

Realizing the Right to Be Cold? Framing Processes and Outcomes Associated with the Inuit Petition on Human Rights and Global Warming

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Our article provides an in-depth analysis of the framing processes and outcomes associated with a petition submitted by Inuit communities in the arctic on the human rights violations caused by climate change before the Inter-American Commission of Human Rights in 2005. Drawing on semi-structured interviews conducted in two different Inuit communities in Canada that have ties to the petition and with lawyers and activists in the transnational climate justice movement, we process-trace the role that the petition has played in promoting discursive and collective action frames related to the recognition of the “right to be cold.” We argue that the Inuit petition articulated a novel “climate rights” frame through an innovative combination of legal argumentation, scientific research, and the oral testimony of Inuit communities concerning the ways in which climate impacts

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were affecting their human rights and traditional practices. Our findings reveal that the resonance of this frame has varied significantly among different actors, influencing the ideas and strategies of climate activists and lawyers around the world, but having limited resonance among policymakers in the United States or Canada or among Inuit communities themselves. Our research thus speaks to the complex challenges and ethical responsibilities that must be addressed in initiatives that seek to draw on international human rights law to influence policy decisions and empower Indigenous communities in the context of climate change.

As the number and type of climate cases launched in domestic and international courts and tribunals has grown, climate litigation has attracted significant attention from scholars in law and the social sciences (Corsi 2017; Marshall and Sterett 2019; Setzer and Vanhala 2019; Vanhala and Hilson 2013). This literature has explored the potential of lawsuits to engender positive outcomes for combating climate change not only through the provision of effective legal remedies for climate harms, but also by transforming how climate change is defined and should be addressed (Nosek 2018; Osofsky 2005; Peel and Osofsky 2015). Climate cases that draw on human rights norms and arguments are most notably seen by scholars as having significant potential to transform the politics of combating climate change, infusing it with greater concern for the ways in which climate change may harm affected communities, fostering alliances between climate justice activists and other social movements, and generating opportunities for climate activists to mobilize citizens from disadvantaged segments of the population (Nicholson and Chong 2011; Peel and Osofsky 2018).

Scholarly enthusiasm for the transformative potential of climate litigation stands in contrast to the skepticism often reflected in socio-legal research on the potential of legal strategies for the pursuit of social change. The use of litigation has long been perceived as detrimental in this literature because it requires engagement with a legal system that is constrained in its ability to advance social change (Rosenberg 1991; Scheingold 1974) and favors well-resourced parties and powerful economic interests (Galanter 1974). In the context of environmental causes, legal action is often seen as emphasizing elite knowledge and detracting from efforts to empower and mobilize citizens at the grassroots level (Marshall 2009). Cable, Mix, and Hastings thus conclude that litigation is disadvantageous for the pursuit of environmental justice “because it requires large amounts of money from people who do not have it, because it is often unsuccessful, because it weakens organizational solidarity, and because even successful litigation does not bring significant rewards” (Cable et al. 2005: 61). Although many other socio-legal scholars share these apprehensions about the limitations of law for social change, they also recognize that litigation has the

potential to assist social movements, largely through its effects outside the formal legal system (Marshall 2006; McCammon and McGrath 2015; McCann 2006). In particular, this literature has explored the role that public interest litigation can play in generating interpretative frames that influence the beliefs and perspectives of social movements, lawyers and judges, policymakers, and society as a whole (McCammon et al. 2018; Pedriana 2006).

While the existing literature is replete with claims regarding the potential benefits and drawbacks of litigation for efforts to combat climate change, hypotheses concerning the impact of climate litigation have not been subjected to much empirical scrutiny (Setzer and Vanhala 2019) and little is known at this stage about whether human rights litigation is likely to lead to transformative legal, social, and political outcomes or may simply result a “hollow hope” for the climate justice movement. Our article seeks to address this gap in the literature by providing an in-depth analysis of the framing processes and outcomes associated with the first legal case anywhere in the world to invoke human rights law to address climate change—a petition filed by Inuit communities in December 2005 before the Inter-American Commission for Human Rights (IACHR), an organ of the Organization of American States that promotes human rights in the Americas (Watt-Cloutier 2005). Presented on behalf of 62 Inuit based in Inuit Nunangat across Canada and Alaska, the petition sought to establish that the United States was responsible for the impacts of climate change on the rights to culture, property, traditional land, health, life, integrity, and security, subsistence, and housing of Inuit communities (Watt-Cloutier 2005). This set of novel arguments would come to be encapsulated as asserting “the right to be cold” (Watt-Cloutier 2015). Although it was declared inadmissible by the IACHR, scholars have nonetheless argued that the Inuit petition played an important role in reframing climate change as a human rights problem and raising awareness of its repercussions for Inuit communities in the Arctic (Abate 2007; Knox 2009; Osofsky 2005). As such, this case and its aftermath provide a rich empirical context for investigating whether and under what conditions rights-based litigation may be used to reframe climate change and thus generate positive outcomes for combating climate change and protecting the communities most vulnerable to its impacts.

We proceed as follows. In Section 1, we briefly discuss the preparation and content of the petition and its history before the IACHR. In Section 2, we draw on a range of literatures in socio-legal research and the social sciences to identify two distinct processes and outcomes that are associated with framing as a strategy for social change: discursive framing and collective action framing. In Section 3, we describe our application of process-tracing as a

research method and outline our data collection efforts. In Section 4, we present our findings that process-trace whether, how, why the Inuit petition generated, or contributed to the emergence of, resonant discursive and collective action frames. In Section 5, we conclude by discussing the implications of our work for scholars, lawyers, and activists working in the field of climate justice.

Our in-depth case study of framing processes and outcomes associated with the Inuit petition offers a nuanced account of the value of human rights for the pursuit of climate justice. We argue that the Inuit petition articulated a novel “climate rights” frame through an innovative combination of legal argumentation, scientific research, and the oral testimony of Inuit communities concerning the ways in which climate impacts were affecting their human rights and traditional practices. This climate rights frame emphasizes the role that human rights principles and obligations should play in characterizing and responding to climate change and emphasizes the importance of holding governments in countries that bear greater responsibility for greenhouse gas emissions accountable for the adverse consequences of climate change for the rights of affected communities. Our process-tracing reveals that the resonance of this framing of climate change has varied significantly among different actors. In terms of discursive framing, we find that the petition’s climate rights frame has exerted little influence on how policymakers in the United States and Canada have understood climate change and the range of solutions that it requires. On the other hand, the climate rights frame has resonated with actors in the broader climate justice movement and contributed to the emergence of a transnational effort dedicated to building linkages between the fields of human rights and climate change. In terms of collective action framing, the climate rights frame has not resonated with the Inuit communities on whose behalf it was filed. Our explanation for these variations in framing processes and outcomes focuses on key scope conditions that concern the credibility and salience of different frames among different audiences. These findings underscore the complex challenges and ethical responsibilities that must be addressed in initiatives that seek to draw on international human rights law to influence policy decisions and empower Indigenous communities in the context of climate change.

