principle, the public authorities must allow a reasonable period of time for requesting the public's involvement in order to enable their participation in the environmental decision-making process and work at all levels to get it done. On the other hand, every participant must attend and submit an application to be registered for which, the administration must give a prompt response of accepting or refusing it. As well, public authorities should ensure that the public has free access to the information related to decision-making thereby enabling them to participate effectively in environmental decision-making. Based on paragraphs: [03, 04, 05, 06, 07, 08, 09, 10] of the sixth principle, it is necessary for the concerned authorities to take into account the results of public participation in the decision-making process and inform the concerned of the text of the joint decision between him and the relevant public authorities (CEE-ONU, 1998: 11, 12).

3. 4. 4. Public participation in setting environmental plans, programs, policies and accessing environmental justice:

As stipulated in paragraphs: [03, 04, 08] of the sixth principle: public authorities shall inform the public of the practical provisions related to the setting of environmental plans and programs in a transparent and fair manner in order to give way to public participation after providing the necessary information in this framework. As well, the seventh principle in turn stipulates that the public should be given an opportunity to participate in sustainable environmental development policies (CEE-ONU, 1998: 12) and to participate effectively in preparing programs and plans by providing the opportunity to their comment either directly or through advisory bodies, as stipulated in the eighth principle of the agreement (CEE-ONU, 1998: 12, 13).

Further, the same agreement goes on to stipulate that: public authorities must respond to any person, who has applied for environmental information available to them within the framework of national laws, However, in the event of the authorities' refusal, the concerned person can resort to the law, either by appealing to a court or to an independent body or by submitting a request to the competent court in order to review the justifications for refusing his/her request to access environmental information, as stipulated in the first paragraph of the ninth principle. The second and third paragraphs of the same principle state that, within the framework of national laws, the competent authorities should strive to protect citizens' right to access environmental information and establish an independent body to review appeals objectively with the intention to achieve environmental justice as was raised by non-governmental organizations (CEE-ONU, 1998: 14). Based on the aforementioned, the relevant authorities should establish procedures such as fair compensation awards or objective restraining measures, when appropriate without delay.

It is worthwhile to mention that the decisions taken under the fourth and fifth paragraphs of principle nine and court decisions in this regard should be made available to the public by informing them so to enable them to initiate administrative or judicial procedures. However, consideration has to be given to establishing mechanisms to remove or reduce barriers that impede access to justice (CEE-ONU, 1998: 15).

4. The right to environmental information in national laws (French and Algerian law as examples):**4. 1. The principle of the right to environmental information in French law:**

The right to environmental information in French law derived its legitimacy from the declaration of human rights that was issued after the French revolution in 1789, where the article [11] states that the free exchange of ideas and opinions is a human right. So, every citizen may speak and print freely while held responsible for the misuse of this freedom in the cases determined by law. However, the formal recognition of the right to access to information sources is implicit in article: [58] of the French law of April, 5th, 1884, related to the right to the request of a copy of the minutes of seizure of municipal councils (JORF, 06 April 1884: 1557), as stated by the French legislator in law 1905 on the right of workers (citizens) eligible to obtain their files in the event of existing threat to them. This opened the door for political parties and environmental advocates to demand that greater constitutional value be given to the principle of the right to access information and administrative documents containing environmental data.

4. 1. 1. Legislations regulating the relationship between the administration and the public and enshrining the principle of the right to environmental information:

This right is upheld in French law no: [78/17] of January, 06 , 1978 related to automated media, documents and public freedoms in article: [03] of the first chapter which states that everyone has the right to know information, access data, administrative documents, and appeal when rejected by the administration (JORF, January, 07, 1978: 227). Environmental organizations rely on this

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article when requesting to obtain information and administrative documents. However, a fundamental change has occurred since the promulgation of Law no: [78/753] of July 17, 1978 concerning the development of various measures to improve relations between the administration and the public and various administrative, social and financial provisions, where article: [01] of its first chapter grants freedom to access administrative documents (JORF, 18 July 1978: 2851). This law gave the environmental information a legal basis that includes the right to access sources of information and the right to communicate it and file an appeal if the authorities refuse to provide it.

