

# On the Right of States to Know in International Law

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**Abstract:** *The state's right to know is a special word in the context of international law. It refers to the legitimate rights and interests of a state as a legal subject to obtain relevant information in international communication and international relations. At present, the research of the right to know in the international law circle is generally limited to the secondary concept, including the relativity of state sovereignty and the transfer of sovereignty, but the ontological concept of "state right to know" is not studied. By summarizing the scattered provisions of the existing international law on the right to know, and combining with the latest trends and theoretical frontiers of academic research, this paper makes an academic elaboration on the constitution of the right to know of a country. At the same time, based on the era background and research context of globalization and informatization, this paper analyzes the connotation and extension of national right to know, hoping to provide new ideas and methods for China to solve international disputes.*

**Keywords:** *International law; The state's right to know; Constitution of rights; International communication*

## 1. Introduction

The right to know of a state is a new proposition in international law, and a new state right which has evolved in international communication as a legal subject. It is a new development of state rights under the vision of globalization to emphasize that countries enjoy equal access to information in equal international communication and international communication. Judging by the latest dynamic and frontiers of academic theory, international right for a nation is still in the blank stage, the thesis is composed of Gu Zuxue international law scholars in China in the evolution of the state's right to know and run -- based on the analysis of the international law "in the first time, marked the" country's right to know "formally as an academic proposition exists in the field of international law. However, although the ontological concept of "the state's right to know" is missing, the international law circle has made a relatively full and systematic demonstration of the next concept of "the state's right to know". This paper deconstructs and integrates the information system and espionage among countries based on the research of national information sovereignty.

## 2. The basic outline of national right to know

### 2.1. The connotation of national right to know

The concept of a country's right to know originated from Gu Zuxue, an international jurist in China. Its ontological concept generally refers to the right or freedom of equal access to relevant information enjoyed by a country in the process of international communication and cooperation.<sup>[1]</sup> From the general theory of law, the state is usually a special state personality or legal personification personality, which enjoys the natural right of national personality right. However, Gu Zuxue believed that the right to know, as an emerging right, evolved from the increasingly close exchanges and cooperation between countries in modern times. Therefore, we should not only see the natural right of national personality right, but also pay attention to the legal rights scattered in various international departments. From the current trend of international law, it is generally considered that the right of a state to know is the right of a state to seek development, regardless of the country, strength and status gap. The state's right to know derives from the state's knowledge, which is more like an action, with active acquisition and passive knowledge. According to the general principle of legal philosophy, active acquisition is called act, while passive knowledge is called omission. The state's right to know is more inclined to constrain active behavior, that is, constrain act. That is to say, the state's right to know is in fact a negative evaluation that constrains the state's access to information and means and methods, and a natural right enjoyed by the state with other

countries, organizations and natural persons. It is both a natural right and a real right.

## **2.2. Relevant concepts of the state's right to know**

### **2.2.1. The state's right to know and obligation to transparency**

From the perspective of international law, the obligation of state transparency is actually the obligation of information disclosure in the way of action. It is an act of disclosing or informing specific objects the information possessed by a state through specific channels or by specific means. In international law, the obligation of transparency is highly bound with the right to know of a state, and in fact it belongs to the obligation of the right to know of a state. However, due to the lack of ontological research on "state right to know", few people can connect "state right to know" with "obligation of transparency". In fact, the way to exercise the right of transparency is to make relevant information or relevant situation transparent, which is a factual act of exercising the right of the state to know.

However, there are some differences between the right to know and the obligation of transparency. The state's right to know is more likely to be exercised in an active attitude or measure, which is different from the implied basis of the obligation of transparency. In the exercise of the right to know, the most prominent feature of a country is its access to external information. When the source of such information belongs to other sovereign states, other countries should bear the obligation of transparency and disclose relevant information voluntarily. From this point of view, the right to know and the obligation of transparency are essentially a pair of concepts, the exercise of the right is the right to know, the burden of the obligation is the obligation of transparency.