1. Framing the Right to Be Cold in the Inuit Petition on Human Rights and Global Warming

To bring attention to the way in which Inuit communities were being threatened by climate change and to seek relief from

its impacts, Sheila Watt-Cloutier, the then Chair of the Inuit Circumpolar Conference (ICC),¹ collaborated with two American environmental law NGOs, the Centre for International Environmental Law (CIEL) and Earthjustice, to submit a petition on human rights and global warming to the IACHR in December 2005 (Watt-Cloutier 2005). The Inuit petition alleged that the United States had, through its acts and omissions contributing to climate change, violated the human rights of Inuit protected under the *American Declaration of the Rights and Duties of Man* and other international human rights instruments, including their rights to culture, property, traditional land, health, life, integrity, and security, subsistence, and housing (Watt-Cloutier 2005: 74–95). The petitioners submitted that the United States had violated its obligations under international law by failing to reduce its GHG emissions, refusing to cooperate with international efforts to combat climate change, and engaging in climate denialism to mislead the public about the urgency of global warming (Watt-Cloutier 2005: 103–110). The petitioners requested that the IACHR investigate their claims, declare the United States responsible for these violations, and recommend that the United States take steps to reduce their GHG emissions and protect Inuit rights, resources, and culture from the impacts of climate change (Watt-Cloutier 2005: 118).

To substantiate these allegations, the petitioners relied on scientific evidence to outline the key trends and evidence that climate change is occurring and changing the Arctic environment (Watt-Cloutier 2005: 13–19). This research demonstrated that some of the most severe and rapid impacts of global warming were being felt in the Arctic through melting sea ice, ice sheets, and glaciers, thawing permafrost, rising sea levels, and alterations in the range and habitat of plants and animals in the north (ACIA 2004). The petitioners also collected and reported the oral testimonies of individual petitioners regarding the ways that global warming had harmed and disrupted multiple aspects of Inuit life and culture (Watt-Cloutier 2005: 35–64). A political leader in the Inuit community in Nunatsiavut summarized the petition in these terms: “the Inuit are very much reliant on the cold—to survive, to go hunting, to go on the sea ice, to catch their seal in the winter-time. To survive in the arctic, you practically need the snow. We all know the polar bears are very much reliant on ice to survive. We are very much like that. We have adapted to the snow, used it

¹ The ICC is an international NGO that represents the rights and interests of 160,000 Inuit living in Canada, Alaska, Greenland, and Russia (Inuit Circumpolar Council Canada (N.D.), “About ICC,” available at: <www.inuitcircumpolar.com> (accessed 17 May 2018).

to our advantage. So it is very important for the world to listen not just for the Inuit but for themselves, otherwise our world will go upside down.”²

Through this innovative combination of scientific evidence, Inuit knowledge (Inuit Qaujimagatuqangit, or IQ), and legal argumentation, proponents of the Inuit petition sought to reframe climate change as a human rights problem. At a time when climate governance was primarily understood as a technical issue connected to scientific projections, economic valuations, and legalistic language, the petition articulated a novel “climate rights” frame that, like the broader climate justice frame, emphasizes the moral dimensions of climate change by stressing its costs and consequences for particular communities and bringing to the forefront the voices of marginalized communities (Allan and Hadden 2017).³ In particular, the climate rights frame advanced in the petition focuses attention on the human rights impacts of climate change for Inuit communities and the related obligations of states who are responsible for these impacts under international law. Indeed, Watt-Cloutier and other Inuit community leaders believed the petition was “a powerful way to convey the human story of an issue to the global public” (Watt-Cloutier 2015: 294–95) that “would encourage the global community to recognize that environmental protection is intrinsically linked to the protections of human rights” (Watt-Cloutier 2015: 290). Likewise, Martin Wagner (Earthjustice) and Donald Goldberg (CIEL), the American lawyers who supported the development of the Inuit petition, argued that: “A report by the IACHR finding that the United States has violated the rights of the Inuit would have moral and political force that could help motivate political action and, if necessary, serve to support future litigation” (Wagner and Goldberg 2004).

The petition was launched during a side-event organized during the multilateral climate negotiations held under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC) in December 2005 and garnered significant attention from journalists, activists, and delegates from around the world (Watt-Cloutier 2005: 244). Almost one year later, in November 2006, the Commission responded in a two-paragraph letter that the Inuit petition could not be processed because “the information provided [did] not enable [the Commission] to determine whether

² Interview 40: 5.

³ We see the climate rights frame as a type of climate justice frame. While the former seeks to apply human rights principles and obligations to the governance of climate change, the former relies on a broader set of normative foundations than those connected to the field of human rights law.

the alleged facts would tend to characterize a violation of rights protected by the American Declaration” (IACHR 2006). The Inuit petition presented a set of novel legal arguments that sought, for the first time, to hold a state responsible for the human rights impacts of climate change.⁴ While it did not formally consider the petition, the Commission did hold a public hearing on global warming and human rights in March 2007, which featured testimony by Watt-Cloutier and lawyers from CIEL and Earthjustice (Watt-Cloutier 2015: 253–255). Watt-Cloutier was later nominated for the Nobel Peace Prize, which attracted further publicity for her work on the petition (Watt-Cloutier 2015: 340–347). Despite the fact that it did not result in any concrete legal outcomes, the Inuit petition is remembered, more than a decade later, by scholars as the first case to link the fields of human rights and climate change (Peel and Osofsky 2018).

2. Analytical Framework: Framing Processes and Outcomes in the Context of Litigation

Our analytical framework focuses on assessing whether the Inuit petition ultimately realized the two principal goals of its architects—changing understandings of climate change and encouraging legal and political action to address the human rights impacts of global warming in the Arctic (see Section 1). To that end, we draw on scholarship in socio-legal studies and the social sciences concerning the role of framing processes in the efforts of social movements to generate legal, political, and social change. We begin by introducing the concepts of frames and framing and the scope conditions for framing processes to exert influence. We also specify the underlying causal logic and related outcomes associated with two distinct types of framing and how they may be activated through litigation. We conclude by setting our initial predictions about the observable

⁴ The petition could be seen as giving rise to three important legal difficulties when it was first submitted. First, the large majority of the petitioners were based in Canada and they thus sought to hold the United States responsible for human rights violations occurring outside of its own territory. In the absence of effective control, there was no obvious basis in human rights jurisprudence for extending the obligations of the United States—and thus its responsibility for violations—extraterritorially to human rights violations falling within Canada’s jurisdiction (Harrington 2007: 521–526). Second, under the rules for establishing state responsibility in international law, the approach outlined in the petition may have provided an insufficient nexus between the United States’ acts and omissions and the human rights violations alleged by the petitioners (Harrington 2007: 526–527). Third, the petition articulated violations of rights to culture, property, health, and subsistence that fell outside the scope of how these rights had been interpreted in the inter-American human rights regime to that date (McCrimmon 2016).

manifestations of framing processes in the context of the Inuit petition.⁵

Frames are “schemes of interpretation” that “help to render events or occurrences meaningful and thereby function to organize experience and guide action” (Benford and Snow 2000: 614). While frames constitute durable structures that shape how actors understand the world, actors are also actively engaged in the generation, promotion, contestation, and reproduction of different frames (Benford and Snow 2000; Finnemore and Sikkink 1998; Payne 2001). The concept of frames thus incorporates an institutionalist perspective that recognizes that while normative structures shape the preferences, identities, and behaviors of actors in a given context, skilled actors can also exert agency in some circumstances and thus influence the constitution, interpretation, and application of frames (Allan and Hadden 2017; Fligstein 2001; Vanhala and Hestbaek 2016). In particular, actors can engage in framing, which Mitchell conceives as an effort “to define a problem, its causes, and its potential solutions in ways that are calculated to gain support for the position of the actor doing the framing” (Mitchell 2010: 97).