As stated in law no: [321/2000] of April 12, 2000 relating to the rights of citizens and their relations with the administration, it is possible for everyone to access sources of information of any kind and to obtain and receive them as well as pushing the administration to exercise transparency in a large way (JORF, April, 13, 2000: 5646). In this regard, decree no: [650/2005] of June 06, 2005 related to freedom of access to administrative documents and the reuse of public information, stated in its article: [04] that: *“every person’s right to information is limited and guaranteed according to the provisions of chapters 1, 3 and 4 of this law related to freedom of access to all administrative documents held by the state and the authorities of any kind and obtaining the information they contain”* (JORF, June, 07, 2005: 10022).

As well, decree n°: [1755/2005] of December 30, 2005 related to freedom of citizens in accessing administrative documents and reusing this information in the second chapter confirms free access to administrative documents and access to information and how to do so (JORF, 31 December 2005: 20827).

The French administrative law that guarantees this right has evolved until it has been established and recognized in principle: [07] of the French constitutional law no: [2005/205] of March 01, 2005. This law states that: *“every person (physical or moral) has the right, in accordance with the conditions and within the rules determined by law, to access to environmental information possessed by the public authorities and participate in the preparation of public decisions that have an impact on the environment”* (JORF, mars, 02, 2005: 3697).

4. 1. 2. The principle of the right to environmental information in environmental legislation:

The right to environmental information in environmental legislation appeared in article: [15] of French executive decree n°: [85/217] of February 13, 1985 related to monitoring chemical products on the market and providing information about the symptoms or effects of these substances on humans (JORF, of 17 February 1985). Article: [21] of law n°: [87/565] of July 22, 1987 which includes regulating social-civil security, protecting forests from fires, and protecting against public hazards stresses the public's right to information about the major risks to which certain regions are exposed as well as the protection measures that concern them.

This right applies to technological and natural hazards expected to occur. The State Council decree specifies the conditions for exercising this right and specifies in particular the ways in which protection measures are presented to the public as well as the places where information is displayed. (JOR, 23 July, 1987: 8199). Also, article: [03, in paragraph 01] of law no: [88/1261] of December 30, 1988 on waste, recognized that: *“everyone has the right to know the effects that this waste may have on the environment and human health”* (JORF, 4 January, 1989: 113).

In fact, this right has been confirmed in law n°: [92/654] of July 13, 1992 related to the control of genetically modified products "OGM". Indeed, its article (12), chapter three, stipulates the right of every citizen to know the health effects that may result from these products (JORF, 16 July 1992: 9525). As well, resolution n° [93/1410] of December 29, 1993 sets out the terms for the application of the law on the right to information in relation to waste and hazardous materials (JORF, December 31, 1993: 18703), thereby supporting the principle of the right to environmental information and the right to access sources of environmental information in French law through law

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no: [96/1236] of December 30, 1996 related to air quality and rational use of energy, as its article: [04] stipulates the right of the public to know air quality and health effects (JORF, January, 01, 1997: 11).

The French law has evolved in the field of the right to environmental information until it reached the public's right to information about nuclear and atomic activities carried out by the competent authorities. This is shown in decree n°: [686/2006] of June 13, 2006 related to transparency and security in nuclear matters and protection from atomic radiation. So, article: [18] of this decree stipulates that: *"the state is responsible for informing the public and providing it with all information about the results of safety oversight in nuclear activities and methods of radiation protection and its consequences, especially in cases of accidents"* (JORF, 14 June 2006: 05).

All these legislative texts in France enshrine the public's right to access sources of information related to the environment, waste, major hazards whether natural and technological, information about genetically modified organisms, air quality, water, soil, hazardous materials, secret facilities, information about nuclear safety and protection from atomic radiation.

4. 2. The principle of the right to environmental information in Algerian law:

As it is well known, the right to information in general has been linked to the nature of the social-political system, the monopoly of power and its uniqueness since Algeria's independence in 1962 through the administration and supervision. So, this situation led to the disruption of democracy which is considered a cornerstone of freedom and the right to information. As a result, the various laws regulating the administration did not contain provisions regarding the right of the public's right to undertake and participate in decision-making. Thus, this obfuscation that characterized administrative work during the three decades preceding the stage of political and the constitutional openness of 23 February 1989 has limited the opportunity to participate for enrichment on the part of various environmental partners because the administration had the monopoly of managing environmental affairs. This situation explains the absence of a clear political vision for environmental protection and the failure to complete the legislative and institutional framework for environmental protection.

