cross-border e-commerce logistics in China, bringing a certain impact,” but that the impact would be small as China would also receive a greater amount in terminal dues.23

Since Trump took office, the United States has withdrawn from a number of international agreements, including the Optional Protocol to the Vienna Convention on Diplomatic Relations, the Intermediate-Range Nuclear Forces Treaty, and the United Nations Educational, Scientific and Cultural Organization.24 Unlike with the UPU, the notices of withdrawal given with respect to these agreements did not lead to renegotiation and the rescission of the withdrawals. Media reports indicate that the administration is considering withdrawing from yet another multilateral treaty, the Open Skies Treaty, which allows parties to engage in unarmed surveillance missions over each other’s territories.25

United States Gives Notice of Withdrawal from Paris Agreement on Climate Change
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On November 4, 2019, the Trump administration notified the United Nations that the United States was withdrawing from the Paris Agreement, prompting expressions of regret from a number of countries. Although President Trump had announced in June 2017 that the United States intended to withdraw from the Paris Agreement, its terms had prevented the United States from giving formal notice of withdrawal until November 4, 2019. The withdrawal will take effect on November 4, 2020. Domestically, the governors of many U.S. states responded to the withdrawal by reaffirming their commitment to the goals of the Paris Agreement, consistent with recurring tensions between the Trump administration and progressive states with respect to climate. In another major manifestation of these tensions, on October 23, 2019, the United States sued California over the state’s cap-and-trade agreement with Quebec, Canada, alleging that this agreement is an unconstitutional exercise of foreign affairs powers.

Opened for signature in April of 2016, the Paris Agreement seeks to maintain the global average temperature “well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.”1 Each state party is required to “prepare, communicate and maintain successive nationally

24 For more details, see generally Galbraith, supra note 7; Jean Galbraith, Contemporary Practice of the United States, 112 AJIL 107 (2018).
1 Paris Agreement, Art. 2(1)(a), opened for signature Apr. 22, 2016, TIAS No. 16-1104.
determined contributions [NDCs] that it intends to achieve.” Additionally, under the Paris Agreement, “[d]eveloped country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the [United Nations Framework Convention on Climate Change].” The Paris Agreement entered into force on November 4, 2016, thirty days after fifty-five nations became party to it. Currently, there are 187 parties to the Paris Agreement.

The United States signed the Paris Agreement on April 22, 2016, and deposited its instrument of acceptance on September 3, 2016. In having the United States join the Paris Agreement, the Obama administration acted without seeking or receiving specific congressional authorization to do so, concluding that the executive branch had the domestic authority to make this commitment on behalf of the United States. In its 2016 NDC, the United States pledged to “reduce its greenhouse gas emissions by 26–28 per cent below its 2005 level in 2025 and to make best efforts to reduce its emissions by 28%.”

In June 2017, Trump announced that “the United States [would] withdraw from the Paris climate accord . . . but begin negotiations to reenter either the Paris accord or an . . . entirely new transaction on terms that are fair to the United States, its businesses, its workers, its people, its taxpayers.” He stated that the United States was “ceasing all implementation of the

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2 Id. Art 4(2).
3 Id. Art. 9(1).
6 Id.
8 See White House Press Release, Press Briefing by Press Secretary Josh Earnest, Deputy NSA for Strategic Communications Ben Rhodes, Senior Advisor Brian Deese and Deputy NSA for International Economics Wally Adeyemo (Aug. 29, 2016), at https://obamawhitehouse.archives.gov/the-press-office/2016/08/29/press-briefing-press-secretary-josh-earnest-deputy-nsa-strategic [http://perma.cc/YD9B-UFX5] (“[T]he Paris agreement is an executive agreement. And so the President will use his authority that has been used in dozens of executive agreements in the past to join and formally deposit our instrument of acceptance and therefore put our country as a party to the Paris agreement.”);
nonbinding Paris accord and the draconian financial and economic burdens the agreement imposes on our country.” Since Article 28(1) of the Paris Agreement prevents parties from giving formal notice of withdrawal until three years after the Agreement’s entry into force, the earliest possible date for such notice was November 4, 2019.12

On November 4, 2019, the United States formally notified the United Nations that it would be withdrawing from the Paris Agreement.13 Secretary of State Michael Pompeo explained that the United States was withdrawing because of the unfair economic burden imposed on American workers, businesses, and taxpayers by U.S. pledges made under the Agreement. The United States has reduced all types of emissions, even as we grow our economy and ensure our citizens’ access to affordable energy. . . .