### **2.2.2. State right to know and traditional state sovereignty**

Any country's personality rights or fictitious rights are derived from state sovereignty, and the state's right to know under international law is no exception. However, in fact, before the concept of "the state's right to know" was put forward, the state's right to know had been widely integrated into the national sovereignty in the traditional sense, becoming an organic part and an important component of the traditional national sovereignty. However, after the proposition of "the state's right to know" was formally put forward, it poses a certain challenge to the state sovereignty in the traditional sense. According to Rousseau's Social Contract, society is formed by citizens transferring part of their rights to assume obligations, and so is the international community.<sup>[2]</sup> In order to build an international community, each sovereign state cedes some rights in politics, economy, culture, science and education through war and consultation. In fact, the right to know is also a kind of sovereignty transfer, which provides a path for resolving disputes and disputes by transferring its own information disposal right.

## **3. The constitution of state's right to know in international law**

The constitution of state right to know in international law mainly includes three aspects: subject, object and exercise of state right to know.

### **3.1. The subject of the state's right to know**

As mentioned above, the exercise of the right to know and the burden of the obligation of transparency is essentially a right transfer, and the subject of which can only be a sovereign state. However, the exercise of national right to know is not directly exercised by sovereign states, but indirectly exercised by international organizations or several sovereign states. For example, the United Nations, as the world's largest inter-governmental political super international organization, informs all countries of its resolutions, which respects the right of sovereign states to know. At the same time, the United Nations also seeks information through the transparency obligations imposed on all countries, allowing for full exchange of participants. This is actually an act of transferring sovereignty. Although the exercise of this right is a sovereign state sovereignty were selected, and also by international organizations and multinational corporations to complete information exchange, a sovereign state in international intercourse imperium range in the assignment with the decrease of the rights of scale is growing, but sovereign nations as a basic unit of the international community, they constitute the international exchanges and the international community, In fact, international organizations are only the subjects of exercising rights authorized by sovereign states, which can also be understood as the means and means of the right to know in the form of sovereign states.

### **3.2. The object of state right to know**

The object of state right to know refers to the right orientation of state right to know in the form of sovereign state. Generally including: international law and relevant domestic laws and regulations; Situation in international affairs; Institutional construction, financial expenditure and performance of international organizations; General national information for other countries and relevant information on transnational corporations. As the institutional management of international communication, international law and its relevant domestic regulations and regulations must be made public and known by major sovereign states to be meaningful. It is unthinkable to have a content of international law without the consent of sovereign states. Therefore, international law and its domestic regulations and regulations are one of the objects of the state's right to know. International affairs and disputes should be resolved by sovereign states and international organizations through consultation. Ensuring the right to know of relevant sovereign states plays an important role in effectively resolving and avoiding international disputes.<sup>[3]</sup> As constituent units of international organizations, sovereign states have the right to know about the financial situation and performance of international organizations.

### **3.3. Exercise of the state's right to know**

The right to know of a country is a new type of right associated with traditional state sovereignty under the vision of globalization. Its logical basis and starting point of interest are the development interests and living environment of a country, and it is an internal requirement for the realization of effective global governance. However, due to the universal expectation of the international community, which requires effective information processing and timely communication, the abuse of a country's right to know will inevitably lead to an effective consequence that does not conform to the common interests of the international community and affects peace and order. Therefore, when sovereign states exercise their right to know, they must effectively exercise it based on the principle of good faith and equality, starting from the common interests of the international community and the international order. For the exercise of the right to know, the state should, on the one hand, undertake the obligation of transparency and promptly disclose the information it enjoys to the international community. On the other hand, the principle of international sovereignty and information confidentiality of other sovereign states should be respected. When exercising the "state right to know", the right to information confidentiality of other sovereign states, international organizations and multinational corporations should not be infringed upon, nor their information sovereignty.<sup>[4]</sup>

## **4. Conclusions**

As a new proposition in international law, the state's right to know is bound to challenge the state sovereignty in the traditional sense. When exercising the right to know, sovereign states should, on the one hand, undertake the obligation of transparency and timely disclose their own information to other sovereign states, international organizations and multinational corporations. On the other hand, it should be guided by the principle of equality and good faith so as not to infringe on the information sovereignty and confidentiality rights of other sovereign states.

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