Although the development and promotion of frames may be used as a strategic device by actors to achieve certain ends, framing ultimately consists of an intersubjective process in which actors construct shared understandings and meanings of the world (Rein and Schön 1994). The effectiveness of framing processes hinges on scope conditions that make it or more less likely that proposed frames will resonate with different actors and therefore influence their ideas and behavior (Benford and Snow 2000). The resonance of a frame depends on a set of intersecting factors relating to the credibility and salience of an interpretive frame for actors to whom frames are addressed. Actors are more likely to perceive a proposed frame as credible when it is aligned with commonly held norms, beliefs, and values in a given setting (Béland 2009; Daviter 2007; McCammon et al. 2007); when it is articulated by proponents that are held to be trustworthy; and, when it is seen as an empirically credible in relation to the events that it is meant to explain and interpret (Benford and Snow 2000: 620–621). The resonance of a frame is enhanced through its salience for those to whom it is primarily addressed, including

⁵ In doing so, we follow the practices for conceptualizing causal mechanisms that are recommended by Beach and Pedersen in research projects that employ process-tracing (Beach and Pedersen 2013: 56–60). Causal mechanisms are understood here as “a theory of a system of inter-locking parts that transmits causal forces from X to Y” (Beach and Pedersen 2013: 29). This is consistent with a Bayesian approach to causality and differs from frequentist approaches that focus on the role of dependent and independent variables in causal processes (Goertz and Mahoney 2012).

whether the frame is central to their lives; consistent with their everyday lives and struggles; and congruent with their myth, cultures, and narratives (Benford and Snow 2000: 621–622). When social movement actors articulate and promote new frames, they are therefore engaging in the delicate task of seeking to position their claims in a way that seeks to engender transformative social or political change, while also being somewhat consistent with the ideas that prevail in a given culture, community, or institution (Andersen 2006; McCammon et al. 2007; Snow et al. 1986). In a transnational context, framing is akin to a process of vernacularization in which social movement actors present justice claims in ways that are adapted to particular historical and social contexts (Levitt and Merry 2009).

Legal processes have significant potential to foster new interpretative frames as “law both shapes the meaning that people make of their experiences and provides a set of tools and resources for resolving conflict or making social arrangements” (Marshall and Barclay 2003: 619). As Pedriana argues, because “law provides one of the deepest reservoirs of symbolic resources, discourses, and institutionalized scripts available to collective actors of all sorts, social movements—especially in highly legalized societies such as the United States—typically (though not exclusively) frame their cause in explicitly legal terms” (Pedriana 2006: 1727–1728). At the same time, employing litigation as a vehicle for framing comes with certain constraints that are tied to the nature of formal legal institutions and reasoning. Legal norms and discourses are generally resistant to change and new frames advanced in litigation must draw on existing legal norms and discourses embedded in precedents, statutes, or practices, which could limit their potential for transformative social change (Andersen 2006; McCammon et al. 2018; McCann 1994). Moreover, the legal frames that prevail in a given legal system and are influential among legal elites may not resonate with the everyday concerns or experiences of groups and citizens in society (Cable et al. 2005; Marshall 2003).

We focus here on two types of framing processes and related outcomes that may engender social, legal, and political change in the context of litigation: discursive framing and collective action framing. Discursive framing refers to the articulation, promotion, and internalization of a new interpretative frame that advances a particular understanding of a problem and defines the range of appropriate solutions thereto in legal and policy processes (Daviter 2007; McCammon et al. 2007, 2018; Pedriana 2006). Discursive framing is critical to the ability of movement actors to persuade policy actors, the media, and the public of the existence and importance of a new social problem and plays an important

role in influencing which problems make it onto policy agendas (Daviter 2007). In addition, discursive framing may also be used by actors to enhance the legitimacy and appeal of their claims and to attract support from other actors (Allan and Hadden 2017). Finally, discursive frames can shape the way in which movement actors engage with the legal system, including their decision to pursue different types of litigation and develop different legal positions and arguments (McCammon et al. 2018; Meyer and Boutcher 2007; Pedriana 2006). Litigation provides significant opportunities to generate influential discursive frames that garner media attention and shape the terms and agendas in which legal and policy debates take place (McCammon and McGrath 2015; McCann 1994, 2006).

Collective action framing is a process of meaning-making that advances “action-oriented sets of beliefs and meanings that inspire and legitimize the activities and campaigns of a social movement organization” (Benford and Snow 2000: 614). Collective action frames not only promote particular understandings of problems and their solutions, they also provide a rationale for social movement members to become personally engaged in working to address problems. When collective action frames resonate with the communities to which they are addressed, frames can lead to important changes in how people understand their own demands and grievances, and can compel them to mobilize and engage in direct actions to remedy the injustices with which they are confronted (Benford and Snow 2000; Snow et al. 1986). A significant body of socio-legal research has shown that litigation can be used to generate powerful collective action frames. By formulating political and social demands in terms of the rights and duties of different actors and exposing different situations and relationships as fundamentally unjust, legal cases and the publicity that they may attract can lead relevant individuals to become conscious of their rights, shaping their identities and how they think of their interests and entitlements, making them more likely to support the demands of a group with which they identify, and inspiring them to engage in direct actions to remedy social injustices (McCann 1994; Polletta 2000).

At the outset of our research, we posited that these processes of discursive and collection framing would have led to the following observable outcomes in the context of the Inuit Petition. The climate rights discursive frame would have resonated with policy and legal actors who considered it to be credible and salient, shaping their understanding of climate change as an issue impinging on the human rights of affected communities and requiring governments to address climate change on the basis of human rights principles, obligations, and standards. In turn, the internalization

of this climate rights frame by policymakers would have led to changes in climate policy processes, influencing policy agendas and the terms of policy debates concerning climate change. It would also have led lawyers and activists in the broader climate justice movement to conceive of human rights-based litigation and advocacy as an appropriate strategy for pursuing climate justice.

The climate human rights collective action frame would have resonated with affected communities, activists, and lawyers who considered it to be credible and salient. The climate rights frame would have led members of Inuit communities in the Canadian Arctic to understand climate change as impinging upon their human rights. This new understanding of climate change would have led them to initiate rights-based litigation or engage in advocacy, protests, and civil disobedience in support of efforts to combat climate change.

While we present these two mechanisms as ideal types that operate in isolation, they are intimately connected to one another. For one thing, the articulation and development of a new frame in the context of litigation can simultaneously exert influence on discursive and collective action processes (McCammom and McGrath 2015). For another, these two framing processes can reinforce one another over time. When litigation succeeds in contributing to the emergence of frames that shape legal and policy debates and outcomes, this can reinforce efforts to promote collective action frames among particular groups (Pedriana 2006). In addition, the internalization of collective action frames by movement actors can lead them to engage in advocacy, litigation, and protests, which could strengthen efforts to promote certain frames among policy and legal élites (Checkel 1997; McCann 1994).

3. Research Design

Our article features a qualitative research method known as “process-tracing,” which has been defined as “the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purpose of either developing or testing hypotheses about causal mechanisms that might causally explain the case” (Bennett and Checkel 2015: 7; see also Goertz and Mahoney 2012). We use what Beach and Pedersen call the “theory-testing” variant of process-tracing, in which scholars seek “to evaluate whether evidence shows that the hypothesized causal mechanism linking X and Y was present and that it functioned as theorized” (Beach and Pedersen 2013: 11). Beach and Pederson advise that theory-testing process-tracing should take place in three stages.

