

**AGENCY FOR THE PROTECTION OF THE RIGHT OF FREE ACCESS TO PUBLIC INFORMATION**

**ACCESS TO INFORMATION AS A BASIS FOR ENVIRONMENTAL PROTECTION**



**Skopje, November 2024**

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**INTRODUCTION**

Protecting and improving the environment is a central issue affecting people's well-being and economic development. It is an urgent desire and need of people worldwide, and accordingly – it is an obligation of all governments.

Access to information is one of the fundamental rights of citizens, not only in the context of political transparency but also in terms of protecting the public interest, including the protection of the environment. This approach enables the public, civil society organisations, scientific institutes, and other stakeholders to be informed about the impact of certain activities on the environment and the measures taken for its preservation and maintenance.

The law on free access to public information applies to all areas of public life, but it is especially important to highlight it in the context of environmental protection. This approach is the basis for effectively preventing harmful impacts on nature by discovering data and information on activities that can negatively affect human health, ecosystems and biodiversity.

In this sense, the competent authorities in each country are obliged to provide a clear, publicly accessible and consistent set of legally regulated mechanisms that will contribute to public participation in decision-making, the quality of the decisions that are made, their implementation and in general to the raising of public awareness on aspects of environmental protection.

However, the state has a key role here: to promote education in environmental protection and environmental awareness among the public. Citizen participation based on citizen ignorance is futile and counterproductive. The citizen must be adequately informed about the environment in which he lives and understand the significance of each planned activity at the local and central level that may affect his environment, especially in the case of an implicit threat to human health or the environment as a consequence of such activities. Such an information system must be transparent, efficiently available, and, most importantly - it must last and be maintained by the management structure in the relevant institutions, that is, withstand the political fluctuations that appear as a consequence of election cycles.

Realising the right to access information also means enabling the realisation of other human rights, especially the realisation of the right to a healthy environment and the realisation of everyone's duty to promote and protect the environment and nature. People must be informed about the causes of climate change and the signs of climate change that affect plant and animal life changes, which also affect people's quality of life.

The development of technique and technology enables this information to be published and transmitted easily and quickly, that is, for institutions to consistently respect the obligation to make information available on their initiative, voluntarily and promptly, that is, the so-called active transparency, and to act on submitted requests for access to information, that is the so-called reactive transparency.

Public information significantly impacts the comprehensibility, availability and transparency of environmental data, directly affecting citizens' awareness of environmental problems and their ability to make decisions based on relevant information. That information, as part of the public interest, can help form policies and strategies for sustainable development and also have an essential role in protecting the environment and improving the quality of life. In the Law on Free Access to Public Information ("Official Gazette of RM" No. 101/2019), in Article 3, Paragraph 1, Paragraph 7, Points 4, 5 and 6, access to information of public interest is extremely important for shaping policies and strategies that will ensure sustainable development. In that context, according to the law, information that has significance for the public interest not only supports institutions' transparency but also helps define decisions vital to society.

1. **Prevention and detection of serious threats to people's health and life:**

Publishing information about risks to human health and life, such as air or water pollution, can help prevent consequences for citizens' lives. With this information, the public and institutions can react promptly and introduce measures to protect the health of citizens. For example, if information is discovered about industrial pollutants that threaten the population's health, this information will enable public discussion and may lead to specific actions being taken.

1. **Prevention and detection of environmental threats:**

The law indicates that access to information related to the environment can reveal activities that threaten nature, that is, the environment. The publication of such information enables greater public awareness of the risks. It helps identify projects or activities that may destroy natural resources or harm environmental impacts. An example of this could be public access to data about a company illegally dumping toxic waste in the soil, allowing for a quick response and sanctions.

1. **It will help to understand the issue about which a public policy is being created or a parliamentary debate is being conducted:**

This aspect of the public interest refers to how information can help inform the public about matters of critical importance, such as legislative initiatives or public policies. When this information is public, it enables citizens to participate in policy-making by expressing their views or media reports. For example, suppose a country is planning new environmental policies. In that case, access to information about air quality and the effects of climate change can help inform public debate, leading to the creation of more inclusive and sustainable policies.

