

Climate Emergency and the Impact of US Pull-Out from Paris Climate Agreement

Harsh Mahaseth¹ & Saumya Pandey²

¹Assistant Lecturer, Jindal Global Law School, O.P. Jindal Global University

²Pursuing Law, at Law School, Banaras Hindu University, Varanasi

Abstract

Climate change is an urgent situation which requires immediate action, on behalf of every individual because of the significant risk posed by the climate to the world due to the rising concentration of greenhouse gases, increasing global temperatures and the escalating percentage of carbon dioxide in the atmosphere due to the burning of fossil fuels. Scientists have been warning humans to correct the harm they have done to the environment before it is too late. And, now it has become more important than ever to take this warning seriously and work towards protecting the environment. The US is the largest per capita emitter among industrialized countries, and hence their withdrawal from the Paris Agreement will be of paramount importance. Further, being a key player in the formulation of the Paris Agreement, their withdrawal will have a lasting impact on other countries who have ratified the Agreement and were hoping for financial help from the US in their efforts to mitigate greenhouse gas emissions. Without any financial incentive to the small countries, there are chances of non-fulfilment of obligations by them, even when they have the strong will to protect the environment. This research paper relies on primary sources, such as reports from the United Nations, as well as newspapers, books, and academic journals articles for its secondary level of research.

Keywords: Climate change, Paris Agreement, Climate Emergency, Climate Agreement

1. Introduction

In November 2019, “Climate Emergency” (“Oxford Word of the Year”) was announced as the 2019 Oxford Word of the Year. However, the situation referred to is not only a

significant word but also a set of circumstances which requires immediate action, on behalf of every individual. Climate Emergency currently poses a significant risk to the world due to the rising concentration of greenhouse gases, increasing global temperatures and the escalating percentage of carbon dioxide in the atmosphere due to the burning of fossil fuels. Although no specific definition is presented for climate emergency, Cambridge Dictionary defines it as:

“serious and urgent problems that are being caused or likely to be caused by changes in the world's weather, in particular, the world getting warmer as a result of human activity increases the level of carbon dioxide in the atmosphere.”⁹⁸

Climate Emergency is a situation which indicates a clear sense of urgency to prevent the severe climate change which is posing an immediate threat to our planet and calls for rapid action to reduce the greenhouse gas emissions, as well as to create awareness about the impact of climate change.

Climate Emergency is global and not defined by any borders. Fortunately, our resources like air and water flow without a passport to every part of the world. Therefore, to keep it clean is the duty of every “home” that welcomes this “guest”. The average temperature of our Earth is rising, which shall directly affect our food and water supplies. Human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C. Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate. To understand how the rising temperature is an effect of human activities, the following observation by UK Government becomes necessary:

“Evidence shows that human activity and our use of fuels like petrol, diesel, gas, and coal is highly likely to be the main cause of global warming...they release greenhouse gases which trap heat in the Earth's atmosphere, causing the air and seas to heat up which changes the climate.”⁹⁹

⁹⁸ CLIMATE EMERGENCY: meaning in the Cambridge English Dictionary, Cambridge Dictionary: (Oct. 2, 2020, 06:15PM), <https://dictionary.cambridge.org/dictionary/english/climate-emergency>

⁹⁹ Climate Emergency, Birmingham City Council, (Oct. 5, 2020, 07:30PM), <https://www.birmingham.gov.uk/climate-emergency>

Declaration of climate emergency is the culmination of coordinated efforts by activists pushing governments to take action as the threats posed by the climate crisis are serious and of global nature. It is a call for an immediate emergency mobilization to restore a safe climate. In May 2019, the UK Parliament declared a climate change emergency. Such an emergency is being declared to set effective turrets to reduce carbon emissions and strive to become “carbon- neutral” by 2030Such an emergency prioritizes the ecological wrath the world is going to face if immediate action is not taken. The emergency will allow the governments to take immediate response to the climate change engulfing the whole world. Climate change is a real phenomenon, caused particularly by human activities.¹⁰⁰ The United Nations has also stated that we could have just 11 years left to limit a climate change catastrophe.¹⁰¹