First, scholars draw on existing theories about the role of causal mechanisms in similar cases to conceptualize how a hypothesized mechanism might operate in a given case. Scholars then make predictions regarding the observable manifestations of a causal mechanism in the context of a specific case. Finally, scholars gather and analyze empirical material sufficient for drawing causal inferences that assess “(1) whether the hypothesized mechanism was present in the case and (2) whether the mechanism functioned as predicted or only some parts of the mechanism were present” (Beach and Pedersen 2013: 14).

Our article process-traces whether, how, and to what extent the causal mechanisms and outcomes of discursive framing and collective action framing were activated through or in connection with the preparation, submission, and release of the Inuit petition. We chose the Inuit petition as a case study to explore the potential of rights-based climate litigation to generate resonant frames for two principal reasons.⁶ First, because the Inuit petition was the first climate case to draw on human rights arguments and was filed more than ten years ago, it provided an empirical context in which to assess the long-term causal processes and outcomes associated with a rights-based climate case (Setzer and Vanhala 2019). Second, the Inuit petition provides a case to study the presence or absence of our hypothesized causal mechanisms and identify relevant scope conditions for their activation. On the one hand, the existing literature suggested that the Inuit petition was a strong case to evaluate whether the causal mechanism of discursive framing was present and operated as expected (Abate 2007; Knox 2009; Osofsky 2005). On the other hand, the disconnect between Western liberal understandings of human rights and Inuit legal traditions (Loukacheva 2012) offered a challenging context for classic manifestations of collective action framing to take hold with respect to climate change. While it is unusual to select a case on the basis of its character as both “most-likely” and “least-likely,” this unique combination of features is key to the Inuit petition’s significance for understanding the potential and limitations of framing strategies pursued in the context of rights-based climate litigation.⁷

Beach and Pederson describe the collection and analysis of evidence for the purposes of process-tracing as being similar to

⁶ On case selection strategies in the context of theory-testing process-tracing, see Beach and Pedersen (2013): 146–154.

⁷ This is consistent with Beach and Pederson’s acknowledgement that the difference between the three variants of process-tracing is one of degree, rather than kind, and that all process-tracing involves deduction and induction (Beach and Pedersen 2013: 156–161).

the approach taken by investigators, lawyers, and judges in a criminal investigation and trial (Beach and Pedersen 2013: 122). Our process-tracing entailed systematically collecting and coding data to identify evidence of the manifestations of the discursive and collective action framing processes and outcomes set out in our analytical framework in the context of the Inuit petition. We then drew inferences regarding the presence or absence of these causal mechanisms in our case by carefully analyzing this evidence in light of its weight and reliability. We specifically assessed the evidence provided through our semi-structured interviews on the basis of the following factors: an interviewee's role in the processes and outcomes that they described; the plausibility and clarity of their answers; the existence of contradictions or inconsistencies between their answers and other evidence; and their potential for bias (Beach and Pedersen 2013: 134–136). In general, we also sought, whenever possible, to corroborate claims about the Inuit petition's development and impact across a range of sources (interviews, primary documents, and secondary sources) and perspectives (Northern/Southern; Governmental/Non-Governmental). Triangulation is all the more critical in a research project investigating causality involving intersubjective processes such as framing (Checkel 2007: 119). Finally, it is important to emphasize that our findings were developed through an iterative and collective process of data coding, interpretation, and analysis in which the authors independently assessed the evidence and developed shared conclusions through deliberation with one another.

Our process-tracing draws on four principal forms of data. First, we collected and analyzed the primary legal and advocacy materials relating to the Inuit petition itself, the related media coverage that it generated, and other relevant documents developed by lawyers, activists, and policymakers working at the intersections of human rights and climate change. Second, we drew on a range of secondary sources concerning the petition and providing context on relevant aspects of Inuit culture, legal traditions, and politics. References to these primary and secondary materials are integrated in our process-tracing in Section 4. Third, we carried out semi-structured interviews with 51 individuals primarily between May 2016 and September 2018.⁸ We selected and approached an initial set of interviewees based on their role in the development of the petition or their probable knowledge of its impacts among Inuit communities and used snow-ball sampling to find additional interviewees (Tansey 2007): (1) lawyers, volunteers, and community leaders involved in developing and

⁸ See Appendix I for a complete list of interviewees.

supporting the Inuit petition; (2) Inuit who signed the petition; (3) policymakers, activists, and community leaders that are working on or knowledgeable about climate change and related issues in the Canadian Arctic; and (4) policymakers, activists, and community leaders and members who were not involved with the petition and who do not work on issues relating to climate change. In addition, we also interviewed numerous lawyers and activists based outside of the Canadian Arctic, including those who supported the development of the Inuit petition in the United States as well as the individuals that have used human rights norms in the context of their work on climate change at the international level and around the world. The majority of our interviews were conducted in person in two different Inuit communities in Canada that have ties to the petition: Iqaluit, Nunavut, and Nain, Nunatsiavut, Labrador.⁹ Others were conducted via phone or over skype. All focused on gathering data on the significance of the Inuit petition for litigation and advocacy at the intersections of human rights and climate change. Fourth, we drew on observations and contacts developed through different forms of participant observation and nonparticipant observation (Dewalt et al. 1998). Jodoin built on the decade that he has spent working and interacting with lawyers, experts, and activists on the linkages between human rights and climate change. These connections helped him identify and interview key members of this transnational network and provided him with a long-term perspective on the emergence and evolution of human rights norms in the field of climate justice. Corobow conducted interviews in Iqaluit, Nunavut and discussed the intricacies and implications of climate change issues with members of the community, government officials and local activists in this community. These interactions enhanced her ability to identify, contact, and question potential interviewees in this community. Snow is a member of

⁹ We chose Iqaluit as a site for fieldwork because of its proximity to the development of the Inuit petition and its overall political and cultural significance as the capital of Nunavut, a territory with the largest Inuit population in Canada. We chose Nain as a site because of the number of petitioners based there and because of Snow's linkages to Nunatsiavut. These two communities have a number of similarities—they have forms of self-governance that aim to foster Inuit autonomy and preserve Inuit culture and language. They experience comparable challenges, such as poverty, food insecurity, inadequate housing, and exposure to unpredictable environmental change (Inuit Tapiriit Kanatami 2014; Bone 2016). However, it would be wrong to treat all Inuit territories as the same and these two communities do differ in a number of ways. Linguistically, the Inuktitut spoken in these areas differs, Labrador even qualifying as having a separate dialect, called Inuttut. The two regions also have different colonial histories and access to educational resources, factors that have resulted in few Nunatsiavummiut being fluent in the language. Politically, Iqaluit is the capital of Canada's only Inuit-administered territory with a population majority, while Nunatsiavut remains a self-governing region in the province of Newfoundland and Labrador.

the Southern Inuit community of NunatuKavut, in Labrador, and connected with her personal contacts in Nunatsiavut in identifying, contacting, and interviewing individuals in Nain. Snow's personal background and networks contributed diverse, detailed testimony, and centers Indigenous voices in this piece. Our different positions and experiences as researchers were also influential in terms of analyzing data and drawing causal inferences, as we wrote this article in an iterative and deliberative manner and formed shared interpretations of the reliability of different types of evidence.

