This "stealthy nature," as Jolene Lin puts it, of attaching climate change issues to claims of existing environmental enforcement allows litigators to advance climate change policy in a more quiet and cautious manner without pushing the limits of judicial restraint.

Overall, cases continue to emerge in the Global South, but there is wide underreporting of these cases due to factors such as language barriers and challenges accessing legal materials in some jurisdictions. The growing understanding of the climate litigation landscape in the Global South will contribute to a richer and more developed picture of climate litigation and its impacts on global climate governance.

From the Inuit Petition to the *Teitiota* Case: Human Rights and Success in Climate Litigation

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*By Daniel Magraw**

Daniel Magraw emphasized the human rights turn in climate litigation.[1] There is a well-established relationship between human rights and the environment, and it is now generally acknowledged that a healthy environment is necessary for the enjoyment of a vast array of human rights. Importantly, environmental harm—including climate change—interferes with human rights.

Human rights can be a potent component of climate change claims at both the domestic and the international level and will continue to develop. An early example of human rights claims being brought in the context of climate change was the 2005 Inuit Petition brought to the Inter-American Commission on Human Rights. More recent international cases include the Committee on Human Rights *Teitiota*[2] case and the pending *Torres Strait Islanders* case.

Daniel Magraw reminded us of the wide impact of litigation, even when it would appear, if considered superficially, as unsuccessful. In 2005, the Inter-American Commission on Human Rights declined to consider the Inuit Petition without explanation, which some might consider a failure of the case. However, the Commission ultimately held a hearing on the connection between human rights and climate change impacts. Considering the subsequent actions by states, NGOs, and international organizations to solidify this now well-acknowledged link, the Petition thus was successful in putting a human face on climate change. In this context, Daniel Magraw pointed out that strategic litigation can be effective if it is part of a broader campaign for change.

Another case that has not technically "succeeded" is the well-publicized *Juliana*[3] (or *Our Children's Trust*) case in the United States, which was dismissed for lack of standing by an appellate court, but had the indirect effect of raising awareness of climate change impacts on the rights of children and future generations.

A key point stemming from Daniel Magraw's presentation was that the impacts of litigation are not only what was originally intended by the plaintiff but can include indirect impacts such as an influence on social and government behaviors.

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[1] Jacqueline Peel & Hari M Osofsky, *A Rights Turn in Climate Change Litigation?*, 7 Transnat'l Envtl. L. 37 (2018); Annalisa Savaresi & Juan Auz, *Climate Change Litigation and Human Rights: Pushing the Boundaries*, 9 Climate L. 244 (2019).

[2] Ioane Teitiota v. New Zealand, Human Rights Committee, UN International Covenant on Civil and Political Rights, CCPR/C/127/D/2728/2016 (Jan. 7, 2020).

[3] Juliana v. United States of America, D.C. No. 6:15-cv-01517-AA (9th Cir. 2020).