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INTERNATIONAL BOOK ESSAY

From a "Rights Turn" to a "Relational Turn" in Climate Action

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INTRODUCTION: THE RISE OF RIGHTS-BASED ACTION ON CLIMATE CHANGE

More than a decade ago, using human rights law to sue governments and corporations over climate harm was met with outright skepticism—even from human rights advocates, who feared the strategy might weaken conventional protections against grave human rights violations. However, as César Rodríguez-Garavito argues in his new book, *Climate Change on Trial: Mobilizing Human Rights Litigation to Accelerate Climate Action*, rights-based climate change (RCC) litigation now lies at the center of global climate governance. Comprising 467 cases worldwide,[1] RCC litigation has gained significant traction since the mid-2010s, building on milestones such as the Paris Agreement—[. . .] the first global climate accord to explicitly recognize the relevance of human rights in climate action" (6, 13). The interface between climate change and human rights has thus become a key focus of scholarly attention, as well as a vibrant site for political contestation and legal mobilization today: "(t)here are no human rights on a dead or sick planet" (*Supremo Tribunal Federal,* Brazil, cited in Rodríguez-Garavito 2025, 3). "How did RCC litigation go from being dismissed by many to a safe topic for dialogue and debate among prominent judges?" (12) *Climate Change on Trial* offers a compelling answer.

Drawing on an expansive cross-jurisdictional database, expert interviews, and participant observation in multiple countries, the book charts a two-decade "socio-legal story of human rights-based climate litigation" (1), asking, among others, "[w]hat norms are emerging from this transnational legal process? What are the impacts and limitations of this type of legal action in advancing climate action?" (6). In doing

[1] See NYU Scholl of Law's Climate Law Accelerator (CLX), available at https://clxtoolkit.com/map/.

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so, this timely *Cambridge Elements* explores the rise, swift global diffusion, and potential impacts of what has been termed the "rights turn" in climate litigation (Peel and Osofsky 2022). Bridging scholarship across global governance, international law, international relations, and legal mobilization studies, *Climate Change on Trial* charts key legal opportunities (section 2), actors and issues (section 3), major challenges (sections 4 and 5), and future directions (section 6) in this rapidly consolidating field.

What are the limits and possibilities of an expansive rights turn in climate litigation, and how do ecological jurisprudence and similar approaches further expand this horizon despite well-established critiques of rights in law and society scholarship? Below, I identify two pivotal contributions of Rodríguez-Garavito's work in the context of convergent ecocentric approaches—namely, ecological jurisprudence (Pelizzon 2025), ecological law (Garver 2021), Earth law (Zelle et al. 2021), and law beyond the human (Vargas Roncancio 2024). I then explore opportunities within this dynamic body of literature, proposing three potential themes to advance rights-based climate change litigation studies: (1) moving from socio-legal to eco-legal scholarship, (2) centering Indigenous legal thought, and (3) enacting participatory methodologies for climate action.

CHARTING RCC LITIGATION: EMPIRICAL SOCIO-LEGAL STUDIES FOR CLIMATE ACTION

Among the empirical and analytical contributions of Rodríguez-Garavito's new book, I focus on two: a roadmap of the complex normative landscape at the intersection of human rights and climate governance, and an insider's analysis of key legal norms and doctrines emerging from RCC litigation.

Mapping the Normative Landscape on Climate Change

Although climate change law has gained significant traction since 2010 (Coplan et al. 2021), systematic studies examining how human rights tools are mobilized in court to hold states and capital accountable remain scarce. *Climate Change on Trial* fills this critical gap. Drawing on an empirical analysis of more than 460 rights-based climate change (RCC) lawsuits, the book prefigures credible trajectories of human rights litigation for global climate resilience. Indeed, "(c)ontrary to sweeping statements about the "end times" of human rights [the author] show[s] how the climate emergency, one of the crucial challenges of our time, has been effectively reframed as a human rights issue." (5) Based on this empirical analysis, he suggests that RCC litigants have been able to *accelerate* climate action by using international climate targets—such as the Paris Agreement and IPCC reports—as standards of review while leveraging human rights norms and enforcement mechanisms. This empirical baseline alone makes a vital contribution to understanding environmental judicial activism—specifically, how judges co-shape political discourse on climate impacts while adjudicating responsibility for climate inaction and direct socio-ecological harm.