4. 2. 1. The principle of the right to environmental information in the legislation regulating the relationship between management and the public:

The bulk of the reforms for human rights and public freedoms experienced by Algeria since independence is the promulgation of decree no: [88/131] dated July 4, 1988 regulating the relations between management and the public which served as the foundation stone for the start of the legal rules of the public's right to access administrative documents. In article: [08] of this decree, the citizen's right to undertake and access the sources of information that interest him are stressed. Article: [10] also, stipulated that the public has the right to obtain the documents, information and data in the archives department free of charge, as long as the applicant pays the costs of copying and photocopying provided that it is kept preserved. To protect the public's right to information, article: [34] of the same decree stipulates that the administration must respond to requests and grievances directed by the public in this regard. Article: [30] obligates all employees of the administration to respect the public's right to access sources of information and documents, and not to invoke any reason that impedes this right bearing in mind that every willful violation of this right exposes the management employee to the penalty of discipline, dismissal, or denial of pension (JOAL, 4 July, 1988: 759-762).

The right to information and access to sources of information and documents was developed through law no: [90/08] related to the municipality and law n°: [90/09] related to the mandate and historians on April 07, 1990, where the article: [3/13] of the municipal law states that publishing is obligatory to inform about the deliberations and meetings before they are held so the public can participate in the meetings of the people's councils as well as the discussion of what goes on in the

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meetings according to the content of article: [19] of the same law, provided that the competent departments of the municipality publish the deliberations of the meetings within eight days, bearing in mind that any person has the right to know the outcome of the deliberations of the municipal people's assembly and the resulting decisions in accordance with articles: [21 and 22] of the municipal law.

The state law assigned the State People's Assembly for environmental protection this task. According to article: [58-14], the administration is obligated to inform the public of the agenda of the deliberations before they are conducted by publishing the schedule in places intended for publicity, in order to enable the partners interested in preparing and previewing environmental issues to be presented for discussion as well as to avoid the element of surprise in taking decisions related to the conduct of environmental elements.

Further, the state authorities must publish an extract of deliberations in public places of information within eight days as stipulated in article: [20] with the exception of secret topics. In addition, article: [21] provides that the task of expanding and devoting the right to information in environmental materials is assigned to the state directorate of the environment through its vigilance in promoting information, education and awareness work in the field of the environment (JOAL, 07 April 1990: 420-434).

4. 2. 2. Law n°: [03/10] and the recognition of the principle of the right to environmental information:

International sources having to do with the right to information in legal articles related to the environment have positively affected the transformation of political positions at least at the official level through Algeria's accession to international agreements and conferences which have contributed significantly to creating political awareness of the need to perpetuate the right to environmental information in the legal texts in Algeria. This was reflected in the recognition of the right to information and access to environmental information in accordance with legal articles number: [03/10] related to environmental protection in the framework of sustainable development dated July, 19, 2003.

In fact, article: [07] thereof states that every natural or legal person has the right to ask the relevant authorities for information related to the state of the environment and should obtain it. This information may include all available data in any form related to the state of the environment and the regulations, measures and procedures directed to ensure the protection and regulation of the environment, and specify how to communicate this information through regulation. This is stated in article: [08] which stipulates that every natural or legal person in possession of information related to environmental elements that can influence directly or indirectly public health must communicate it to the local authorities and / or environmental authorities. As well, article: [09] states that: *“any person has the right to obtain information about the dangers to which he is exposed in some parts of the region and the protection measures that concern them. This right includes technological and expected natural hazards. All of this is done according to regulation and without prejudice to legislative provisions”* (JOAL, 20 July 2003: 06-09).

