

The Withdrawal of the United States from the Paris Climate Agreement

Name

Class

Professor

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The United States of America recently withdrew from the Paris agreement on climate change. The purpose of the present essay is to discuss this event, its significance, and its implications. The essay will be organized into three main parts. The first part will consist of a discussion of the agreement itself and America's reasons for joining it. The second part will focus on the reasons that America has now pulled out of the agreement. Finally, the third part will reflect on the implications at the global level of America pulling out of the agreement, including the ways in which America and its president, Donald Trump, are seen by other nations across the world.

### **1. The Paris Agreement**

To start with, the Paris agreement was an accord that was signed by 196 countries on the 12th of December, 2015, with promises being made to "adopt green energy sources, cut down on climate change emissions, and limit the rise of global temperatures—while also cooperating to cope with impact of unavoidable climate change."<sup>1</sup> One of the key goals of the agreement was to attempt to limit the global rise in temperature to 2 degrees Celsius relative to pre-industrial levels. The agreement included a timeline of milestones, including specific goals that should be achieved by the year 2020 and then other goals for 5 years after implementation of the agreement and then yet further goals for about the mid-century. The ultimate goal of the agreement was to achieve a net greenhouse gas emission level of zero, meaning that for all gases that are in fact still emitted, efforts will be taken to cancel them out through developments (such as planting new forests) that would absorb those gases, as opposed to letting them linger in the atmosphere and heat up the planet.

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<sup>1</sup> Camila Domonoske, "So What Exactly Is the Paris Climate Accord?" *NPR*, June 1, 2017, <http://www.npr.org/sections/thetwo-way/2017/06/01/531048986/so-what-exactly-is-in-the-paris-climate-accord> (accessed on July 9, 2017).

The most obvious reason why America joined the Paris climate agreement is that America has long been a global leader, as well as a key emitter of greenhouse gases. In fact, America is second in the world in this regard, trailing behind only China.<sup>2</sup> America's cooperation would have thus been important for both symbolic and pragmatic reasons. At the symbolic level, if America refused to participate in the agreement, then it would become more difficult to hold other nations accountable for participation. And at the pragmatic level, given America's global share of greenhouse gas emissions, the cooperation of America would have probably been essential for actually reaching the goals laid out in the agreement.

A key premise of the entire Paris agreement was that climate change is in fact real, and that it is important to take major policy steps in order to stop exacerbating climate change and potentially reverse some of its more serious effects. Small island nations were some of the ones who were most interested in the Paris agreement, due to the fact that currently projected rises in sea level would hit those nations very hard. Within American politics, the full acceptance of the reality of climate change is generally associated with the Democratic Party and other progressives within the nation. On the other hand, the Republican Party and other conservatives tend to doubt either the reported magnitude of climate change, the extent to which is driven by human actions that can be changed, or the extent to which responding to climate change should be allowed to override other key policy priorities. For example, responding to climate change would perhaps need to be balanced against the value of limiting the government's interference in the private economy.

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<sup>2</sup> Maya Wei-Hass, "How America Stacks Up When It Comes to Greenhouse Gas Emissions," *Smithsonian Magazine*, June 2, 2017, <http://www.smithsonianmag.com/smart-news/how-america-stacks-up-greenhouse-gas-emissions-180963560/> (accessed on July 9, 2017).

The original commitments outlined by the Paris agreement largely had to do with developing plans for minimizing carbon emissions, and implementing a regular review system for tracking the progress of nations around the world. For example, "the deal requires countries to monitor, verify and report their greenhouse gas emissions using" a global evaluation system that is to be implemented in the year 2023.<sup>3</sup> The agreement, though, largely relies on goodwill within the community of nations for implementation, given that there is very little in the agreement regarding actual enforcement of provisions, or what formal actions could be taken in the event that signatory nations fail to comply with the provisions of the agreement.

The Paris agreement was signed under the liberal Obama administration. Obama has strongly defended the agreement, suggesting among other things that addressing climate change must be understood as one of the key global priorities of this century.<sup>4</sup> Obama's administration also strongly encouraged investments in alternative forms of energy, such as wind and solar, which would be essential for even coming close to meeting the goals of the Paris agreement. From Obama's perspective, America had to be part of the agreement out of simple moral responsibility for the planet and for the community of nations: it would have just been unthinkable for the most powerful nation in the world and the second-leading producer of greenhouse gas emissions would not sign onto the agreement.

It is almost certain that under a Clinton administration, most of Obama's policies, including adherence to the Paris climate agreement, would have continued untouched. The

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<sup>3</sup> *The New York Times*, "Key Points of the Paris Climate Pact," Author, December 12, 2015, <https://www.nytimes.com/interactive/projects/cp/climate/2015-paris-climate-talks/key-points-of-the-final-paris-climate-draft> (accessed on July 9, 2017).

