



## Human Rights Day 2023

### **Consolidating and Sustaining a Human Rights Culture into the Future: Reflections from a Climate Angle**

Human Rights Day, commemorated annually on 10th December, is a significant observance that celebrates the adoption of the Universal Declaration of Human Rights. This year's theme, "Consolidating and Sustaining Human Rights Culture into the Future", challenges us to reflect on how we can embed human rights principles in every facet of society. As we honour this day, it is crucial to recognize that environmental protection and climate action are inherently connected to the safeguarding of human rights.

Environmental degradation and climate change pose profound threats to human rights, including the right to life, health, food, and water. The adverse impacts of environmental harm disproportionately affect vulnerable communities, exacerbating inequality and injustice. Therefore, a human rights approach to environmental protection is not just beneficial but essential. This approach emphasises the responsibility of countries and other actors to respect, protect, and fulfil environmental rights as a part of their human rights obligations.

A 'culture' is generally defined as a "way of doing things". Essentially, an approach to how a society or community conducts itself or its affairs from its very foundations. This year's theme speaks to human rights as a way/approach to doing things and bringing together the necessary resources to sustain this approach into the future. The question of taking a human rights approach to environmental protection and climate action has been well debated and documented since the advent of the environmental movement in the 1960s, when calls began for human rights law to recognise the significance of environmental protection.

Portugal was the first country to adopt a constitutional right to "a healthy and ecologically balanced human environment"<sup>1</sup>. Since then, 100 more countries have adopted similar rights into their constitutions. The African Charter on Human Rights and Peoples Rights recognises the right to, "a general satisfactory environment favourable to their [people's]

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<sup>1</sup> University of Minnesota, 1989, Costitution of the Portuguese Republic, [Online](#)

development”<sup>2</sup> under Article 24 of the Charter. This regional agreement further highlights the responsibility of African nations to safeguard the environmental rights of their citizens as an essential component of their human rights obligations. Despite this, Botswana's current constitutional framework lacks explicit provisions recognizing the human right to a healthy environment, a gap that presents both a challenge and an opportunity for the country.

In July 2022, the United Nations General Assembly resolved to recognise the human right to a healthy environment<sup>3</sup>. Despite this progressive motion to consolidate a human rights culture in environmental protection, Botswana, unlike its 156 global peers (including over 45 other African nations) does not recognise the human right to a healthy environment in either the constitution or national legislation, an observation made by the United Nations Special Rapporteur on human rights and the environment following a 2023 country visit to Botswana<sup>4</sup>.

Botswana, now in the midst of a constitutional review process, faces a pivotal opportunity to reinforce its commitment to human rights and environmental protection. The inclusion of explicit environmental rights in the Constitution could strengthen legal frameworks, ensuring that environmental considerations are ingrained in policy-making and development strategies. This inclusion would also empower citizens and communities, particularly those most affected by environmental challenges, to advocate for their rights and hold decision-makers and other actors accountable. What better way to consolidate this human rights “culture” than to embed it in the very fabric of our statehood?

The imperative for Botswana to integrate the recognition of the human right to a safe and clean environment into its constitution and national legislation cannot be overstated, especially as we grapple with unprecedented environmental and climate crises. The linkage between human rights and environmental protection has been increasingly acknowledged on the international and regional stages, marking a significant shift towards a more integrated approach to sustainable development and human well-being. By recognizing environmental rights as human rights, Botswana would not only be committing to the protection of its environment but also to the safeguarding of every Botswana's rights to health, life, and prosperity. Perhaps this could be our next giant leap towards consolidating a human rights culture, not just for the benefit of our current population but for future generations of Botswana.

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<sup>2</sup> African Commission on Human and People's Rights, 1981, [Online](#)

<sup>3</sup> United Nations General Assembly, 2022, Resolution 76/300, [Online](#)

<sup>4</sup> David R Boyd, 2023, Statement at the conclusion of country visit to Botswana, [Online](#)