In this context, access to this information is crucial for citizens, civil society organisations, and investigative journalists to monitor and analyse the impact of public policies and projects related to the environment and quality of life. This law protects citizens' rights to be informed. It creates a platform for public debate that can lead to better and more sustainable decisions that will improve environmental and social well-being.

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**Public information affects information about the environment, as well as its benefit to citizens:**

* **Legal basis for the right of access to environmental information**

In many countries, the right to access environmental information is protected by law and is part of the broader right to information. In Europe and many other parts of the world, the right to access environmental information is guaranteed by the Aarhus Convention. This international agreement has been signed by 46 countries, including the Republic of North Macedonia (Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice on Environmental Issues, "Official Gazette" no. 11/1997), has three key pillars:

• **Access to information:** Citizens can receive information about the environment owned by state institutions without explaining its purpose.

• **Public participation in decision-making processes:** Citizens have the right to participate in decision-making processes that may impact the environment.

• **Legal protection:** Citizens can access legal mechanisms if their rights to information and participation are denied.

The right of access to environmental information is a fundamental right for transparency and environmental protection. It is regulated through international conventions, regional agreements and national legislation.

In addition to the Aarhus Convention, other significant international agreements are aimed at environmental protection. These agreements cover various aspects of environmental protection, including climate change, biodiversity, water, air and soil protection.

**1. Climate change**

* **UN Framework Convention on Climate Change (UNFCCC, 1992)**
	+ A basis for global action against climate change.
	+ Signed at the Earth Summit held in Rio de Janeiro.
* **Kyoto Protocol (1997)**
	+ The first legally binding agreement was to reduce greenhouse gas emissions for developed countries.
* **Paris Agreement (2015)**
	+ A global agreement to limit the rise in global temperature to less than 2°C, with efforts to keep it to 1.5°C.

**2. Biodiversity**

* **Convention on Biological Diversity (CBD, 1992)**
	+ It protects biodiversity and promotes its sustainable use and benefit-sharing of genetic resources.
* **Convention on International Trade in Endangered Species (CITES, 1973)**
	+ It regulates trade in endangered plant and animal species to prevent their extinction.
* **Ramsar Convention for the Protection of Wetlands (1971)**
	+ It focuses on the protection and rational use of wetland ecosystems, important for biodiversity.

**3. Protection of the marine environment**

* **Convention for the Protection of Marine Life and the Environment (MARPOL, 1973/1978)**
	+ Regulates marine pollution from ships, including oil, chemicals and sewage.
* **Convention on the Biological Diversity of Antarctic Marine Life (CCAMLR, 1980)**
	+ It regulates fishing and the protection of marine biodiversity around Antarctica.

**4. Water and air protection**

* **Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention, 1992)**
	+ It focuses on cooperation and sustainable management of transboundary water resources.
* **Gothenburg Protocol (1999)**
	+ Within the Convention on Long-Term Transboundary Air Pollution framework, the protocol regulates emissions of sulfur, nitrogen and other pollutants.

**5. Toxic and dangerous substances**

* **Stockholm Convention on Organic Pollutants (POPs, 2001)**
	+ It regulates the production and use of persistent organic pollutants.
* **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes (1989)**
	+ Prevents improper storage and transportation of hazardous waste materials.
* **Rotterdam Convention (1998)**
	+ Promotes information and consent in international trade of certain hazardous chemicals and pesticides.

**6. Soil and forest protection**

* **Convention to Combat Desertification (UNCCD, 1994)**
	+ It regulates sustainable land management and the prevention of soil degradation.
* **Program to Reduce Deforestation (REDD+, 2008)**
	+ Financial mechanism for forest protection in developing countries.

These agreements work through implementation at the national level and are often linked to reporting, monitoring and international cooperation obligations.

The European Union (EU) is a global leader in establishing environmental regulations. These regulations cover many areas, including waste management, nature protection, air and water quality, climate change and chemical use. Hence, we share the most important regulations and directives:

**1. Waste management**

* **Waste Framework Directive (2008/98/EC)**
	+ It introduces a hierarchy for waste management: prevention, reuse, recycling, energy use and final disposal.
	+ The goal is to transition to a circular economy.
* **Regulation on transboundary transport of waste (EC 1013/2006)**
	+ It regulates waste export, import and transport between EU member states and third countries.
* **Landfill Directive (1999/31/EC)**
	+ It regulates the use of waste landfills to reduce methane emissions and protect soil and water.