The author explores the "legal opportunities" and "mobilizing frames" of rights-based climate governance in section 2. He charts "the legal stock and frames of RCC litigation in the context of longer-term processes within the human rights and climate governance regimes (. . .)" (8). Equally significant is the author's exploration of legal mobilization, which stresses "two factors that influence social movements'

decision to use litigation and other law centered strategies: (1) the structure of legal opportunities and (2) the availability of law-centered frames of mobilization." (14) Section 3, in turn, identifies the key "issues, venues, actors, and strategies" defining RCC litigation worldwide. Taking a deep dive into RCC litigation, the section "examines the issues, parties, geographic distribution (41–47), and outcomes of the legal actions that were filed between 2005 and 2024." (33) By exploring the emergence of a complex ecology of normative opportunities—encompassing environmental rights, IPCC reports, and diverse case typologies—the book offers a comprehensive map of "regulatory tactics" (8) to address the climate debacle, set against the backdrop of grassroots and scientific efforts.

A Framework for Litigation Impacts on Climate Change

Following this roadmap and drawing on an insider's perspective, section 4 sketches "the contours of the norms that constitute this broad legal convergence as well as the areas of ongoing jurisprudential contention" (61). Section 5 further establishes an analytical framework to evaluate a typology of RCC litigation impacts across four major case studies.[2] *Impact*, in this context, "goes beyond the direct, immediate effects of litigation and captures also the indirect, symbolic effects that oftentimes inform litigants' strategies and courts' decisions and yet rarely appear in media coverage and scholarly analysis. They include not only the concrete policy changes that legal actions seek but also the use of litigation as a storytelling device and as a tool of social and political mobilization." (90)

Section 6 closes the book. It summarizes key empirical and theoretical findings to explore "the potential contributions and challenges of RCC litigation in advancing climate action" (8). *Climate Change on Trial* thus "aimed to capture the two-way process whereby human rights concepts and norms have been challenged and shaped by RCC litigation as much as they have influenced climate governance (. . .)." The book discusses how "most of the contributions to the literature have focused on one direction of this relationship, that is, the role of human rights in advancing climate action." To counter this asymmetry, the book claims "how the unique features of the climate emergency have (also) challenged and spurred innovation in human rights law and practice" (111).

Despite these resounding contributions, the book's pre-analytical assumptions—that is, the dualist ontology separating "nature" and "culture" (Descola 2013) that underpins the language of rights and litigation—warrant further consideration, as does its engagement with convergent efforts in related fields.[3] Notably, the author's current inter-epistemic initiative—the More-than-Human Life Project (MOTH)—offers compelling answers to these critical epistemological and ontological questions facing legal scholarship in the Age of the Anthropocene. By bridging rights discourse with more-than-human frameworks, MOTH represents a logical next step in scholarship on rights-based climate change litigation (2026).[4]

[2] See Figure 6 "Typology of RCC litigation impacts", 93.

[3] Many of these issues are already being addressed through this project's engagements with scientists, Indigenous communities, and more-than-human selves, and other key stakeholders.

[4] More-Than-Human Life Project (MOTH): https://mothlife.org/

ARE "RIGHTS" ANTHROPOCENTRIC? RCC LITIGATION AND ECOLOGICAL JURISPRUDENCE

The "rights turn" in climate litigation has reshaped climate governance by translating scientific consensus into binding legal obligations while simultaneously contributing to the mobilization of global socio-ecological movements (IPCC 2023). By framing climate change mitigation as an urgent human rights imperative rather than a mere policy choice, rights-based lawsuits have successfully challenged state and corporate passivity and, at worst, purposeful obstructionism, a shift that Rodriquez-Garavito comprehensively documents. Nevertheless, emergent socio-legal scholarship underscores the critical limitations embedded within human-centric frameworks, advocating instead for a different set of ontological and methodological choices, rather than reinforcing the very dualist assumptions that guide legal practice in courts. This scholarship invites a fundamental act of *legal creativity* and *prefiguring* that challenges well-established assumptions about what counts as the "legal," "legal reasoning," "rights," and "responsibilities," among other concepts, in climate litigation and environmental law writ large.