The U.S. approach incorporates the reality of the global energy mix and uses all energy sources and technologies cleanly and efficiently, including fossils fuels, nuclear energy, and renewable energy. In international climate discussions, we will continue to offer a realistic and pragmatic model—backed by a record of real world results—showing innovation and open markets lead to greater prosperity, fewer emissions, and more secure sources of energy.14

Consistent with the terms of the Paris Agreement, the withdrawal will take effect on November 4, 2020, one year after the date of notice of withdrawal.15 As a matter of international law, the United States could rejoin the Paris Agreement at any point thereafter, following a thirty-day waiting period.16 The United States remains a party to the United Nations Framework Convention on Climate Change.17

The U.S. notification of withdrawal was met with international regret. China and France issued a joint declaration “reaffirm[ing] their strong support for the Paris Agreement, which they consider an irreversible process and a compass for strong action on the climate,”18 and

12 Paris Agreement, supra note 1, Art. 28(1); see Paris Agreement Depositary Notification, Entry into Force, supra note 4 (noting the Paris Agreement’s entry into force on November 4, 2016).
15 Paris Agreement Depositary Notification, U.S. Withdrawal, supra note 13; see also Paris Agreement, supra note 1, Art. 28(2) (noting the one-year waiting period after the formal notification of withdrawal).
16 See Paris Agreement, supra note 1, Art. 21(3) (providing that nations can continue to join the Paris Agreement after its initial entry into force and that, for such a nation, “this Agreement shall enter into force on the thirtieth day after the date of deposit . . . of [that nation’s] instrument of ratification, acceptance, approval, or accession”).
some other countries similarly emphasized their continued commitment to the Paris Agreement.19 Likewise, the European Commission reiterated that the Paris Agreement “is here to stay, its door remains open and we hope the U.S. will decide to pass it again one day.”20 The spokesperson for the United Nations secretary-general stated that “our determination to move forward on the implementation of the Paris Agreement remains unchanged” and “encourage[d] member states to actively engage . . . to raise ambition, to tackle and defeat climate change.”21

Domestically, the U.S. notification of withdrawal highlighted the strong divergence between the U.S. government and numerous subnational governments with respect to the issue of climate. Immediately after the U.S. notification, a bipartisan coalition of twenty-five state governors “reaffirm[ed] our commitment to supporting climate action and . . . strongly oppos[ed] the Administration’s decision to formally withdraw from the Paris Agreement.”22 They noted that since June 2017, “our states have adopted or strengthened 29 greenhouse gas reduction targets and ramped up zero-carbon power generation, with 19 states now enacting or pursuing goals for 100 percent carbon-free or clean power by 2030 or later.”23 In this same time period, a sizeable number of states and major cities have challenged the Trump administration’s domestic climate actions, including by filing lawsuits contesting its rollback of the Clean Power Plan24 and energy-efficiency standards.25

California has been a leader in these subnational attempts to address climate change and has consequently itself faced resistance from the Trump administration. In September 2019, the Trump administration revoked California’s authority to set stricter vehicle emissions

19 See, e.g., EU Hopes US Will Rethink Choice to Pull out of Climate Pact, AP NEWS (Nov. 5, 2019), at https://apnews.com/81a25b839324e578641946c358c22ec (quoting German Environment Minister Svenja Schulze as calling the U.S. withdrawal “regrettable” and noting that “[t]he rest of the world stands together on climate protection”); Rossella Tercatin, Israel Reaffirms Its Commitment to Paris Agreement, JERUSALEM POST (Nov. 6, 2019), at https://www.jpost.com/Israel-News/Israel-reaffirms-its-commitment-to-Paris-Agreement-607032 (quoting Israeli Environmental Protection Minister Zeev Elkin as saying, “The decision made by the United States to withdraw from the Paris Agreement will not lead us to withdraw from it as well”).
23 Id.