Climate change will have a wider impact on the basic necessities of the humankind, such as food, water, health, and shelter, around the world. It will have a paramount effect on a certain group of people especially in the low-income country and developing countries who can’t afford to provide good health and basic amenities in the time of the severe flood, drought, heat stress, etc. caused by climate change. Climate change will cause severe disruptions to be global, regional, and local food security by majorly affecting food availability and access to food. Climate risks to food security are greatest for poor populations and in tropical regions.¹⁰²

The Paris Agreement was formed in the 21st Conference of Parties (COP21) of the United Nations Framework Convention on Climate Change’s (UNFCCC). It was adopted on December 12, 2015. It was one conclusive accord, made after tremendous efforts, to put attention to climate change. The objectives of the Agreement include:

1. Reduce greenhouse emissions;

¹⁰⁰ Facts about the Climate Emergency, UN Environment, (Oct. 1 2020, 04: 00 PM)

<https://www.unenvironment.org/explore-topics/climate-change/facts-about-climate-emergenc>

¹⁰¹ McGrath, Matt., Final call to save the world from climate catastrophe, BBC News, (Oct. 8, 2018, 03:00 PM), <https://www.bbc.com/news/science-environment-45775309>

¹⁰² Brown, M.E., J.M. Antle, P. Backlund, E.R. Carr, W.E. Easterling, M.K. Walsh, C. Ammann, W. Attavanich, C.B. Barrett, M.F. Bellemare, V. Dancheck, C. Funk, K. Grace, J.S.I. Ingram, H. Jiang, H. Maletta, T. Mata, A. Murray, M. Ngugi, D. Ojima, B.O’Neill, and C. Tebaldi, *Climate Change, Global Food Security, and the U.S. Food System*. USDA (2015),146 pages.

2. Limit the global temperature increase in this century to 2 degrees Celsius above pre-industrial levels

The Agreement demands commitments from every country to cut such emissions, which harm the environment. This commitment is via voluntary pledges called the Intended Nationally Determined Contributions.¹⁰³

The COP 26, updated Paris Agreement, will take place in Glasgow, the UK in November 2021 to discuss updated climate change policy. This would be the most important intergovernmental meeting on the climate crisis since the Paris agreement was passed in 2015 to review the Paris agreement policy and setting a new agenda to move forward in a sustainable manner.

While nations have been joining the Paris Agreement to contribute whatever they can to reduce the carbon footprint, the US has shown an intention to withdraw from the Agreement.¹⁰⁴ As per the Trump's Administration, these agreements are just only as good as the commitments from each country and hence doesn't really make an impact, and it should be rescinded. The US is now the only country to pull out of the pact. The US had pledged at the time of signing the Paris Agreement that the national greenhouse gas emissions will be reduced by about a quarter by 2025, compared with 2005 levels. In contrast, the country did nothing to achieve that goal, and in the intervening years, the Trump administration had signaled its intention to roll back from the Paris Agreement.

2. The Pull-Out of the US from the Paris Agreement

Even though intentions to withdraw from the Paris Agreement prevailed since the joining of office by Mr. Donald Trump, it was on June 1, 2017, when the administration issued a notification concretely stating the intention to withdraw. The statement reads,

“Today, the United States submitted a communication to the United Nations, in its capacity as depositary for the Paris Agreement, regarding the US intent to withdraw from the Paris

¹⁰³ (INDCs).

