

# Opinion | Withdrawal Under Treaty Law: USA's Exit From Solar Alliance & India's Role

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**India plays a key role in shaping the ISA's policy direction, facilitating capacity-building, mobilising solar finance, and strengthening cooperation.**



India's significance within the International Solar Alliance remains central despite the US's withdrawal. File image/PTI

Whether a country can leave an international organisation mainly depends on treaty law. International organisations are created through multilateral treaties, and their legal status, membership, and withdrawal procedures are governed by the law of treaties, particularly the Vienna Convention on the Law of Treaties (VCLT). The VCLT provides the primary legal framework for determining if, and under what conditions, a state may withdraw from an international organisation.

According to Article 54 of the VCLT, a state may withdraw from a treaty either in conformity with the treaty's provisions or with the consent of all parties. When the constitutive instrument of an international organisation expressly contains a withdrawal clause, that clause governs the exit process. Difficulties arise when the treaty is silent on withdrawal, as is the case with several organisational treaties. In such circumstances, Article 56 of the VCLT becomes relevant, establishing a presumption against unilateral withdrawal unless the intention of the parties or the nature of the treaty implies a right to withdraw.

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The nature of organisational treaties is particularly important in this analysis. While founding treaties create permanent institutions and collective decision-making mechanisms, they remain grounded in the voluntary consent of sovereign states. International law does not favour perpetual obligations without continued consent. Consequently, treaties establishing international organisations are often interpreted as permitting withdrawal, even without an explicit clause, to balance institutional stability with state sovereignty.

This legal reasoning is reflected in the recent withdrawal of the United States from the International Solar Alliance (ISA). The ISA was established through a framework agreement to promote cooperation in solar energy deployment and climate action. Although the ISA's constitutive documents do not contain a detailed and explicit withdrawal mechanism, the United States announced its exit through a domestic executive decision following a review of its participation in international organisations. The withdrawal was implemented through formal notification and the cessation of participation, demonstrating how a state may rely on general principles of treaty law when specific procedures are not clearly articulated.

The US withdrawal illustrates the flexible application of Article 56 of the VCLT. The cooperative and voluntary nature of the ISA supports the interpretation that withdrawal is legally permissible, even in the absence of an express exit clause. This approach is consistent with earlier state practice in other international organisations, where withdrawals have been accepted based on sovereign consent and the implied intent of the parties.

Despite allowing withdrawal, the VCLT ensures legal continuity and certainty. Article 70 of the VCLT provides that withdrawal does not affect rights, obligations, or legal situations established before the withdrawal takes effect. In the context of the ISA, this means that any financial contributions, contractual commitments, or legal responsibilities undertaken by the United States during its membership remain binding and unaffected by its departure.

India's significance within the International Solar Alliance remains central despite the US's withdrawal. India is a founding member and co-initiator of the ISA, with the organisation's headquarters located in Gurugram, India. The ISA reflects India's leadership in global climate governance and its commitment to promoting renewable energy, particularly for developing and tropical countries. India plays a key role in shaping the ISA's policy direction, facilitating capacity-building, mobilising solar finance, and strengthening cooperation. The continuation of ISA initiatives following the US withdrawal underscores India's institutional and political importance in sustaining the organisation's objectives.

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In conclusion, the withdrawal of the United States from the International Solar Alliance highlights how international law, particularly the VCLT, accommodates state withdrawal from international organisations while safeguarding institutional stability. At the same time, India's enduring leadership within the ISA demonstrates that the effectiveness and continuity of such organisations depend not on a single member but on the sustained commitment of their founding and leading states.

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