

EDITORIAL

Ecological Justice and the Right to Health: An Introduction

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In 1946, the Constitution of the World Health Organization defined health as “a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.”¹ Within 20 years, the International Covenant on Economic, Social and Cultural Rights recognized the right to health as a human right, and many states have reinforced the right to health through domestic legislation.² In 2002, the United Nations (UN) Commission on Human Rights, which was subsequently replaced by the Human Rights Council, built on these advancements. It mandated the appointment of a Special Rapporteur to promote the highest attainable standard of physical and mental health, including the right to social and environmental determinants of health such as safe drinking water, nutritious food, adequate shelter, education, opportunity, and freedom from discrimination.³

Almost 20 years after the Commission on Human Rights highlighted the importance of social and environmental determinants of health, on October 8, 2021, the Human Rights Council passed Resolution 48/13 recognizing the right to a clean, healthy, and sustainable environment.⁴ Before its passage, Michelle Bachelet, UN High Commissioner for Human Rights, noted that “the triple planetary crises of climate change, pollution, and nature loss is directly and severely impacting a broad range of rights, including the rights to adequate food, water, education, housing, health, development, and even life itself.”⁵ When the resolution passed, the typically quiet chamber erupted in applause, and the UN Special Rapporteur on human rights and the environment, David Boyd, raised his fist in celebration.⁶ Through a second resolution, the Human Rights Council established a Special Rapporteur to address the human rights impacts of climate change.⁷ Both resolutions acknowledge the damage inflicted by the climate crisis and environmental degradation, as well as their disproportionate effects on vulnerable populations.

These two notable resolutions were passed 59 years after scientist and writer Rachel Carson published *Silent Spring*, which presented an ecological view of health and challenged the notion that humans are separate from nature. At the time, Carson highlighted health threats to nonhuman animals as indicators of environmental destruction and ecological well-being, and as a foreshadow of what could befall humans.⁸ Since then, many of Carson’s warnings have been realized. Despite Carson’s and many others’ attempts

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to challenge a paradigm of human invasion, dominance, and exploitation, this pattern has persisted in deeply rooted economic frameworks, far-reaching laws and policies, and entrenched social and cultural norms, irrevocably harming many human and nonhuman beings and much of the rest of the natural world.

Today, the climate emergency, the COVID-19 pandemic, environmental degradation, and other threats plainly illustrate how the rights, health, and well-being of humans, other animals, plants, and the shared environment are interconnected. As a result, public health perspectives increasingly emphasize links between the natural environment and health outcomes among humans and other animals. One example is the One Health framework, which aims to promote interdisciplinary collaboration among those working in human medicine, veterinary medicine, environmental conservation, public health, and other fields to address the risk of global health threats such as changing climate conditions and zoonotic diseases with pandemic potential.⁹ Nonetheless, One Health, in its most common applications, has come under scrutiny for being too anthropocentric and for failing to include adequate attention to human and nonhuman rights and well-being.¹⁰ These critiques also raise questions about whether other human-centered frameworks, such as international treaties that remain focused solely on human rights rather than on human and nonhuman rights, are sufficient to tackle interconnected problems that pose an existential threat to human and nonhuman existence. The papers in this special section of *Health and Human Rights Journal* attempt to address these and other questions.

The passage of Resolution 48/13 is perhaps a step in the right direction since it recognizes the importance of protecting ecosystems, which consist of relationships between humans, other animals, plants, and the shared environment.¹¹ Nevertheless, healthy ecosystems are virtually impossible to realize without ecological justice, which requires respect for the entitlements of human and nonhuman beings, as well as just relationships within

and between species. In too many areas of society, human rights, including the right to health, remain controversial, and nonhuman rights remain even more controversial. The legal and moral rights of human and other beings are commonly invoked through political institutions or instruments such as international councils and treaties.¹² But despite an urgent need to address the interdependent health of humans, other animals, and the environment, the health and human rights literature has rarely focused on relationships between the moral and legal rights of humans, other animals, and the natural environment, and how the recognition of these connections influences the right to health.