4. Framing Processes and Outcomes Associated with the Inuit Petition

4.1 Discursive Framing Processes and Outcomes

The Inuit petition has played a pioneering and influential role in articulating and promoting a new framing of climate change, albeit one that has resonated with some, but not all, policy actors. We found little evidence, for example, that the Inuit petition's climate rights frame resonated with policymakers in the two countries most directly concerned with the petition: the United States or Canada. The American and Canadian governments of the time clearly did not abandon their conception of climate mitigation as a threat to economic growth predicated on the ongoing exploitation and use of fossil fuels (Jacques et al. 2008) in favor of the petition's climate human rights frame. Not only did they not alter their climate policies to increase their efforts to combat climate change in line with the petition's demands, they also actively obstructed international efforts to address climate change by refusing to ratify or withdrawing from the *Kyoto Protocol* (Eckersley 2007; Jordaan et al. 2019; Stoett 2009). And despite changes in government in both countries that have resulted in the adoption of more ambitious or effective climate policies under the Obama and Trudeau administrations, the overall trajectory of carbon emissions has increased since the petition was filed and are due to exceed the thresholds identified by scientists as posing a significant risk to populations in the arctic and elsewhere around the world (Climate Action Tracker 2019a, 2019b). Of course, the Inuit petition was an unlikely vehicle for persuading American and Canadian policymakers to change the way they understood climate change. It was doubtful that the climate rights frame would be seen as credible by these actors because it clashed with their existing understandings of climate change as a long-term issue of technical innovation and change that should be managed without threatening the pursuit of economic growth (Osofsky

2005; Osofsky and Peel 2016; Smith 2007). The climate rights frame was also articulated by proponents—Inuit communities and environmental NGOs—that were not deemed to be especially trustworthy by the Republican and Conservative governments of the time (Cameron 2012: 104; Obed 2016: 50). Finally, the climate rights frame lacked salience for members of the Bush and Harper administrations as it was not congruent with their close ties with the oil industry, their attachment to regions where job growth was tied to continued exploitation of fossil fuels, and their faith in the priority that should be accorded to economic growth over environmental concerns (Harris 2009; Jacques et al. 2008; Osofsky and Peel 2016; Smith 2010).

We also found mixed evidence that the climate rights frame has resonated with the governments in Nunavut and Nunatsiavut. According to our interviewees working in or with these governments, the petition did not attract much attention from policy-makers and its arguments did not become a focus of political debate in either region. Our interviewees ascribed this lack of resonance to the limited salience of the petition's climate rights frame in a context in which both governments were tackling immediate challenges in the fields of healthcare, education, food security, housing, and poverty.¹⁰ As one interviewee told us: "I really think that we are such a young government that the issues we are looking at, issues our people are facing right now, like lack of housing, poor education, health services, high food cost. If I walk on the street, people are not talking to me about climate change, they are talking about poor housing, I cannot buy ammunition anymore, there are no jobs, how come money is put on million-dollar buildings and they are not helping us. Climate change is probably something they would be interested in but they are not concerned about it right now."¹¹ In fact, there has been a high level of consensus in these regions regarding the need to support resource extraction activities to support economic development and the livelihood of its residents, which may have affected the

¹⁰ Interview 3: 3 ("when you live in a small community that has a lot of much more pressing issues like poverty, like food security, etc., making those links is sometimes very difficult"); Interview 21: 5 ("No. It is not a priority I do not think. Priorities are the overall well-being and life style I would say because there is so much despair that occurs here as well, whether it is related to drugs and alcohol or poverty or housing conditions, it is all those things, so climate change takes the back burner of anybody's awareness"); and Interview 35: 3 ("here, the priority for people is getting food to eat and taking care of their families, and the overall community well-being"); Interview 36: 6–7 ("Yes, it is a central political issue. But the challenge is that there are more acute daily issues, like serious food insecurity... So climate change is identified as a huge priority, but also a concern because it is not always the most acute priority").

¹¹ Interview 23: 3.

level of support that politicians were willing to provide to the petition and its underlying claims (Watt-Cloutier 2015: 234).

On the other hand, we found that the Inuit petition's climate rights frame did exert influence on legal and policy processes concerning climate change at the international level. As one of the proponents behind the petition describes it: "We jump-started the connection between human rights and climate change with the petition. (...) And now people make a living out of it and the connection is also made in other areas and I think it has a shifted the public rhetoric and discussion about climate change."¹² Key members of a transnational network of civil society lawyers and activists working at the intersections of human rights and climate change share this assessment and describe the petition as "a turning point, a big bang,"¹³ "one of the starting points, a really crucial piece," and "the kind of foundation of these types of arguments, but also changing the narrative, turning it into an argument about human rights."¹⁴ In turn, this reframing climate change as a human rights issue resonated with civil society actors and has shaped climate advocacy efforts in a number of indirect ways during the past decade.¹⁵ In Watt-Cloutier's own words, the petition "moved the discussion out of the realm of dry economic and technical debate [to a] path of principle, showing that fundamental change was not just sound policy, but an ethical imperative" (Watt-Cloutier 2015: 302). By bringing the fields of human rights and climate change together, the petition contributed to the expansion of the climate justice movement by attracting lawyers, activists, and NGOs concerned with human rights and social justice (Nicholson and Chong 2011; Schapper and Lederer 2014). Indeed, two interviewees who have spent more than a decade actively working on the intersections of human rights and climate change specifically ascribed their initial inspirations for doing so to the submission of the Inuit petition.¹⁶

The climate human rights frame articulated in the petition resonated with members of the climate justice movement for three main reasons. First, the climate human rights frame was perceived as credible due to its alignment with a broader climate justice frame that had been emerging in global climate politics

¹² Interview 39: 6–7.

¹³ Interview 2: 3.

¹⁴ Interview 43: 8. This view was shared by many other interviewees: Interview 39: 6; Interview 3: 6; Interview 16: 8; Interview 40: 6; Interview 42: 3–4; and Interview 49: 7–8.

¹⁵ Interview 1: 3; Interview 2: 3; Interview 3: 6; Interview 16: 8; Interview 40: 6; Interview 42: 3–4; Interview 43: 8; Interview 47: 8; and Interview 49: 7–8.

¹⁶ Interview 44: 3; Interview 51: 1.

since the early 2000s (Allan and Hadden 2017; Chatterton et al. 2013). As Marc Limon, one of the lawyers instrumental in efforts to introduce climate issues in the UN human rights system, has written: “The Inuit case introduced the idea that rather than being a global and intangible phenomenon belonging squarely to the natural sciences, global climate change is in fact a very human process with demonstrable human cause and effect. It could thus, like any other aspect of human interaction, be placed within a human rights framework of responsibility, accountability, and justice” (Limon 2009: 441). Second, the Inuit communities whose stories underlie the petition were themselves seen as trustworthy by members of the climate justice movement who were concerned with the impacts of climate change for frontline communities.¹⁷ Even international lawyers and activists whose engagement with this issue began many years after the launch of the Inuit petition continue to refer to the underlying argument behind the petition—the impact of global warming on the human rights of Inuit communities—in their discussions with state parties and other stakeholders.¹⁸ Third, the climate rights frame was salient for many climate lawyers and activists in the mid-2000s who were frustrated by the failure of international negotiations to yield the ambitious climate policies required to avert the most dangerous impacts of climate change. In this context, the idea of turning to international human rights law quickly gained traction among many climate lawyers and activists as a way of understanding the impacts of climate change, highlighting the urgency of a growing climate crisis, and identifying potential legal remedies.¹⁹

The innovative climate human rights frame introduced through the Inuit petition catalyzed efforts to build further linkages between human rights and climate change at the international level. The filing of the petition led a representative of the Maldives to contact the Center for International Environmental Law to seek advice in developing a declaration on the human dimensions of climate change (McGraw and Wienhöfer 2018: 221). Along with the petition, the adoption of the resulting *Malé Déclaration* set in motion a full-fledged agenda for recognizing climate change as a human rights problem within the United Nations Human Rights System and the UNFCCC.²⁰ Over time, this advocacy has resulted in the integration of human rights language in the decisionmaking of the UNFCCC and the adoption of

¹⁷ Interview 51: 2.