¹⁰⁴ Böhringer, Christoph and Thomas F. Rutherford. US Withdrawal from the Paris Agreement: Economic Implications of Carbon-Tariff Conflicts, Discussion Paper 17-89, The Harvard Project on Climate Agreements, (Aug. 2017, 08:00 PM), https://www.belfercenter.org/sites/default/files/files/publication/dp89_bohringer-rutherford.pdf

*Agreement as soon as it is eligible to do so..., he is open to re-engaging in the Paris Agreement if the United States can identify terms that are more favourable to it, its businesses, its workers, its people, and its taxpayers.”*¹⁰⁵

An effective analysis of the timeline of withdrawal is necessary to understand how the formal withdrawal is dependent on several other events. The announcement, even on paper, is quite symbolic since according to the Agreement, no nation can announce an official withdrawal till November 4, 2019. A formal notification will be on display “*as soon as it is eligible to do so*”. Further, the withdrawal will be taking effect almost a year later, which comes up to November 4 2020. A crucial and unexpected turn is that the US Presidential Elections are bound to happen on November 3, 2020. Undoubtedly, the timing of the elections will have a significant influence on the compliance of the Paris Agreement.

To this date, 189 Parties have ratified, out of 197 Parties to the Convention.¹⁰⁶ After withdrawal, the US will be joining Turkey and Iran as the only major countries not being a part of the Agreement.

Several implications are bound to arise from the said withdrawal. Some of the critical and most-probable implications are being discussed below.

3. A wound to the Environment

The most affected will not be the people of the US, the people of other Countries or any Head of State. It shall be the environment, which will be taking the deepest cut due to a series of political dialogue.

After a lot of deliberation, the countries had ultimately come to a conclusion to reduce their carbon footing and bring down the rising levels of temperature. The US had already been practicing a systematic dilution of other climate-related laws and regulations. In March 2017, President Trump allowed for suspension, revision and rescission of the guidance

¹⁰⁵ Communication regarding Intent to withdraw from Paris Agreement, US Department of State, (Aug. 4, 2017, 09:00 PM), <https://www.state.gov/communication-regarding-intent-to-withdraw-from-paris-agreement/>

¹⁰⁶ Paris Agreement - Status of Ratification, UNFCCC, (Oct. 8, 2020, 04:00 PM), <https://unfccc.int/process/the-paris-agreement/status-of-ratification>

provided under the “Clean Power Plan” and sent the said plan for a review.¹⁰⁷ The plan was brought in to reduce the emission of carbon-dioxide while generating electricity. The New York Times reported in August 2017 the plans of the Trump Administration to reinvigorate the ban on coal leases on public lands, which was imposed in furtherance on the protection of the environment.¹⁰⁸ Mr. Donald drastically cut the federal budget on climate change policies and researches and also appointed anti-climate officials to highly important positions.¹⁰⁹ The Trump Administration was also reported to be reversing around 100 Environmental Rules. An obvious cumulative effect of these policies is the rise in Greenhouse Gas (“GHG”) emissions in the coming future.

In contrast to the Obama administration, there have been several budget cuts by the current administration in climate-related funds. The US has cut off or decreased financial support to international cooperation and organizations on climate change, such as UNFCCC and IPCC. Trump also declared the US would stall all contributions to the United Nations’ Green Climate Fund.¹¹⁰ This will further deter GHG emission by developing countries. Consequently, the meeting of targets under the Paris Agreement will not be met by the US as well as other countries.

The US is the largest per capita emitter among industrialized countries.¹¹¹ Under the Paris Agreement, the US had pledged to reduce national greenhouse gas emissions by about a quarter by 2025, compared with the 2005 levels. Due to the withdrawal of the US from the Paris agreement, the pact will now cover only about 80 per cent of global greenhouse gas emissions which was 97 per cent previously. Also, With the United States abdicating any

¹⁰⁷ “Presidential Executive Order on Promoting Energy Independence and Economic Growth”, White House, (Oct. 10, 2020, 04:00 PM), <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-promoting-energy-independence-economic-growth/>

¹⁰⁸ Lipton, Eric and Barry Meier. Under Trump, Coal Mining gets new life on US Lands, NY Times, (Aug. 6, 2017, 01:00 PM), <https://www.nytimes.com/2017/08/06/us/politics/under-trump-coal-mining-gets-new-life-on-us-lands.html>