This special section explores the conceptual and practical connections between ecological justice and the right to health, including relationships between the legal, political, and economic treatment of humans, other animals, and the environment; how international frameworks such as One Health address, or could better address, the right to health; and the potential influence of expansive rights frameworks, including other than human rights, on human health outcomes. The papers go beyond locating and describing problems to identify leverage points for changes that could enhance the rights, health, and well-being of the most vulnerable human and nonhuman stakeholders.

The six papers in this section challenge various longstanding assumptions about relationships between humans, other animals, and the shared environment in light of moral, legal, and scientific advancements. They address how the health and well-being of humans and other animals intersect, and whether concepts historically reserved for human rights can be usefully extended to include the rights of other animals and nature. Authors explore how major concepts in human rights can and should be applied to other animals for the benefit of human and nonhuman beings. The papers frequently draw on the COVID-19 pandemic and the climate emergency to address the adequacy of certain international frameworks, legal constructs, and practices.

In the first paper, “Beyond Anthropocen-

trism: Health Rights and Ecological Justice,” Himani Bhakuni argues that the community of justice should be expanded to include all sentient and nonsentient beings. Bhakuni explores how an emphasis on ecological justice, instead of ecological preservation, could lead to a more robust notion of rights, including the right to health. As other authors argue, Bhakuni describes how ending the instrumentalism of nonhuman animals and the environment could result in a richer health rights framework for human and nonhuman beings. Bhakuni emphasizes the intrinsic links between legal and natural rights (“rights that are derived from existence”), which have commonly been used as the basis for human rights, and which could similarly inform the legal basis for nonhuman rights. Although Bhakuni does not address how to weigh the interests of sentient and nonsentient beings, or whether certain types of rights should be weighed more heavily than others, Bhakuni concludes with a focus on legal strategies that offer the greatest potential to enhance and expand the right to health and ecological justice.

In “Emerging from COVID-19: A New, Rights-Based Relationship with the Nonhuman World?,” Mia MacDonald uses the COVID-19 pandemic to show how inattention to the rights of nature threatens the right to health, other positive and negative rights, and resulting health outcomes. MacDonald writes that now is a timely and urgent opportunity to address inequities that have been created by distortions in profit and power—distortions that Carson cautioned about in 1962 in *Silent Spring*. MacDonald notes that solutions must include attention to interlinked threats to Indigenous populations, individuals who have suffered from racial and gender inequities, and nonhuman animals living in captivity and the wild. As one example, MacDonald observes how the suffering of nonhuman animals in corporate farms is entangled with the suffering of workers and communities disproportionately made up of immigrants and people of color, and how these intersecting harms impede the right to health. MacDonald therefore argues for the rights of human and nonhuman populations to be accepted as complementary and to be advanced

together to further the right to life and health. She goes on to suggest potential paths forward, such as a One Welfare approach, which builds on a One Health framework and the World Health Organization’s definition of health.¹³ MacDonald invokes the words of her mentor, Nobel Peace Prize recipient Wangari Maathai: “We cannot tire or give up. We owe it to the present and future generations of all species.”¹⁴

Delcianna J. Winders and Elan Abrell likewise draw on the COVID-19 pandemic in “Slaughterhouse Workers, Animals, and the Environment: The Need for a Rights-Centered Regulatory Framework in the United States That Recognizes Interconnected Interests.” The publication of their paper follows the release of a memorandum by the US House of Congress Select Subcommittee on the Coronavirus Crisis, which revealed that COVID-19 infections and deaths among workers at five of the largest meatpacking conglomerates were three times higher than originally estimated.¹⁵ Winders and Abrell discuss how the pandemic has shone a spotlight on US industrial slaughterhouses that exploit humans and other animals, and they explore how the current regulatory system violates the labor rights of workers, the moral rights of nonhuman animals, and the legal and moral rights of communities, including the right to a healthy environment. Winders and Abrell propose a federal Slaughterhouse Oversight Commission, guided by an expanded One Health framework, which would protect workers from severe threats to their health and life, and shelter communities from air pollution, the direct discharge of wastewater, and antibiotic-resistant pathogens. They argue that their proposal would also offer basic protections to nonhuman animals who suffer egregious harms to their physical and mental well-being up to the moment in which they are killed. Winders and Abrell insist that their Slaughterhouse Oversight Commission proposal would necessitate an expanded recognition of rights, but they concede that their approach would not immediately protect nonhuman animals from threats to their right to life, nor would it offer workers the highest standard of physical and mental health. Their approach is

both practical and aspirational in a system in which many workers are visible to the law only through their labor and a system in which nonhuman animals are visible to the law only upon their deaths.