4. 3. Limits of the right to environmental information in Algerian law:

A number of exceptions limit the possibility of exercising the legal articles related to the right to information and accessing it. These limits are as follows:

4. 3. 1. Confidentiality principle for administrative information:

The administrative secret is an excuse for the administration to refrain from providing information to people, institutions, bodies, associations, the media of communication and the like. This mentality has been devoted to the Algerian administration in particular because it considers the

right to information as a violation of the principle of administrative confidentiality. So, allowing the public to interfere in the conduct of public interests is considered a violation of the system.

Therefore, the administration often resorts to refusing to grant the right to be informed as a general principle, except in cases expressly provided for by law. Although the right to information and access to administrative documents related to environmental protection is a recognized principle in the Algerian environmental legislation. But, explicit exceptions of a purely security nature related to some type of information have been restricted. For example, the procedures for classified establishments of the ministry of national defense are subject to special rules for licensing, investigation and control supervised by the minister of defense. These measures are confirmed by Article: [20] of the same law (JOAL, 20 July 2003: 10). It is also forbidden to see documents related to cases of radioactive contamination or what is known as the nuclear secret which remain of exclusive jurisdiction of the high governorate for atomic energy.

4. 3. 2. The principle of confidentiality on industrial or commercial information:

The concept of an industrial or commercial secret is related to the authority of a classified project or establishment in determining information related to the methods of manufacture and the materials and the products used in manufacture, and it is believed that the publication of its information may lead to the disclosure of the secret of manufacture. This law did not specify the limits of the industrial or commercial secret that gives way to owners of enterprises to apply the personal standard to the type of data permitted to be provided. Failure to specify prohibited information may result in providing certain data that may lead to pollution. As well, this situation may disrupt the participation of all partners in proposing appropriate measures to prevent potential damage to the environment. So, it is necessary to adopt a clear objective standard that preserves at the same time the economic interests of the owner of the facility as well as the public interest related to environmental protection.

It is worth noting here that the right to inform about natural or technological hazards was mentioned on two levels. As for the first level, this right is restricted to members of the public only, i.e. for people who hold Algerian citizenship, which is the opposite of what this draft law stipulated in all cases. As for the second level, it is to restrict this right and limit it to members of the public who live in the areas where the major sources of risk exist, whether natural or technological. Thus, it is not permissible for the individual who does not reside in the area exposed to the risks of an establishment to claim his right in informing about these risks, just as the legal texts regulating the right to information came only in three articles, namely: [07, 08, 09] and were suspended afterwards due to the referral to the organization to show how to exercise the right to information and to carry out, as well as take precisely the issues and documents that can be undertaken.

In addition, this law did not clarify the mechanisms for legal appeals in the event where the administration refuses to inform the public, which provides the opportunity for the administration not to change its mindsets and practices. The legal deficiencies are embodied in the weakness of the media field devoted to the environment and the public's information needs to confront environmental hazards. This deficiency is related to either the administration's arbitrariness and its retention of information or its poverty and lack of availability of the necessary data or its inability to provide and publish it and inform the public about it or its ignorance of the techniques of its publication and its lack of multiplication of the opinions of members of the public. This leads the audience members to not ask for this information most of the time.

5. Conclusion:

Through the international and domestic legal texts regarding the countries that were presented in relation to the principle of the right to information concerning to the environment and the right to access to its sources, a twofold conclusion can be made. That is a practical conclusion and a general or conceptual one. With regard to the first one, it can be said that:

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- The principle of the right to environmental information is a basic right of the third generation of human rights. It derives its legal justifications from the various provisions of international human rights law and fundamental freedoms. Therefore, its approval and embodiment lead to more environmental protection.
- There were no clear international legal texts that recognized the right to environmental information as it is today. It is only after the Stockholm conference of 1972 that the environment specialists considered this issue as the basic legal reference for this type of rights.
- The principle of the right to environmental information has evolved at the international level through its recognition of the allocation of an explicit article from the Rio declaration emanating from the Rio de Janeiro Conference in 1992, then confirmed by the political declaration of the Earth Summit in Johannesburg in 2002 which considered it a central mechanism for protecting the environment within the framework of sustainable development.
- The principle of the right to environmental information has been recognized at the regional level in the European Union, as it has been shown in its series of conferences and its recommendations and decisions since 1977.
- Many national laws were affected by the texts of international and regional laws and international environmental agreements that recognized the principle of the right to environmental information in many of its laws, whether by joining international agreements that include this principle or enacting independent legislation in this regard.
- French law is the first country to recognize early on the principle of the right to environmental information through the enactment of laws and legislations related to this principle, whether at the level of laws to improve the public's relationship with the administration or through environmental law or even at the level of constitutional law. The French administration is keen to develop this principle through the enactment of legal provisions and mechanisms to embody it in harmony with environmental developments.
- Algeria is one of the few third world countries that have recognized the principle of the right to environmental media, as the legislator has devoted an entire chapter to the law [10-03] related to protecting the environment within the framework of sustainable development dated July, 19, 2003, which addresses this principle.
- The material of this chapter is not sufficient and it is idle to exercise this right in the environmental media and the public needs for information to confront environmental hazards.
- The weakness of the law [03-10] in this regard is due either to the arbitrariness of the administration and its monopoly of information, or to its lack of the necessary data, or its inability to provide and publish it and inform the public about it, or its ignorance of its publishing techniques and not being multiplied by the opinions of members of the public, which made members of the public not demand this most of the time.

As for the general or conceptual conclusion, it can be said that the principle of the right to environmental information is a concept that is generally related to the concepts of general human rights and fundamental freedoms. But, from the doctrinal point of view, it is based on pillars that must be available for this right to be completed. Perhaps the most important of which is the right to

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undertake and nullify the rule of confidentiality on environmental information. However, this can only be done through a democratic law that allows any individual the right to access, obtain and dispose of sources of environmental information in the manner prescribed by laws, not to mention the right to participate by members of the public in environmental decision-making and to observe practical measures in this regard.

Overall, through a descriptive-analytical examination of the texts of international law and some internal or national legislation, it became clear that the right to environmental information has evolved during the past forty-eight years and has gone through several stages until it has been enshrined and approved and reached the stage of idiosyncratic maturity.

In its genetic phase, the right to environmental information was based on a set of texts of international human rights and civil liberties, including the Universal Declaration of Human Rights, the European Convention for Human Rights and Fundamental Freedoms, the American Convention on Human Rights and the African Charter on Human and Peoples' Rights. However, it did not explicitly recognize this right but gave it the legal basis on which it is based.

Indeed, the principle of the right to environmental information did not appear as it is today except through the texts of international declarations for the protection of the environment starting with the document of the Declaration of Stockholm in 1972 and the World Compact in Nature in 1982, then the Declaration of the United Nations Conference on Environment and Development in 1992 and its agenda 21 and finally the declaration of a Earth Summit for Environment and Sustainable Development in 2002.

In sum, the texts of international agreements to protect the environment contributed to establishing the principle of the right to environmental information and reinforced this principle at the regional level, especially through European efforts, Borders and the Trans-boundary Effects Agreement for industrial accidents. However, the Aarhus Agreement is the most European convention that was specifically for the establishment of the principle of the right to environmental information. This is so because it devoted most of its articles to the right to access and obtain environmental information sources and the right to collect and publish environmental information and public participation in making decisions related to certain public participation activities in developing environmental plans, programs and policies as well as accessing environmental justice. Therefore, many jurists consider the Aarhus Convention a rich reference for many environmental protection laws at the international, regional, and national levels.

Finally, this study, which was limited to examining and analyzing French and Algerian laws, concluded that French law is very rich in articles that affirm this right and that it has taken very advanced steps in this regard, as it reached the legislator to give the public the right to information about nuclear and atomic activities carried out by the competent authorities in its legal limits. Whereas, the Algerian legislator did not pay attention to this principle except during law no [03-10] issued on July, 19, 2003 related to environmental protection in the context of sustainable development, in which a full chapter was devoted to recognizing the right to environmental information and the right of the public to participate in environmental decisions and mechanisms of practice. Yet, the Algerian legislator limited it with conditions that determined and disrupted it with a lot of articles which made this law short and insufficient in terms of its adequacy and did not give the principle of the right to environmental information the great importance it deserves as an essential partner and a big stake in resolving many of the environmental problems that Algeria suffers of, especially in recent years.

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