**2. Protection of nature and biodiversity**

* **Habitats Directive (92/43/EEC)**
	+ The goal is the protection of natural habitats and species of common interest.
	+ A network has been introduced in **Natura 2000**, the world's largest coordinated network of protected areas.
* **Birds Directive (2009/147/EC)**
	+ It regulates the protection of all naturally wild birds, their habitats and protection from hunting and trade.

**3. Air quality**

* **Air Quality Directive (2008/50/EC)**
	+ It limits the concentrations of PM2.5, PM10, nitrogen oxides (NOx) and sulfur oxides (SOx).
* **Industrial Emissions Directive (2010/75/EU)**
	+ It obliges industrial plants to minimise emissions by applying the best techniques (BAT).

**4. Water management**

* **Water Framework Directive (2000/60/EC)**
	+ It sets a strategic framework for achieving a good ecological status of all water bodies (rivers, lakes, underground and coastal waters)
* **Directive on the quality of drinking water (98/83/EC)**
	+ It guarantees that drinking water in the EU is safe and hygienic.
* **Urban Wastewater Treatment Directive (91/271/EEC)**
	+ It regulates the collection, treatment and disposal of urban wastewater to prevent pollution.

**5. Chemicals and hazardous substances**

* **REACH regulation (1907/2006)**
	+ It requires companies to ensure the safe production and use of chemicals.
* **CLP Regulation (1272/2008)**
	+ It harmonises the classification, labelling and packaging of hazardous chemicals in the EU.
* **Biocides Regulation (528/2012)**
	+ It regulates the production and use of biocidal products to minimise risks to people and the environment.

**6. Energy and climate change**

* **European Green Deal (2020)**
	+ A vision for the EU to become climate neutral by 2050.
* **Renewable Energy Directive (2018/2001/EU)**
	+ It sets a goal that the total energy consumption by 2030 will be 42.5% of renewable energy.

**7. Evaluation of environmental impacts**

* **Environmental Impact Assessment Directive (2011/92/EU)**
	+ It refers to assessing the impacts of large projects (infrastructure, industry) on the environment.

**8. Soil protection**

* Although the EU does not have a specific soil directive, the Environment Framework Directive and the Water and Industrial Emissions Directives indirectly cover soil protection.
* **EU Soil Strategy (2021)** aims to prevent erosion, degradation and pollution.

These regulations and directives provide a comprehensive legal and operational system for environmental protection in the EU.

The Republic of North Macedonia, as a country actively striving for European integration, aims to harmonise its legal regulations with international standards, including those of the European Union (EU) and the United Nations (UN). This process is crucial for harmonising national legislation with international obligations and ensuring the legal system's functioning by global principles.

As a candidate for EU membership, North Macedonia is obliged to implement European regulations, directives and acts in its legislation. This compliance is significant for the EU accession process and is implemented through the negotiation process and the legal acts of the Union. As a member of the UN, the state has the obligation to harmonise its laws with international agreements and conventions that it has signed and ratified. Although North Macedonia has made significant progress in implementing EU and UN regulations, there are challenges in implementing these regulations on the ground. Some laws and regulations are often not fully enforced or have problems with the effectiveness of control mechanisms. In this sense, greater transparency, accountability and effective management of resources are needed to ensure full compliance with international standards.

In the context of domestic legislation, it is essential to note that **The Constitution of the Republic of North Macedonia** lays the foundation for protecting human rights and the transparency of the authorities. Article 16 of the Constitution, which refers to the right to information and free access to public information, is an essential pillar for the right of citizens to access information. Then, this constitutionally guaranteed right is implemented in **The law on free access to public information**. The law guarantees the right of access to information that is of public interest and contains provisions that implement the Aarhus Convention and other international obligations at the national level. **The** **Law** **on** **Environment** is also one of the key provisions for applying international standards in terms of environmental protection. The law implements European and international directives on waste, water and air management, but its implementation faces challenges, such as ineffective control and sanctions for violators of environmental standards.

North Macedonia has established a legal framework that is based on international standards. The law on free access to public information and other relevant laws on environmental protection, the right to a healthy environment and human rights are well established in the system. Still, greater transparency of the institutions is needed for their effective implementation. Implementation problems, such as lack of accountability, inefficiency of institutions and transparency of public access to information related to environmental protection, indicate the need for greater commitment to implementing these legal solutions.