While Winders and Abrell use an expanded One Health approach to argue for strengthened regulatory requirements, in “One Health, COVID-19, and a Right to Health for Human and Nonhuman Animals,” Laurie Sellars, Kimberly Bernotas, and Jeff Sebo argue that the right to health ultimately requires moving beyond the instrumentalism of humans and other animals. They begin by making the case for the human and nonhuman right to health and then examine the impacts of COVID-19 on human and nonhuman populations. Their analysis centers on areas in which the human right to health and the nonhuman right to health clearly intersect—industrial farming, medical research, the home, and urban and rural spaces. Through their analysis, they reveal the limitations of standard interpretations and applications of a One Health framework. Whereas Winders and Abrell focus on reforming existing systems that harm the health of humans and other animals, Sellars, Bernotas, and Sebo argue for the replacement of these systems. They insist that such changes must include an expansive emphasis on rights rather than a focus on solitary health outcomes, and they propose steps that the international community can take to respect and promote human and nonhuman rights and a fuller definition of health. These steps, they argue, would include disruption of the status quo, extension of the legal right to health to nonhuman animals, and a more just One Health construct. They point out that such an effort would require more research on how humans and other animals are impacted by various policy and infrastructure decisions, such as how child impact assessments are used to advance the rights and health of children.¹⁶

In “Human Rights Perspective on Pesticide Exposure and Poisoning in Children: A Case Study of India,” Leah Utyasheva and Lovleen Bhullar examine the impact of a failure in law and policy to protect children from agrochemical poisoning, an issue that remains salient decades after the initial publication of *Silent Spring*. Utyasheva and Bhul-

lar argue that taking seriously children’s rights, including their right to health, requires the elimination of these poisonous agents from everyday use in India and globally. They argue that such an approach would also honor “the best interest of the child” standard emphasized in the Convention on the Rights of the Child.¹⁷ The authors demonstrate how the precautionary principle, which would lead to bans of some industrial chemicals, would benefit children, the adults they become, nonhuman animals, plants, and the greater environment. They do not accept specious objections to their proposal, such as concerns about food security, agricultural productivity, or costs to farmers, and they demonstrate how these objections are false and misleading.

In the final paper of the section, “Shifting the Moral Burden: Expanding Moral Status and Moral Agency,” L. Syd M Johnson examines a critical question that lies at the heart of many of the other papers: Who matters enough to warrant a right to health? Using the “problem of marginal cases” and African communitarian conceptions of moral status and moral agency, Johnson proposes a broadly inclusive view of moral status and the right to health. Such an approach, she argues, would not only help humans and other animals who have been marginalized. A broadly inclusive approach would inevitably protect many individuals and populations from the public health threats posed by global pandemics, environmental degradation, and the climate emergency. As Johnson notes, successfully combatting these global challenges requires concerted, collective action and multilateral strategies, including a focus on the most marginalized individuals, communities, and populations. Johnson explores to whom moral protections and responsibilities belong, and her contribution highlights the importance of ethical analysis in deliberations about the right to health.

As a guest editor of this special section, I would like to express my gratitude to the authors for their commitment to this issue and to the editors of the journal for their interest in this timely subject. Ideally, this section will stimulate greater interest and scholarship in the subject matter, including exploration of the merits of a Just One

Health approach, which can build on and expand a One Health framework by centering One Health on ecological justice and the interconnected rights, health, and well-being of humans, other animals, and the natural environment.¹⁸ As several of the authors note, an emphasis on justice would arguably enable a more effective and impactful realization of One Health's potential by freeing human and nonhuman beings to thrive in clean, healthy, and sustainable environments, so that they may claim their right to health.

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