For example, modern human rights regimes remain fundamentally anthropocentric, viewing ecological systems either as property or as passive backdrops for human action (Kotzé 2014). Despite its promise, rights-based litigation encounters severe implementation hurdles amid relentless extractivism and systemic violence. Furthermore, such litigation risks abstracting individuals from broader ecosystems while ignoring the cumulative, diffuse effects of climate change over time (Malm and Carton 2024). As Peel and Osofsky (2017), Táíwò (2022), and Rodríguez-Garavito himself (2025) emphasize, these combined limitations complicate efforts to isolate localized human rights violations—particularly when seeking compensation for climate-related harms: "RCC litigation has its own challenges and blind spots, including insufficient attention to climate adaptation and reparations as well as the limitations of human rights norms in dealing with the complex causality and temporality of global warming" (8).

In response, convergent socio-legal proposals aim to expand the horizons of climate action by centering relational and participatory epistemologies, methodologies, and pedagogies. By shifting the focus from individual and collective human entitlements toward interspecies relationality and "response-ability," these proposals—frequently grounded in Indigenous legal traditions and more-than-human modes of agency—offer a promising pathway toward more holistic frameworks. In the following sections, I probe convergent efforts that aim not to reject rights-based climate change (RCC) litigation, but to expand its scope by probing its foundational assumptions.

Ecological Law's Proposal for a Paradigm Shift in Law: Law and Degrowth

Legal scholar Geoffrey Garver contrasts traditional environmental law with an emerging ecological law framework, illustrating a fundamental shift in how legal systems conceptualize socio-ecological relationalities (2021, 2024). His work offers a robust theoretical and empirical lens to demonstrate how conventional environmental law remains anchored in an anthropocentric worldview—one that either reduces ecological relations to property managed for relentless economic growth as a proxy

for human welfare or renders them "objects" of human conservation regimes. Under this traditional model, and, indeed, ontological choice, legal systems address environmental harm from a fragmented perspective, relying heavily on market efficiency, technological fixes, and state sovereignty, such that the dogma of economic growth takes precedence over ecological integrity, and legal protections are harnessed reactively only when human health or commercial interests are directly threatened.

Ecological law, by contrast, adopts a "systems-based approach" that situates humans as an integral dimension of ecological relationalities. Rather than prioritizing high material throughput and economic growth, it establishes strict ecological limits on governance and economic activity grounded in the "planetary boundaries for a safe operating space" framework (Rockström et al. 2009), favoring sufficiency and degrowth instead (Kallis 2018). Decision-making shifts from market monetization toward plural values and interspecies and intergenerational fairness.

Similarly, legal scholar Alessandro Pelizzon (2025) charts the emergence of an "ecological jurisprudence" not only as a game-changing transformation of legal paradigms and norms, but as a "radical reimagination of law itself." Drawing on over 15 years of research and teaching, he gives us a *tour de force* diachronic reconstruction of the sources and trajectories of this emergent jurisprudence. Offering both distinct theoretical and empirical contributions to normative ecocentrism, these approaches reconfigure rigid state borders into a multi-scalar and bioregional governance model: global regulations address planetary-scale challenges, while local communities co-manage regional ecosystems through commons principles. Ultimately, they shift legal practice from managing climate harm under capitalism to safeguarding the long-term vitality of the Earth community, thereby fundamentally challenging the anthropocentric ontologies and epistemologies that underpin legal systems in general and climate governance in particular.

