

INTERNATIONAL OCEANS, ENVIRONMENT, HEALTH, AND AVIATION LAW

United States Announces Plans to Withdraw from Paris Agreement on Climate Change

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On September 3, 2016, the United States deposited with the UN its instrument of acceptance for the Paris Agreement on Climate Change.¹ The agreement entered into force on November 4, 2016.² Following the change of U.S. presidential administrations, new President Donald Trump announced less than seven months later that the United States would withdraw from the Agreement.³ On August 4, 2017, the United States communicated this intention to the United Nations secretary-general, who serves as the depositary for the agreement.⁴

Article 28 of the Paris Agreement sets out two routes for withdrawal. The United States' withdrawal follows the first route, which allows for withdrawal after a period of delay:

1. At any time after three years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from this Agreement by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.⁵

Under these provisions, the earliest date that a withdrawal can take effect is November 4, 2020—exactly four years after the Paris Agreement entered into force.

The second route allows for faster withdrawals if withdrawal from the Paris Agreement is coupled with a withdrawal from the United Nations Framework Convention on Climate Change (UNFCCC). The United States, which has been a party to the UNFCCC since 1992,⁶ did not take this more drastic step.⁷ Article 28 of the Paris Agreement provides:

¹ U.S. Dep't of State Press Release, John Kerry Remarks, U.S. and China Joining the Paris Agreement (Sept. 3, 2016), at <https://2009-2017.state.gov/secretary/remarks/2016/09/261567.htm>.

² The Paris Agreement, Apr. 22, 2016, TIAS No. 16-1104, available at http://unfccc.int/paris_agreement/items/9485.php [hereinafter Paris Agreement].

³ White House Press Release, President Donald Trump, Statement on the Paris Climate Accord (June 1, 2017), at <https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord> [hereinafter Trump Statement].

⁴ U.S. Dep't. of State Press Release, Communication Regarding Intent to Withdraw from Paris Agreement (Aug. 4, 2017), at <https://www.state.gov/r/pa/prs/ps/2017/08/273050.htm> [hereinafter Aug. 4 Press Release].

⁵ Paris Agreement, *supra* note 2, Art. 28.

⁶ *Status of Ratification of the Convention*, UN FRAMEWORK CONVENTION ON CLIMATE CHANGE, at http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php. See generally Marian Nash (Leich), Contemporary Practice of the United States, 87 AJIL 103 (1993) (providing an overview of the UN Framework Convention on Climate Change).

⁷ In its withdrawal statement, the United States indicated that it “will continue to participate in international climate change negotiations and meetings, including the 23rd Conference of the Parties (COP-23) of the UN Framework Convention on Climate Change, to protect U.S. interests and ensure all future policy options remain open to the administration. Such participation will include ongoing negotiations related to guidance for implementing the Paris Agreement.” Aug. 4 Press Release, *supra* note 4.

“Any Party that withdraws from the [UNFCCC] shall be considered as also having withdrawn from this Agreement.”⁸ Withdrawals from the UNFCCC are effective after a one-year delay.⁹

In a June 1 speech, President Trump explained his decision to withdraw from the Paris Agreement:

As President, I can put no other consideration before the wellbeing of American citizens. The Paris Climate Accord is simply the latest example of Washington entering into an agreement that disadvantages the United States to the exclusive benefit of other countries, leaving American workers—who I love—and taxpayers to absorb the cost in terms of lost jobs, lower wages, shuttered factories, and vastly diminished economic production.

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. This includes ending the implementation of the nationally determined contribution and, very importantly, the Green Climate Fund which is costing the United States a vast fortune.

Compliance with the terms of the Paris Accord and the onerous energy restrictions it has placed on the United States could cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates. This includes 440,000 fewer manufacturing jobs—not what we need—believe me, this is not what we need—including automobile jobs, and the further decimation of vital American industries on which countless communities rely. . . .

Not only does this deal subject our citizens to harsh economic restrictions, it fails to live up to our environmental ideals. As someone who cares deeply about the environment, which I do, I cannot in good conscience support a deal that punishes the United States—which is what it does—the world’s leader in environmental protection, while imposing no meaningful obligations on the world’s leading polluters.

For example, under the agreement, China will be able to increase these emissions by a staggering number of years—13. They can do whatever they want for 13 years. Not us. India makes its participation contingent on receiving billions and billions and billions of dollars in foreign aid from developed countries. There are many other examples. But the bottom line is that the Paris Accord is very unfair, at the highest level, to the United States.

Further, while the current agreement effectively blocks the development of clean coal in America which it does, and the mines are starting to open up. We’re having a big opening in two weeks. Pennsylvania, Ohio, West Virginia, so many places. A big opening of a brand-new mine. It’s unheard of. For many, many years, that hasn’t happened. . . .

China will be allowed to build hundreds of additional coal plants. So we can’t build the plants, but they can, according to this agreement. India will be allowed to double its coal production by 2020. Think of it: India can double their coal production. We’re supposed to get rid of ours. Even Europe is allowed to continue construction of coal plants.

⁸ Paris Agreement, *supra* note 2, Art. 28.

⁹ United Nations Framework Convention on Climate Change, Art. 25, May 9, 1992, 1771 UNTS 107 [hereinafter UNFCCC].