<sup>4</sup> Nic Robertson, Jacopo Prisco and Angelaa Dewan, "Obama Defends Paris Climate Accord as Trump Mulls Ditching It," *CNN*, May 9, 2017, <http://www.cnn.com/2017/05/09/politics/obama-climate-change-paris-agreement-italy/index.html> (accessed on July 9, 2017).

unexpected election of Donald Trump to the presidency, however, has clearly shaken many things up, and one of the things affected has been Obama's energy policy. This brings us to a consideration of the fact that as a result of Trump's decision, America is no longer part of the Paris climate agreement. This was a very serious gesture that has send shockwaves throughout the world, at least in terms of public perceptions of America, if not yet in terms of actual material consequences. The following section of the present essay will consider the reasons for America's withdrawal from the agreement.

## **2. America's Withdrawal**

One of the weakest aspects of the Paris agreement was that it was essentially a treaty without any binding clauses. That is, the actual enactment of the agreement would have been premised on nothing other than the good will of the signatory nations—which is just another way of saying that the agreement had no teeth. One implication here is that more honorable nations would almost inevitably end up shouldering a greater portion of the weight of the agreement, due to the fact that whereas such nations would actually try to meet the goals of the agreement, less honorable nations would likely report false numbers to their own advantage, while also reaping the symbolic benefits of remaining a party to the agreement. For example, how many people honestly believe that China is committed to not falsifying its numbers regarding greenhouse gas emissions in the same way that America would have been committed.

According to President Trump, this and other factors conspired to make the Paris agreement severely disadvantageous to the American people: "This Paris Climate Accords is simply the latest example of Washington entering into an agreement that disadvantages the United States to the exclusive benefit of other countries . . . Thus, as of today, the United States will cease all implementation of the non-binding Paris Accord and the draconian financial and

economic burdens the agreement imposes on our country."<sup>5</sup> This is clearly a stark change of tone from the one adopted by the Obama administration. Trump is not concerned about the interests of the global community of nations, largely seeing even the very concept of such a community as little more than a euphemistic abstraction; he is specifically concerned with defending American political and economic interests, which may or may not have to do with the political and economic interests of all other nations on the planet. In Trump's view, calls to moral responsibility regarding climate change are simply being used as a cudgel to try to intimidate the United States into betraying its own sovereign interests.

Moreover, it is worth noting that there is at least one serious legal problem with the Paris climate agreement: namely, that it very much is a *treaty*, but one that had not been ratified by Congress. The American Constitution stipulates that the president "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senator present concur."<sup>6</sup> The Obama administration did not pursue this route to ratify the Paris agreement. Rather, the administration insisted—all evidence and common sense to the contrary—that this agreement was not in fact a treaty, and that it thus did not need to get ratified by the Senate. From the perspective of constitutional law, this very much seems like an attempt to conduct an end-run around the legislative branch of the federal government and impose a treaty on America by executive fiat, presumably because the Obama administration understood that the treaty was unpopular and probably would not have made it through the Senate.

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<sup>5</sup> Donald Trump, "Statement by President Trump on the Paris Climate Accord," The White House, June 1, 2017, <https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord> (accessed on July 9, 2017).

<sup>6</sup> United States of America, *U.S. Constitution: Article II*, The Avalon Project, n.d., [http://avalon.law.yale.edu/18th\\_century/art2.asp](http://avalon.law.yale.edu/18th_century/art2.asp) (accessed on July 9, 2017).

This is a very important point, because it is only because the Paris agreement was *not* ratified that Trump was able to unilaterally pull America out of the agreement. On the other hand, if it had been ratified as a treaty by the legislative branch, then it would have become a matter of law, and the president would not have had the authority to override it in a unilateral way. This very much makes one think of the old saying that he who lives by the sword will die by the sword. Obama imposed the Paris agreement on America through executive fiat, presumably confident that he would be succeeded by Hillary Clinton and that the agreement would thus remain untouched. However, what Obama imposed by executive fiat, Trump had the constitutional authority to cancel by executive fiat. There is no foul play here. At the very least, it must be acknowledged that Trump's move was constitutionally the correct one, irrespective of the pragmatic implications of the decision.

Given that the Paris agreement did not in fact have any teeth in the first place, it is difficult to gauge what the actual pragmatic effects on climate change will result from America's withdrawal. However, insofar as the Paris agreement had powerful symbolic value, America's withdrawal from the agreement also has such symbolic value. Trump may or may not be correct that the agreement was not in America's best interest; either way, it is surely true that Obama's attempt to implement a treaty without Senate ratification was an unconstitutional move. This still leaves one important point to consider: namely, the perceptions of the rest of the world regarding America's decision to withdraw from the Paris agreement. Independent from American economic interests and questions of law and constitutionality, America's withdrawal has sent a powerful signal to the rest of the world regarding America's emerging perspective and *modus operandi* with respect to the global community of nations.