¹⁸ Interview 45: 5–6; and Interview 48: 6–7.

¹⁹ Interview 39: 1; Interview 44: 3; and Interview 47: 8.

²⁰ Interview 49: 7–8; Interview 51: 2.

resolutions on climate change in the UN Human Rights Council (Ataputtu 2016; Kirchmeier and Lador 2018). In a series of international decisions and resolutions, states have most notably recognized that “the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights” (UNHRC 2009, at preamble; UNFCCC COP 2011, at preamble), have “affirmed that human rights obligations, standards, and principles have the potential to inform and strengthen international and national policy-making in the area of climate change,” (UNHRC 2011, at preamble), and called on states to “respect, promote, and consider their respective human rights obligations” when taking action on climate change (UNFCCC COP 2016, at preamble). Even the IACHR’s position on these issues has evolved during the past decade. In a statement issued to coincide with international climate negotiations held in December 2015, the IACHR expressed “concern regarding the grave harm climate change poses to the universal enjoyment of human rights” and acknowledged that “climate change has a special impact on indigenous peoples, whose lands and natural resources come under direct threat” (Organization of American States 2015).

Of course, the Inuit petition is solely responsible for the cross-fertilization of the fields of human rights and climate change. Rather, the petition is the first important layer upon which other legal cases and developments have been laid to incrementally and progressively build a bridge between the legal norms, principles, and discourses of human rights and efforts to combat climate change.²¹ Through their efforts in developing, submitting, and publicizing the petition, Watt-Cloutier, Wagner, and Goldberg constructed a new discursive framing of climate change that has had gradual, but lasting influence on international climate politics during the past decade.

4.2 Collective Action Framing Processes and Outcomes

When it was first released, the Inuit petition attracted significant media attention in Nunavut and Nunatsiavut²² and played an important role generating awareness of climate change as a global problem within these communities.²³ In particular, many community members discussed and admired Watt-Cloutier’s

²¹ Interview 2: 3; Interview 3: 6–7; and Interview 43: 8.

²² Interview 36: 6; Interview 40: 5.

²³ Interview 21: 4: “We talked about changes in the climate, but we did not say ‘climate change’ on a global standpoint. [...] [Sheila] gave a meaning to the word ‘climate change’.” This view was shared by another interviewee: Interview 5: 2.

efforts in garnering global attention for Inuit perspectives on climate change.²⁴ One interviewee in Nunavut and Nunatsiavut even shared that they personally had adopted a human rights conception of climate change as a result of the petition: “I think human rights should be the lens that we should look at climate change. The notion of dominion over wildlife and the environment... is part of the social psyche of the Western world so you have to frame these things in human terms... If you remove people from discussion on climate change... it’s much easier to not take responsibility.”²⁵ Another interviewee reported that the petition had led some members of the communities to recognize that climate change was harming their lives and cultural practices: “So people would talk about it through different facets, like the ability to feed your family through hunting on ice is being challenged, such economic sovereignty was disappearing, the ability for knowledge to be passed on from generations.”²⁶

While the Inuit petition may have raised awareness of climate change as an issue among a few members of the Inuit communities in Nunavut and Nunatsiavut, we found that the climate rights frame has not resonated with these communities. None of our interviewees believed that the petition had reshaped Inuit understandings of climate change as a human rights problem at a collective level.²⁷ In fact, many interviewees did not even remember the petition.²⁸ Compelling evidence of the lack of resonance of the climate rights frame among Inuit communities comes from two initiatives that have gathered narrative accounts of the impacts of climate. One series of reports collected testimony in communities across Inuit lands during the critical time period covering the preparation and submission of the petition, between 2002 and 2005. These reports include no statements that refer to “human rights” or other rights-based language or concepts (Communities of Arctic Bay Kugaaruk and Repulse Bay et al. 2005). Neither do the testimonies collected by Gérin-Lajoie et al. from Inuit Elders in eight Canadian Arctic communities from 2007 to 2010 (Gérin-Lajoie et al. 2016). While the speakers in these testimonies describe how climate change has affected their traditional ways of life, the Elders do not expressly relate these impacts to conceptions of human rights (Gérin-Lajoie et al. 2016).

²⁴ Interview 5: 3–4; Interview 9: 2; Interview 36: 1–2.

²⁵ Interview 17: 4.

²⁶ Interview 36: 1–2.

²⁷ Interview 18: 5; Interview 38: 3; and Interview 35: 4.

²⁸ Interview 4: 3; Interview 8: 2; Interview 10: 1; Interview 11: 2; Interview 12: 1; Interview 13: 2; Interview 14: 1; Interview 15: 1; Interview 22: 2; Interview 23: 2; Interview 24: 2; Interview 29: 3; Interview 31: 1; Interview 32: 2; Interview 35: 3.

The climate rights frame fails to resonate with Inuit communities because it lacks credibility and salience. As far as credibility is concerned, there is no doubt that Watt-Cloutier was perceived as trustworthy by community members based on her record of role with the Inuit Circumpolar Conference and her extensive experience as an environmental advocate in the Canadian arctic.²⁹ On the other hand, despite her efforts to center Inuit voices in the petition, the petition was an imperfect vehicle for promoting a new understanding of climate change among Inuit communities. For one thing, the very use of a legal instrument like a human rights petition could itself be interpreted as antithetical to Inuit ways of being (Noor Johnson 2012). As one petitioner noted, where “activism in the south can sometimes be aggressive and confrontational, we tend to try to not be that way up here.”³⁰ Instead, Inuit construe their efforts on climate change as “trying to help the world” so that this problem can be addressed together,³¹ rather than engaging in “activism” in the Western sense, which may be seen, according to one interviewee, as “aggressive” and “confrontational.”³² This cultural unease with regard to the submission of a human rights petition is also consistent with the literature regarding the nonconfrontational nature of Inuit social relations (Kalluak 2017: 42) and the divergent approaches to climate activism between Inuit and other Indigenous Peoples (Noor Johnson 2012: 279–80). An aversion to Western expressions of “activism” is compounded by a difficult history between the Inuit and southern environmental and animal rights activists who have campaigned against seal hunting on which the livelihood of Inuit communities depends.³³

Although the petition was initially developed through a partnership between two American NGOs and the Inuit Circumpolar Conference, the Inuit Circumpolar Council did not sign onto the petition as a body (Watt-Cloutier 2015: 240). Moreover, after the

²⁹ Interview 5: 3–4; Interview 9: 2; Interview 36: 1–2.

³⁰ Interview 9: 5.

³¹ Interview 40: 3.