¹⁰⁹ Zhang, Yong-Xiang et al., The withdrawal of the US from the Paris Agreement and its impact on global climate change governance, *Advances in Climate Change Research*, vol. 8, issue 4, December 2017, pp. 213-229, Science Direct, (Oct. 11, 2020, 10:00 PM), <https://doi.org/10.1016/j.accre.2017.08.005>

¹¹⁰ *Ibid*

¹¹¹ Sharma, Prashant, Paris Climate Agreement and the US Withdrawal: The Way Forward, *Mainstream Weekly*, LVI, December 2017, Research Gate, (Oct. 9, 2020, 08:00 PM), https://www.researchgate.net/publication/322078263_Paris_Climate_Agreement_and_the_US_Withdrawal_The_Way_Forward

responsibility for curbing emissions, it will be tougher now to convince any other nation which emits greenhouse gas in bulk such as China, to put more efforts to protect the environment and lower the rise in temperature to prevent the increase in global temperature to 1.5 degrees Celsius above pre-industrial levels.

Such drastic policy changes are going to harm the environment, not just in the US but all around the world.¹¹² The cooperation needed to defeat the ever-growing global warming stands defeated in light of the said changes.

4. Influence on other Countries

A strong political will is imperative to enhance the persuasion and influence on others to act on something. Being a key player in the formulation of the Paris Agreement, the withdrawal will have a lasting impact on other countries who have ratified the Agreement. If Donald Trump is re-elected and the US remains outside the Paris agreement, other nations might be less likely to pursue aggressive climate actions. The countries may still honour the Agreement, but the zeal towards it is definitely at risk. Additionally, the distributive justice principle imbibed in the Paris Agreement stimulated the US to assist poorer countries in funding for the costs associated with climate change. One of Trump's reasons for withdrawing the US from the Paris Agreement is that large developing countries lack mitigation effort. Without a financial incentive to the small countries, there are chances of non-fulfilment of obligations by them, even when they have the strong will to protect the environment. As a result of that, large developing countries will have to provide more financial support which would increase their burden as they are not as competent as the USA to provide financial support to these organizations.

The US and China account for 37% of global anthropogenic greenhouse gas emissions.¹¹³ It has been suggested that once the US withdraws formally and completely, China could have more geopolitical influence. If China takes the lead in climate negotiations, there are

¹¹² Hersher, Rebecca., US Formally Begins To Leave The Paris Climate Agreement, NPR, (Nov. 4, 2019, 02:00 PM), <https://www.npr.org/2019/11/04/773474657/u-s-formally-begins-to-leave-the-paris-climate-agreement>

¹¹³ Chestnoy, Sergey and Dinara Gershinkova., USA Withdrawal from Paris Agreement – What Next? International Organizations Research Journal, vol. 12, no. 4, (Dec. 2017, pp. 215-225, Research Gate, 10.17323/1996-7845-2017-04-215

high chances of non-compliance due to inherent disapproval with the country after the controversy regarding COVID-19 pandemic. Perhaps, this will be the moment when countries like India will emerge, having a strong persuasive value. Whichever country takes the “lead” will benefit from the manufacturing of clean energy units and technology advancement, especially when no competitive edge lies in regards to the US.

Other countries have already confirmed that they will be fulfilling their obligations as per the pledge. The reliance on them by other countries shall also be profound, in these circumstances. As China, South Korea, and European and other countries enact climate change policies, they will promote investment in advanced energy, materials, electronics, vehicles, and other technologies, which may initially raise costs, but over time, they expect many technologies to become commercially competitive and bring trade advantages.¹¹⁴

5. A short-term plan by the US

Trump referred to the Paris agreement as a “draconian international deal”. He also thought of the Agreement as an imposition of unfair environmental standards on American businesses and workers. In fact, the US finds the UN Biodiversity Convention or the Basel Convention on the Control of Transboundary Movements of Hazardous Waste such a threat to its economic security that it never happens to ratify them. By such activities, the US administration may protect the business interests currently, but the long-term consequence shall hit the US economy extensively.

