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# Environmental Protection in the Trump Era

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# Withdrawing From the Paris Agreement on Climate Change

On June 1, 2017, following much public and private deliberation, President Trump announced his intent to withdraw the United States from the [Paris Agreement on climate change](#). But the Agreement is currently binding on the United States and other signatory nations (although there are few compulsory actions within it). The process of withdrawing from the Paris Agreement and/or its parent U.N. Framework Convention on Climate Change is governed not only by U.S. law, but by the terms of those international agreements.

Meanwhile, [Trump's announcement](#) has strengthened the resolve of the international community, some U.S. state and local governments, and the private sector to coordinate efforts to meet the Paris goals.



## Process.

On December 12, 2015, 195 countries reached the Paris Agreement, which commits to holding the global average temperature increase to “well below” 2°C and includes intended target emissions reductions for the signatory nations. The United States:

- signed the Agreement on April 22, 2016,
- submitted its formal acceptance on September 3, and
- the Agreement entered into force on November 4 (after it was ratified by at least 55 countries producing 55% of global greenhouse gas emissions).

As of January 2018, **196 countries and the European Union have signed the Agreement**, and **174 of those have ratified or acceded to it, including the United States, E.U., China, and India.**

The Paris Agreement was negotiated under the U.N. Framework Convention on Climate Change (UNFCCC), which was signed by President George H.W. Bush and ratified by the Senate in 1992. The **Obama Administration treated the Paris Agreement as an executive agreement within the president's existing authority to implement** the UNFCCC, rather than as requiring separate Senate ratification. The intention was to implement the U.S. target commitment of a 26%-28% reduction in greenhouse gas emissions through the Clean Power Plan and other domestic measures.

**The U.S. Constitution provides no specific process for withdrawing from treaties**, but [the general rule](#) is that they should be amended or terminated in the same manner they were made. Thus, **under U.S. law, the president may unilaterally withdraw from the Paris Agreement**. But he also must follow the withdrawal procedure in the Agreement itself, which requires a “cooling-off” period of at least three years from its November 2016 entry into force, and another year before a notice of withdrawal takes effect. Alternatively, he might attempt to withdraw entirely from the

## Areas to Watch

- The Paris Agreement,
- UNFCCC,
- Clean Power Plan, and other domestic measures to implement Paris greenhouse gas commitments, and
- U.S. state, local and private-sector commitments to reduce their emissions to meet or surpass the United States' original Paris goals.

UNFCCC, but would need Senate approval (presumably by a two-thirds majority) to do so. Regardless of how a party withdraws from the Agreement, it remains binding on the other signatory countries.

## Discussion.

Unlike the Trans-Pacific Partnership Agreement, from which President Trump [immediately withdrew](#), **the Paris Agreement has been signed by the United States** and has entered into force. Trump could take executive action memorializing his intention to withdraw from the Agreement, which would signal to executive branch agencies that they should no longer implement it. He has also proposed to defund U.S. financial commitments under the Agreement, and on August 4, 2017, the State Department sent the United Nations a [communication signaling its “intent to withdraw.”](#) But **a formal notice of withdrawal could not be sent until November 4, 2019, and would not go into effect until November 5, 2020**—two days after the next U.S. presidential election.

The **Administration also could attempt to withdraw from the parent UNFCCC**, which would effectively withdraw from the Paris Agreement as well. But that withdrawal would likely face a difficult Senate vote, or a constitutional challenge if the president were to attempt it without the Senate’s advice and consent. On the other hand, it has been suggested that the president might simply submit the Paris Agreement to the Senate for formal ratification, which would almost certainly fail to attract two-thirds support, and then declare it a dead letter. It is **questionable whether such a maneuver could negate President Obama’s accession to the Agreement**, considering it has already entered into force.

In the interim, the **Trump Administration has repeatedly signaled that it might be willing to “renegotiate” the Paris Agreement**, and that it will continue to participate in related meetings and activities **while doing little on implementation**. The Agreement’s target emissions reductions are non-binding, and failure to meet them would carry no official sanction. But the loss of U.S. leadership on the world stage is a significant blow to the Agreement’s ambition of even greater global reductions.

On the other hand, Trump’s announcement also galvanized the international community into further action. On June 12, 2017, six of the G7 environment ministers [reaffirmed their countries’ commitments](#), calling the Paris Agreement “irreversible” and “non-negotiable,” with only the United States abstaining. A group of **U.S. governors and mayors, businesses and investors, and colleges and universities have mobilized to form the “We Are Still In” coalition**, an alliance dedicated to filling the gap left by federal withdrawal. Nine states have [announced a cooperative effort](#) to place a price on carbon emissions using state law.