³² Interview 6: 2 (“Where there are programs and decisions being presented to Inuit that they don’t agree with or see the merit in or are not supportive of, rather than confront and actively challenge the response may be just to disengage and avoid dealing or confronting those situations even if they are not supported. Generally, if you propose something and they don’t say anything, it doesn’t mean they agree. I’ve seen it with project proposal meetings or in justice/health/education at the community level”) and Interview 17: 5 (“I don’t like the titles of environmentalist, activist, especially as an indigenous person that’s trying to protect a way of life. It infers that you’re the provocateur. The accepted normal is that we have environmental degradation, destruction is the norm, and if you speak up against, you’re an activist, you’re an environmentalist. So I think I would describe myself just as an Inuk that’s trying to protect a way of life.”)

³³ Interview 9: 7.

IACHR's 2007 hearing, the American NGOs did not remain engaged. As Watt-Cloutier explains in her book:

I tried to find out if Earthjustice, CIEL or any other environmental organization was working on some of the questions they had asked us to report back to them to assess the petition further. It was very difficult to get accurate answers. I wondered if the disconnect was because none of the legal team was attached to me in any official capacity now that I was no longer ICC chair. Yet I felt a great sense of responsibility to see the human rights work through, not only for myself but my fellow petitioners. After the hearing, I sent a letter to each member of that group, updating them on the situation. But preparing sixty-two letters and having them translated into two languages proved to be a financial burden now that I didn't have any institutional support (Watt-Cloutier 2015).

Watt-Cloutier largely carried on the struggle of advocating for the recognition of climate rights in the Arctic by herself (Morin 2016; Watt-Cloutier 2015). As a result, few resources were dedicated to follow-up events in the communities where petitioners were based, which sapped the petition of its credibility as a community-led initiative. As one petitioner expressed their lack of connection to the petition and related international campaigning to conceptualize climate change as a human rights issue: "They never came back kind of thing. They abandoned me, so I didn't put a collar on it."³⁴

Some of the core elements of the climate rights frame were not congruent with Inuit social and cultural norms and practices, and therefore not salient. The terms "human rights" and "climate change" at the heart of the petition defy easy translation in Inuktitut.³⁵ One interviewee expressed the challenge as follows: "Often Western legal concepts are difficult to discuss in Inuktitut... We have some terms that are now understood as rights in Inuktitut, but structurally I think people still struggle with understanding how you protect them... So if you can't really appreciate that aspect of it, what good are rights?"³⁶ More broadly, while public understanding of the concept of human rights is increasing among Inuit communities,³⁷ a disconnect remains between the international human rights law framework, which derives its authority from Western legal systems and the consent of states, and the legal traditions of Inuit. Western systems require that Indigenous peoples "fit in" to their legal categories such as "rights,"

³⁴ Interview 7: 4.

³⁵ Interview 29: 2; Interview 19: 2; and Interview 4: 8.

³⁶ Interview 17: 4–5.

³⁷ Interview 38: 2.

“in some form of equivalence, in order to be acknowledged” even if these categories do not align with Indigenous logics (Turpel 1989: 151; Christie 2007: 17). As one interviewee opined:

Well, myself I’ve always talked about that every human has a right, but at the same time, laws that are put in place are done by someone else on your behalf... I’ve always said that we as a people were never consulted when they came out with these different rights that we have now ... so it’s hard for me to say that it’s a ‘right’... As an aboriginal person, I am given rights by a non-native culture that says, “here are your rights”, which I was never privy to when they came up with these rights.³⁸

Another interviewee shared that the view that they understood human rights as a concept tied to colonial legal processes, rather than Inuit legal practices that focus on collective stewardship of the environment:

In terms of people talking about rights, again it is not that you do not usually hear that, it is just that people are linking it more to colonial processes, that it is another example of Inuit rights being held by a side force and also taking away the ability to be good stewards and make it back to the land. And people are really mourning the land and feeling like they are letting the land down. So then again, this is more about the collective responsibility framework rather than saying, ‘my right is this.’³⁹

Finally, the problem tackled in the petition was not tied to the everyday concerns of Inuit communities or at least did not appear to be do in face of other pressing challenges.⁴⁰ As one interviewee explained:

The other reality is that there are so many other things going on in our communities that in terms of what is a priority for people—right now for here, the priority for people is getting food to eat and taking care of their families, and the overall community well-being. Things like that affect that, but in terms of priorities and what people on the ground are focusing on, people from the community would be better to speak to but I would argue that they are much more focused on their current needs than a lot of these things.⁴¹

As a result, many interviewees, including some of the proponents of the petition, recognize that the petition had little effect on the

³⁸ Interview 40: 2. This view was shared by other interviewees: Interview 6: 2; Interview 19: 1; and Interview 25: 2.

³⁹ Interview 36: 7.

⁴⁰ Interview 22: 4.

⁴¹ Interview 35: 3–4.

lives of people in Inuit communities.⁴² The limited salience of the climate rights frame was also compounded by the lack of follow-up with communities after testimony was taken for the petition. One petitioner shared his frustration about the disengagement of the proponents of the petition after they had collected his signature in the following terms: “No one came back. It was done like a raven. Tagged and flown away.”⁴³

Due to the lack of resonance of the climate rights frame, it is not surprising that we did not find any evidence that this frame engendered collective action in the form of political or legal mobilization reflecting a rights-based approach to climate justice. Although there was some recognition that climate activism was gradually increasing locally, none of our interviewees would attribute this change to the petition, instead suggesting that the petition’s influence was less direct, “a type of formulating groundwork... and a lot of that maybe spilled from it.”⁴⁴ When asked about climate change initiatives in their communities, the interviewees in Nunavut and Nunatsiavut provided numerous examples of environmental projects that have taken shape since 2005, such as climate-related knowledge gathering initiatives,⁴⁵ or community health, food security and environment projects.⁴⁶

Ultimately, while many interviewees saw the petition as an act of cultural resurgence that attracted global attention to an Inuit perspective on climate change, the petition also illustrates the limited possibilities for drawing on Inuit law and Inuit Qaujimagatuqangit within the traditional, state-centric framework of international human rights law (Loukacheva 2012; Tester and Irniq 2008). The incorporation of Indigenous legal traditions in Western legal processes often requires that they be treated as factual testimony stripped of its “normative significance” (Anker 2017: 265), creating an environment where “Indigenous law has to fit with state law and the latter never has to reconcile itself with or to the former” (Anker 2017: 277). Our findings illustrate that the challenges associated with attempts to introduce Indigenous claims and perspectives through the prism of international human rights law had very real consequences for the long-term resonance of the

⁴² Interview 35: 4–5; Interview 36: 7.

⁴³ Interview 7: 2.

⁴⁴ Interview 32: 3.

⁴⁵ Interview 14: 2 and Interview 6: 3. Collections such as “*The Caribou Taste Different Now*”: *Inuit Elders Observe Climate Change* are an example of recent initiatives to gather such knowledge (Gérin-Lajoie et al. 2016). See also see the eNuk Program, “an Inuit-led strategy for monitoring and responding to the impacts of environmental change on health and wellbeing in Rigolet, Nunatsiavut” (Sawatzky et al. 2017).

⁴⁶ Interview 31: 2; Interview 36: 3; and Interview 11: 4.

climate rights frame by undermining its credibility and salience among Inuit communities whose rights it was meant to protect.