The activities may also suggest that the US is becoming more inward-focused or even isolationist. Undoubtedly, preservation of the workers of the country is important, but in the long term, these same employees would be grateful when they won't be drowning in floods or falling ill in a heatwave. Economic security must be looked at in a wholesome perspective and should be given priority as per the prevailing circumstances.

One can even interpret this move by saying that, in furtherance of becoming economically secure, the US is staying still to consume all benefits from the technological advancements

¹¹⁴ Leggett, Jane A., Potential Implications of US Withdrawal from the Paris Agreement on Climate Change, Congressional Research Service, (April 5, 2019, 02:30 PM), <https://fas.org/sgp/crs/misc/IF10668.pdf>

of other countries. By becoming a consumer rather than a producer, the attempts by the US will negatively be affecting the efficacy of the implementation of the Paris Agreement.

6. Loss of faith in international law

The Paris Agreement confirms to international cooperation among nations in responding to climate change and encourage them to shift to green and low-carbon development in place of fossil fuels.¹¹⁵ Even the legal enforcement in the Nationally Determined Contributions is highly limited, and there are no sanctions for failure to abide by the NDCs.¹¹⁶ However, the Agreement does not become invalid just because the US has an intention to withdraw.¹¹⁷ However, the highly debated topic of non-enforceability of international conventions and agreements further comes into the picture since the US firstly made all the efforts and persuaded other countries to determine their contributions and secondly, withdrew from the Agreement itself leaving no scope of compliance on the part of the US. Even on the grounds of equity, such a move is not justified. On no sanctions being placed on such an act, the condemnation of international law shall arise, sooner or later.

7. Conclusion

One needs to understand how crucial the issue of climate change has become. Every individual, every government and every nation need to comply with their commitments, as soon as possible. Today, it is surprising to even speculate what the outcome would be. Tomorrow, it would be intolerable to face the consequences.

The most important aspect of the Paris Agreement is that it brought 197 countries together to mutually agree to cut down carbon emission and cooperate at an international level to mitigate climate change and the consensus on promoting green and low-carbon development. In the context of global climate governance, the Paris Agreement conforms to the international standard of promoting mutual cooperation among nations and to help

¹¹⁵ *Supra* note 12

¹¹⁶ (“NDCs”)

¹¹⁷ *Supra* note 16

them achieve their climate goals by doing their best to make it a win-win scenario for them. The withdrawal of the US from the Paris Agreement in all probability will disturb the international governance and cooperation systems for climate change. The long-term and general developing trends indicate that green, low-carbon, and sustainable development continues to advance on a global level. However, the withdrawal of the US from the Paris Agreement could be seen as a fluctuation in this constant upward trend.

The impact of withdrawal by the US has been significant indeed. During the negotiation on Paris agreement, the US was staunchly defending its principle of transparency and accountability to make sure the countries that signed on would actually stand to affirm on what they promised.¹¹⁸ Ironically, now, other countries may comply with the promises, but the US definitely won't. The news headlines were overflowing with statements made by Donald Trump-like, *"I was elected to represent the citizens of Pittsburgh, not Paris,"*. However, one may decipher the dilemma and conflict in the minds of people of the US by looking at the reaction of the Mayor of Pittsburgh, saying that the city stood with Paris.¹¹⁹ In fact, more than 200 city mayors committed to adopting, respect, and obey the goals of the Paris Agreement.¹²⁰

Until the official withdrawal, the US remains a member of the Paris Agreement and thus, can influence the negotiations. However, other nations need to keep intact and know the importance and necessity of their commitments. Conclusively, MO Ibrahim rightly states, *"Challenging vested interests requires a government's full commitment."* The vested interests of a specific country or a specific individual must not affect our collective goal to preserve our environment and promote sustainable development every day.

¹¹⁸ *Supra* note 15

¹¹⁹ Gambino, Lauren, Pittsburgh fires back at Trump: we stand with Paris, not you, The Guardian, (June 1, 2017, 05: 40 PM), <https://www.theguardian.com/us-news/2017/jun/01/pittsburgh-fires-back-trump-paris-agreement>

¹²⁰ *Supra* note 12