Earth Law: The Figure of the "Earth Lawyer"

An equally convergent approach—one that centers the Earth as a political and legal actor and as the ultimate horizon of all law—is Earth law. Earth law is defined as "the emerging body of law for protecting, restoring, and stabilizing the functional interdependency of Earth's life and life-support systems at the local, bioregional, national, and global levels. Earth law may be expressed in constitutional, statutory, common law, and customary law, as well as in treaties and other agreements, both public and private" (Zelle et al. 2021, 43). Grounded in relational principles and attentive to Global North-Global South dynamics, Earth law offers an expanded institutional framework that retains rights-based litigation strategies. Far from abandoning rights, it equips climate practitioners with novel legal tools, including atmospheric trust litigation, the rights of future generations, and biocultural rights. Secondly, whereas ecological law explores law and degrowth in tandem, Earth law offers concrete legal strategies to protect ecosystems and humans both in court and beyond. Crucially, it advances a distinct pedagogical orientation that places the "Earth lawyer" at the center of eco-legal practice, thereby broadening the practical foundations of non-anthropocentric lawyering in climate litigation.

A Law Beyond the Human and Indigenous Thought

Grounded in Andean-Amazonian ontologies and epistemologies, a law beyond the human asks:

> How do we learn and practice law across epistemic and ontological difference[s]? (. . .) In what sense does conjuring other-than-human beings as sentient, cognitive and social agents— rather than mere recipients of state-sanctioned rights—transform what we mean by "law" and "rights of nature"? (Vargas Roncancio 2024: i)

Without renouncing rights-based climate litigation, this approach critically interrogates the ontological and epistemological presuppositions embedded in Western law—and within RCC litigation itself. By weaving together diverse knowledge systems and world-making practices—spanning Indigenous legal traditions, Earth law, and multispecies ethnography—*a law beyond the human* integrates more-than-human beings into legal reasoning and adjudication, leveraging the entanglements among law, ecology, and Indigenous cosmologies for climate resilience.

Ecological law and ecological jurisprudence deeply interrogate the ontological underpinnings of law and rights, placing the critique of perpetual economic growth at the center of climate resilience (Garver 2021; Pelizzon 2025). Earth law, in turn, offers novel institutional mechanisms that expand conventional rights discourse, centering the figure of the Earth lawyer to frame legal pedagogy as a vital *locus* of climate action. Grounded in Andean-Amazonian cosmologies, a law beyond the human draws on Indigenous thought and methodologies (legal and otherwise) to conceptualize more-than-human selves—such as animals, plants, and entire ecosystems—not merely as passive recipients of state-sanctioned rights, but as active law-making subjects.

As convergent approaches, these three frameworks—ecological law and ecological jurisprudence, Earth law and law beyond the human—complement RCC litigation by interrogating the ontological assumptions, conceptual tools, and sources of legal meaning available to adjudicators navigating profound onto-epistemic pluralism and relentless extractivism. We now turn to explore opportunities for situating Rodríguez-Garavito's judicious analysis within this dynamic body of literature. In doing so, we propose three key avenues to advance rights-based climate change litigation studies while bringing a critical perspective on "rights" itself into the conversation: (1) transitioning from socio-legal to eco-legal scholarship, (2) centering Indigenous scholarship on climate action, and (3) enacting eco-participatory methodologies.

POTENTIAL THEMES TO ADVANCE RIGHTS-Based CLIMATE CHANGE LITIGATION STUDIES

Moving from Socio-legal to Eco-legal Scholarship

Notwithstanding key conceptual and methodological differences, *Climate Change on Trial* can productively engage with ecological jurisprudence, Earth law, and law beyond the human. Together, these bodies of work may inspire a new methodology grounded in "law's relations" (Nedelsky 2011), reimagining human–Earth interactions amidst global polycrisis. This paradigm stems from a commitment that rejects modernist dichotomies—between subject and object, nature and culture, and rights

and responsibilities—conceiving the world as a living, sentient territory where human and more-than-human selves co-participate in governance. At the core of these combined proposals lies a *relational turn*[5] that calls for a fundamental shift in legal studies to address today's compound socio-ecological crises. A transition from socio-legal to *eco*-legal (or relational) scholarship is thus timely and necessary.

By *eco*-legal scholarship, I mean a kind of legal thought and action—including climate action— that emerges from the living and cognitive capacities of territories, as foregrounded by Western and Indigenous sciences alike (Gagliano 2018). "Nature"—or rather socio-ecologies—is not the backdrop of human action; it is a meshwork of lifeways (Ingold 2011) where humans and more-than-humans co-create place, social meaning, and even legal strategy. This definition recognizes ontological openness as the foundational principle of eco-legal praxis, thus going beyond the dualist thought that structures much of law and society scholarship at present.