5. Conclusion

Our article provides the first in-depth case study of the long-term impact of a rights-based climate case. Our analysis of framing processes and outcomes associated with the Inuit petition provides a nuanced account of the potential of climate litigation to serve as a vehicle for reframing climate change. On the one hand, the petition creatively drew on legal arguments, scientific research, and Inuit knowledge to articulate a new climate human rights frame that presents climate change as a problem that should be understood and addressed in accordance with human rights principles and obligations. In a context where concerns over the impacts of climate change were growing and frustration with the failure of multilateral processes was mounting, this frame was embraced by climate lawyers and activists in the global climate justice movement and has shaped climate litigation and advocacy efforts in a number of indirect ways during the past decade, expanding the coalition in support of climate justice and leading activists to advocate for building linkages between human rights and climate change in international law and through domestic litigation.

On the other hand, we found that the petition's climate rights frame has had little resonance among policymakers in the United States and Canada and the Inuit communities on whose behalf it was filed. Our explanation for these variations in framing processes focus on the credibility and salience of different frames among different audiences and point to the importance of paying attention to the scope conditions that make it more or less likely that human rights litigation can activate different types of framing processes. While the climate rights frame was aligned with existing beliefs held by lawyers and activists in the climate justice movement regarding the nature of climate change as a problem and the need to hold states accountable for the climate crisis, it lacked credibility and salience for American and Canadian policymakers who disregarded the dangers of climate change and saw ambitious climate action as a threat to the continuing exploitation of fossil fuels. While many members in the Inuit communities in Nunavut and Nunatsiavut trusted and admired Watt-Cloutier, the submission of the petition and the climate rights frame that it articulated were in many respects incongruent with existing Inuit cultural, social, and legal norms and practices. Of course, it is important for us to acknowledge that these sites are only two of fourteen communities

across five Inuit regions that participated in the petition. We do not claim that our findings can be generalized to all Inuit communities and recognize that additional research is needed to understand how other Inuit communities may understand the relationship between human rights and climate change. As the number of climate cases multiply, more in-depth socio-legal research will be needed to assess whether, how, and to what extent litigation is addressing the climate crisis and empowering a variety of affected communities.

We reveal some uncomfortable truths about the limitations of international human rights law and processes for generating persuasive frames in the field of climate change. As far as discursive framing is concerned, our findings are consistent with an emerging literature that suggests that the influence of political partisanship on perceptions of the judiciary and climate science may limit the potential for climate lawsuits to serve as tools of persuasion that can alter the deeply entrenched views of individuals on this divisive issue (Feinberg and Willer 2015; Osofsky and Peel 2016). The climate rights frame's lack of resonance among Inuit communities is also not that surprising in light of the psychological and sociological research demonstrating that the problem of climate change may be inherently challenging for fostering changes in beliefs and mobilizing social movements due to the diffuse nature and invisibility of its causes, its long-term and dispersed consequences, and a perceived lack of a strong connection between its impacts and the identities and everyday problems of communities (American Psychological Association 2011; McAdam 2017).

Our work thus makes important contributions to socio-legal research on the impacts of public interest litigation. For several decades, scholars have argued that public interest litigation can generate meaningful social change by contributing to the mobilization of social movements at the grassroots and enhancing their ability to pressure governments and corporations into changing their policies (Marshall 2010; McCann 2006; Vanhala 2012). However, it is apparent that the petition did not have much success in terms of mobilizing Inuit communities in the Canadian Arctic on issues relating to climate justice. Instead, the primary way in which the petition has exerted influence is through its effects on the broader transnational legal process at the intersections of climate change and human rights. This suggests that socio-legal scholars should pay attention to how litigation may generate discursive frames that exert transnational, rather than local, influence (Allan and Hadden 2017). In doing so, scholars should also discuss the ethical implications of framing as a strategy for influencing global politics in contexts where it does not yield clear benefits for those communities that it was meant to protect (Cable et al. 2005).

While Inuit worldviews may limit the analytical utility of western accounts of social movement behavior (Noor Johnson 2012: 279–80), both of the communities that were the focus of our fieldwork have engaged in more classic forms of collective action on environmental issues in the last decade.⁴⁷ A significant example of collective action in Nunavut has been the fight led by an Inuit community against seismic testing in waters near the Inuit hamlet of Clyde River. Inuit have strongly opposed seismic testing by engaging in political advocacy and grassroots campaigning (Noor Johnson et al. 2016) and initiating a judicial review of the project's approval that quashed its regulatory authorization (*Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* 2017). A prominent example of mobilization by Nunatsiavummiut has been the sustained political opposition and protests from the community against the Muskrat Falls project, a new hydroelectric dam in Labrador, which resulted in arrests and influenced local political engagement and debates (Michelin 2017). As these examples demonstrate, climate litigation and advocacy are not anathema to Inuit communities. Given this, climate justice initiatives should include planning and resources to learn from affected communities about their traditions and priorities, provide ongoing information about the progress of their cases and campaigns to them, and support multiple forms of community-led mobilization on climate issues at the grassroots. Our findings reinforce the ethical responsibility of climate lawyers and activists working with Indigenous Peoples and other marginalized groups to consider the full range of strategies (Giugni 2002; Marshall 2006) that could be employed to work with and engage these communities, respect their work and traditions, and connect their efforts to combat climate change with long-standing efforts to address social and environmental injustices.

The story of the Inuit petition ultimately demonstrates the tensions that often come into play in public interest litigation involving Indigenous communities. Indeed, the IACHR's dismissal of the petition and its legacy as the first rights-based climate case fails to appreciate how Inuit legal traditions might conceive of climate change and its solutions differently. Scholars, activists, and lawyers would benefit from further exploring what we can learn from Inuit responses to climate change and Inuit manifestations of mobilization that do not fall with the scope of how this term is understood in the West. As Tester and Irniq argue, "advocating IQ can [itself] be a political act, advancing a social and

⁴⁷ Another case that is worth noting is the tort claim brought in 2008 by the Inupiat community of Kivalina against Exxon for the destruction of their village in Alaska due to flooding caused by climate change (Nicole Johnson 2013).

cultural agenda that attempts to counter, or at least buffer, the totalizing agenda of a colonizing culture” (Tester and Irniq 2008: 51). A good starting point here to appreciate Inuit perspectives on climate resilience may be the *National Inuit Climate Change Strategy* (Inuit Tapiriit Kanatami 2019). Adopted in 2019, this strategy provides a comprehensive plan for advancing Inuit capacity and knowledge in climate governance, improving Inuit and environmental health and wellness outcomes, reducing the climate vulnerability of Inuit and market food systems, enhancing climate resilience of infrastructures and buildings in Inuit lands, and supporting regional and community-driven energy solutions leading to Inuit energy independence. There are likely to be many important lessons that can learn from the development and implementation of this strategy and related community-led initiatives and the role that they are playing in the Inuit pursuit of climate resilience and more broadly in the revitalization of Inuit culture, knowledge, and institutions.

While the petition did not succeed in realizing the right to be cold for the communities on whose behalf of it was filed, its legacy lies in the growing realization that populations should have the right to be protected from an increasingly dangerous climate. Despite its shortcoming as a vehicle for empowering Inuit communities, the petition may be seen as a form of Inuit storytelling, warning the world of the dangers of a rapidly changing climate. Tragically, it is a story that most governments have not yet accepted, with dire consequences for Inuit and the planet as a whole.

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