Providing information about the environment helps to strengthen compliance with environmental legislation and regulations. When citizens are informed about existing laws and standards for environmental protection, they can better understand their rights and obligations and participate in monitoring the fulfilment of these regulations.

* **The role of state institutions and transparency**

State institutions are key in ensuring transparency and access to environmental information. Transparency is an essential prerequisite for public participation, accountability and adequate environmental protection. Institutions provide information through:

* **Proactive transparency**:
	+ Institutions are obliged to publish environmental information without prior request from the public.
	+ For example, reports on air quality, water, soil, waste management, biodiversity protection and climate change, and
* **Reactive transparency**:
	+ According to the Law on free access to public information, institutions must respond to requests for access to information within 20 days.

Institutions must ensure consistent implementation of environmental protection laws under national legislation.

Institutions should regularly monitor the state of the environment and publish the results to the public. National environmental reports are a key instrument for transparency.

Environmental inspectorates control industrial facilities, construction activities and natural resource management.

**Transparency mechanisms are implemented through the publication of public registers and databases, web applications or portals, as well as through** interactive maps of protected areas, pollutants, landfills, etc. Transparency should also be practised through regular publications and annual reports on the state of the environment.

On the other hand, there are also **words about transparently publishing information. These are:**

* **Unavailability of information**: Poorly organised databases, outdated data or lack of capacity to collect and publish data.
* **Partial transparency**: Institutions that refuse to release sensitive information, such as that related to pollution by industry.
* **Political influences**: Access to information may be hindered by corruption or political interests.
* **Low public awareness:** It can reduce the pressure on institutions to ensure transparency.

**Institutions should implement in their operations good practices for promoting transparency through:**

* **Informing the public** about the state of the environment, including pollution, waste management, air, water, and soil quality.
* Through **digitisation**, by introducing platforms for open data and platforms for electronic submission of requests for public information
* **Public participation** in decision-making includes environmental permits, urban plans and large infrastructure projects.
* **Support for scientific research** through open data that can be used to analyse and develop strategies.
* **Institutional practice** increases the institutions' data collection, analysis and distribution capacities.
* **Improving accountability** to authorities and companies about their activities with potential environmental impacts.

State institutions are a bridge between information about the environment and the public. Their efficiency directly affects citizens' trust, environmental protection, and overall quality of life.

Transparency and availability of environmental data are not only a legal obligation but also an ethical duty of the institutions. Continuous efforts are needed to improve mechanisms for access to information and to strengthen public awareness.

* **Changes and improvements in public awareness**

Public information can encourage citizens to request changes from local and national authorities if they notice negative environmental trends, such as increased pollution, degradation of natural resources or negative consequences of climate change. Environmental data can raise public awareness of the need to change policies and action plans for sustainable development.

* **Environmental education and public awareness**

Apart from formal access to information, environmental education and public campaigns are essential tools for raising awareness among the population about key environmental issues. This enables longer-term responsible behaviour and care for nature.

Realising the right to access environmental information is central to sustainable development and protecting communities' health and well-being. When citizens have free access to information about the state of the environment, they can be better informed about the risks and opportunities that their activities bring to nature.

Furthermore, this right encourages public participation in decision-making, enabling an active role in creating policies that will preserve nature and reduce environmental pollution. The informed public has a more significant opportunity to demand responsibility from the institutions and insist on applying environmental regulations appropriately.

Thus, access to environmental information contributes to greater ecological awareness and increases citizens' commitment to nature protection, essential to sustainable development.

* **Protection of public interest and health**

By regularly publishing information on the state of the environment, such as data on the quality of air, water and food, public institutions contribute to the protection of citizens' health. These data are particularly important for ensuring health standards for vulnerable groups (e.g., children and the elderly) who are more exposed to pollution and other environmental threats.

* **Participation of citizens**

The availability of public data enables citizens to be actively involved in the decision-making process. When people have information about how their activities affect the environment, they can engage in various nature conservation initiatives, such as recycling, protecting local ecosystems, and reducing waste.