### **3. Global Implications**

In general, America's withdrawal from the Paris agreement has been seen by other developed nations as an abdication of global leadership. Ever since the end of World War II, America has been the leader of the free world, with the interest of Europe being very much in congruence with the interests of America. Now major European nations remain committed to the Paris agreement, while America has made it clear that the agreement is not in its national interests—which also means that the interests of America have diverged from the interests of Europe. This would surely seem like a rude awakening, even a slap in the face. Europe has for decades relied on American leadership at the level of concerted international policy. Now, however, it would seem that America is no longer interested in fulfilling that role, which means that Europe would need to reconsider its own policy directions as well as the relationship between European nations on one hand and America on the other.

For example, at the recent G20 meeting in Germany—a meeting of the nations with the most powerful economies in the world—all of the other 19 members except America affirmed that the Paris climate agreement is "irreversible" and that they intend to move forward with implementation the agreement, with or without America's participation and support.<sup>7</sup> This is a fairly unprecedented move, and this kind of split within the G20. A G19 on one hand and America on the other has never really been seen before. This at the very least symbolically marks a point at which other developed nations have made the decision that American leadership can no longer be counted upon, and that they must be prepared to have the guts to go their own way on important contemporary issues such as climate change.

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<sup>7</sup> Anushka Asthana and Patrick Wintour, "Trump Left in Cold over Paris Climate Agreement at End of G20 Summit," *The Guardian*, July 8, 2017, <https://www.theguardian.com/world/2017/jul/08/donald-trump-paris-climate-agreement-g20-summit-us-theresa-may> (accessed on July 9, 2017).

Without getting too dramatic about the matter, it may be appropriate to suggest that this could in fact lead to a realignment of the global order that has more or less hung together since the end of World War II. Among other things, now that America is no longer part of the Paris agreement, room is open for other important producers of carbon emissions, such as China, Russia, and India, to take the place at the negotiating table that has been left open by the departure of America. Moreover, as the European nations are committed to the agreement, this means that they will likely need to negotiate more directly and develop collaborations with rivals in other parts of the world in order to see the agreement through. Essentially, politics abhors a vacuum, and if America will not occupy the place in the global order that it has for the past several decades, then there is every reason to believe that this spot will be taken by other ambitious nations.

This is, of course, related to the person of Donald Trump himself, who is widely seen around the world as a man who is unqualified for the American presidency. For example, on the basis of global median data from 37 nations, Pew Research Center has projected that an astonishing 74 percent of the people of the world report that they have no confidence in the American president.<sup>8</sup> Whatever one may or may not think about Trump, the empirical fact would seem to be that the world liked Obama, whereas the world does not like Trump. The Trump presidency is being seen around the world as a sign that America is not what it used to be, and that there are now opportunities open for other nations to take bold actions and potentially recalibrate the entire global order of nations.

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<sup>8</sup> Richard Wikes et al., "U.S. Image Suffers as Publics Around the World Question Trump's Leadership," Pew Research Center, June 26, 2017, <http://www.pewglobal.org/2017/06/26/u-s-image-suffers-as-publics-around-world-question-trumps-leadership/> (accessed on July 9, 2017).

Of course, one interpretive point must be kept in mind: it is possible that the world does not like Trump exactly because he unapologetically is standing up for American interests, despite whether those interests may not be the same, or may even be at odds with, the interests of other nations. Likewise, perhaps the world liked Obama exactly because he was very accommodating and refused to stand for American interests in an aggressive way. In short, although the objective numbers say what they do, it is important to take some caution when interpreting the meaning of those numbers, especially if the implications seem to fall too conveniently in line with one's own beliefs and preconceptions about the American president.

### **Conclusion**

In summary, the present essay has consisted of a discussion of America's withdrawal from the Paris climate agreement. The essay began with a description of the agreement itself, proceeded to consider America's reasons for leaving it, and finally reflected global perceptions of America and its president in the aftermath of the withdrawal. An important point that has been made here is that Trump may have well been justified in pulling America out of the agreement. At the very least, the point must be acknowledged that the implementation of the agreement was unconstitutional, given that it was a treaty that was not ratified by the Senate. In a free society, the ends generally cannot justify the means: The Constitution is there for a reason, and no matter how good one thinks an idea is, it is important that legitimate process be followed.

America's withdrawal from the Paris agreement has clearly had a negative effect on global perceptions of America, exacerbating the fears that many nations in the world already felt upon Trump's election to the presidency. Among other things, Europe would seem to be concluding that it must take matters into its own hands when it comes to addressing contemporary global issues, given that American leadership can apparently no longer be trusted.

This can be seen in the face-off at the recent G20 meeting, and it may be just the beginning of broader political shifts to come.

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