Moving away from top-down environmental governance and growth economics, this paradigm shift in socio-legal scholarship explores *how ecological relationalities shape legal systems—rather than how law dictates ecology*, as standard RCC litigation seems to assume. In making this post-anthropocentric move, it advocates for a rights-based climate litigation grounded directly in Earth-system dynamics and Indigenous ontologies. How, then, can RCC litigation expand its analytical and practical frameworks within an eco-legal paradigm? How might adjudicators reason for climate resilience not merely as an atmospheric condition, but with the climate recognized as an active member of our political communities? Below, I address these closing questions.

Centering Indigenous Scholarship in Climate Litigation

Indigenous Brazilian intellectual Ailton Krenak conceptualizes climate resilience through what he calls "*alianças afetivas*" (affective alliances):

> (. . .) until I began to question this permanent search for the confirmation of equality and realized for the first time the concept of affective alliances—which presupposes affects between worlds that are not equal. This movement does not demand equality; on the contrary, it recognizes an intrinsic alterity in each person, in each being, and introduces a radical inequality (. . .) Thus I escaped the parables of the union and the political party (. . .) and went on to experience the dance of affective alliances, which involves me and a constellation of people and beings in which I disappear: I no longer need to be a political entity; I can be just a person within a flow capable of producing affects and meanings. (2022, 82–83). *My translation from Portuguese.*

Krenak's mode of reasoning weaves ancestral foresight with ecological imagination, collapsing linear temporality and human-centered expectation. The "climate" thus emerges not only as the cumulative result of anthropogenic activity—that is, capitalism—but also as an "ancestral future" (Krenak 2022) that requires returning to the narratives of the past/present to forge a shared future as a planetary community. Viewed this way, climate is more than a physical phenomenon; it is a speaking subject and an affective ally. How can judges listen to this kind of ontological pluralism?

[5] See https://www.yorku.ca/events/therelationalturn/program/

Responding to this call demands an alternative mode of reasoning that unites cutting-edge science with the ethical and epistemological potency of Indigenous thought—a synthesis of knowledge that confronts adjudicators, inviting them to reason beyond the human. This approach does not deny rights; it embeds them in larger knowledge systems of response-*ability*. It does not deny litigation; it asks legal actors to take other forms of reasoning seriously. Which methodologies and pedagogies offer the analytical tools necessary for an eco-legal scholarship and practice to emerge?

Enacting Eco-participatory Methodologies

Bridging rights discourse with more-than-human frameworks, the MOTH project marks a logical next step in *Climate Change on Trial*'s rights-based scholarship: "If biology has become ecology, if individuals are ecosystems, where does that leave human rights, which arise to protect individual *Homo sapiens?* What novelties and what surprises would this turn toward ecological thinking bring to human rights?" (Rodríguez-Garavito 2026, 163). "The ecological turn (. . .) would require concepts and metaphors different from those that have dominated human rights discourse." (163) With this, the author suggests a relational (ecological) turn in human-rights-based litigation.

Methodologically, an "ecological turn" in RCC litigation would draw from participatory processes of knowledge co-production. Examples may include epistemic (and affective) alliances—such as those between Indigenous and Western sciences—defined as collaborative processes of thinking-feeling-acting to produce legal meaning through relational rights and ecological response-abilities. Given the emphasis placed on the more-than-human, I define "co-production" as a genuine Eco-Legal Participatory Methodology (EPM). An EPM signals "how legal meanings, practices, and institutions emerge through territorial walks, community debates, community mapping, ceremonies, *consejos* (elders' advice), and other collective engagements with living and cognitive territories" (Vargas Roncancio 2026).

The path to move from (anthropocentric) "rights" to "relations" rests on an entirely different set of assumptions—ones that summon knowledge systems, Indigenous and otherwise, that relocate the human within the larger meshwork of life. The question remains: should we reconsider the *deep structures* of law and rights that have shaped climate governance, while insisting on the ontologies of separation underpinning our systems of thought and action? The doors of an intense and exciting creative process in legal scholarship are wide open.

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