* **Support for sustainable practices**

By providing information about the environment, such as data on climate change, energy efficiency or green technologies, citizens can adopt more sustainable practices in their daily lives. This information can motivate them to invest in renewable energy sources to reduce carbon emissions and their environmental consequences.

* **Legal protection in case of restriction of access**

When access to information is limited or denied, citizens have the right to legal protection. This usually involves submitting complaints to the Agency for the Protection of the Right to Free Access to Public Information or initiating court proceedings to obtain the necessary data. This is particularly important for topics such as industrial pollution or planned projects with a potentially high environmental impact.

* **Benefits of access to environmental information**

**Access to information about the environment** brings numerous benefits to society, the economy, nature protection and human health. Open and accessible environmental data represent an essential instrument for realising public accountability, strengthening citizens' rights and the sustainable management of natural resources. The benefits of accessing this information are:

* **Improving health security**

Through access to information about air, water and food pollution, the public can be informed about potential health risks. This information helps citizens protect their health by avoiding contaminated areas or adapting lifestyles to reduce exposure to toxic substances. The availability of air quality information (via online platforms or mobile applications) allows people to be informed about the pollution level and make decisions about when and where to go out, especially people with respiratory problems or other health conditions, after receiving accurate information.

* **Support for public policies and regulations**

Access to environmental information and data allows institutions and local authorities to make the best decision regarding nature conservation. This information enables the institutions to decide which areas urgent measures are needed and whether new policies or additional resources are required for environmental protection. If the data shows that a region is facing serious problems with water pollution, this will be a signal for the immediate introduction of measures to protect and clean up water resources. Through the creation of transparent and effective policies, the data can be used to assess the effectiveness of existing policies and assist in their revision. They help monitor progress against set environmental goals and can reveal weaknesses in the system.

* **Strengthening the public awareness of citizens and their participation**

Through clear and regular access to information and data, the public becomes aware of the most significant environmental challenges and issues affecting their environment. Being informed encourages action at the community level and individual participation in actions to protect the environment.

When citizens access relevant environmental information, they are more motivated to participate in activities such as recycling, waste reduction, energy efficiency, or supporting policies aimed at sustainable development. Awareness of air pollution can encourage public demonstrations and demands for changes in urban planning, a faster transition to renewable energy sources, or the improvement of public transport.

* **Promotion of accountability and transparency of institutions**

The publication of environmental data encourages institutions to be accountable for their activities, such as project approval processes, industrial permits and environmental impact assessment. Citizens have the right to know how their authorities treat natural resources and monitor environmental standards. Public access to information and data on industrial pollution (release of toxic substances in water or air) ensures transparency in the activities of companies and institutions that supervise those industries. This can prevent illegal activities.

* **Stimulating economic growth and innovation**

Access to information and data about the environment can encourage the development of new technologies and innovations in areas such as renewable energy sources, energy efficiency, biotechnology, sustainable agriculture and ecology. This will lead to the growth of "green" industries and new jobs.Data on energy consumption and pollution can guide the development of new technologies for more efficient energy use and reducing greenhouse gas emissions.

* **Improving the protection of natural resources**

Access to information and data on natural resources, such as water, forest and mineral resources, helps in their sustainable management. This includes monitoring their use, capacity assessment, and planning for their restoration and protection. Data on the deforestation or land degradation rate can help make decisions about restoring ecosystems or regulating the industrial exploitation of natural resources.

* **Improving international cooperation**

Access to environmental information is beneficial not only at the national level but also at the international level. It allows countries to share data, monitor global trends, and work together to solve cross-border environmental problems like climate change and water pollution. The exchange of climate change data between countries can enable coordinated efforts to reduce global warming and protect global ecosystems.

**Conclusion**

Public information has a key role in providing complete and manageable details on the state of the environment. They represent an essential prerequisite for achieving transparency and accountability in environmental processes. This information strengthens public dialogue and encourages the active role of citizens in making sustainable decisions.

By providing free access to relevant information and data, a path is opened for better information, increasing public awareness and the practical participation of individuals in protecting and improving the environment. This enables the improvement of health, socio-economic development and quality of life, as well as the creation of sustainable solutions that will enhance the state of natural resources. The availability of this data is a fundamental right. It enables the realisation of many other rights related to health, sustainable development and public participation in sustainable solutions that improve the quality of life and the environment.

**Author:**

**Oliver Serafimovski**