In short, the agreement doesn't eliminate coal jobs, it just transfers those jobs out of America and the United States, and ships them to foreign countries. This agreement is less about the climate and more about other countries gaining a financial advantage over the United States. The rest of the world applauded when we signed the Paris Agreement—they went wild; they were so happy—for the simple reason that it put our country, the United States of America, which we all love, at a very, very big economic disadvantage. A cynic would say the obvious reason for economic competitors and their wish to see us remain in the agreement is so that we continue to suffer this self-inflicted major economic wound. We would find it very hard to compete with other countries from other parts of the world. . . .

The agreement is a massive redistribution of United States wealth to other countries. . . .

Even if the Paris Agreement were implemented in full, with total compliance from all nations, it is estimated it would only produce a two-tenths of one degree—think of that; this much—Celsius reduction in global temperature by the year 2100. Tiny, tiny amount. . . .

Beyond the severe energy restrictions inflicted by the Paris Accord, it includes yet another scheme to redistribute wealth out of the United States through the so-called Green Climate Fund—nice name—which calls for developed countries to send \$100 billion to developing countries all on top of America's existing and massive foreign aid payments. So we're going to be paying billions and billions and billions of dollars, and we're already way ahead of anybody else. Many of the other countries haven't spent anything, and many of them will never pay one dime.

The Green Fund would likely obligate the United States to commit potentially tens of billions of dollars of which the United States has already handed over \$1 billion—nobody else is even close; most of them haven't even paid anything—including funds raided out of America's budget for the war against terrorism. That's where they came. Believe me, they didn't come from me. They came just before I came into office. Not good. And not good the way they took the money. . . .

There are serious legal and constitutional issues as well. Foreign leaders in Europe, Asia, and across the world should not have more to say with respect to the U.S. economy than our own citizens and their elected representatives. Thus, our withdrawal from the agreement represents a reassertion of America's sovereignty. . . .

Staying in the agreement could also pose serious obstacles for the United States as we begin the process of unlocking the restrictions on America's abundant energy reserves, which we have started very strongly. It would once have been unthinkable that an international agreement could prevent the United States from conducting its own domestic economic affairs, but this is the new reality we face if we do not leave the agreement or if we do not negotiate a far better deal.

The risks grow as historically these agreements only tend to become more and more ambitious over time. In other words, the Paris framework is a starting point—as bad as it is—

not an end point. And exiting the agreement protects the United States from future intrusions on the United States' sovereignty and massive future legal liability. Believe me, we have massive legal liability if we stay in.

As President, I have one obligation, and that obligation is to the American people. The Paris Accord would undermine our economy, hamstring our workers, weaken our sovereignty, impose unacceptable legal risks, and put us at a permanent disadvantage to the other countries of the world. It is time to exit the Paris Accord . . . and time to pursue a new deal that protects the environment, our companies, our citizens, and our country.¹⁰

President Trump's decision to "end[] the implementation of the nationally determined contribution" referenced the Paris Agreement obligation for each Party to "prepare, communicate and maintain successive nationally determined contributions [NDCs] that it intends to achieve."¹¹ Former President Obama had communicated the United States' initial NDC on March 31, 2015,¹² indicating that "[t]he United States intends to achieve an economy-wide target of reducing its greenhouse gas emissions by 26%–28% below its 2005 level in 2025 and to make best efforts to reduce its emissions by 28%."¹³

As a matter of international law, the United States will remain a party to the Paris Agreement until November 4, 2020, when its withdrawal will become effective. So long as it remains a party,¹⁴ the United States must "pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions"—i.e., the NDCs as defined by the United States.¹⁵

The Paris Agreement does not, however, explicitly prohibit the United States from *lowering* those NDC objectives. The agreement states that "[a] Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition."¹⁶ The agreement also states that "[e]ach Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances."¹⁷ Susan Biniaz, the State Department's lead climate change lawyer throughout the negotiations of the Paris Agreement, explained: "The Paris agreement provides for contributions to be nationally determined and it encourages countries, if they decide to change their targets, to make them

¹⁰ Trump Statement, *supra* note 3.

¹¹ Paris Agreement, *supra* note 2, Art. 4(2). *See generally* Kristina Daugirdas & Julian D. Mortenson, Contemporary Practice of the United States, 110 AJIL 374 (2016) (providing an overview of the agreement's requirements).

¹² *INDCs as Communicated by Parties*, UN FRAMEWORK CONVENTION ON CLIMATE CHANGE, at <http://www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx>.

¹³ *U.S. Cover Note INDC and Accompanying Information*, available at <http://www4.unfccc.int/Submissions/INDC/Published%20Documents/United%20States%20of%20America/1/U.S.%20Cover%20Note%20INDC%20and%20Accompanying%20Information.pdf>.

¹⁴ Duncan Hollis, *What to Look for in Any U.S. Withdrawal from the Paris Agreement*, OPINIO JURIS (June 1, 2017), at <http://opiniojuris.org/2017/06/01/what-to-look-for-in-any-us-withdrawal-from-the-paris-agreement/>; Daniel Bodansky, *Sound and Fury on the Paris Agreement – But Does It Signify Anything?*, OPINIO JURIS (June 2, 2017), at <http://opiniojuris.org/2017/06/02/33147>.

¹⁵ Paris Agreement, *supra* note 2, Art. 4(2).

¹⁶ *Id.* Art. 4(11).

¹⁷ *Id.* Art. 4(3).

more ambitious, . . . [b]ut it doesn't legally prohibit them from changing them in another direction."¹⁸ Following the announcement, she opined that

[i]t seems very unnecessary to have to withdraw from the Paris agreement if the concern is focused on the U.S. emissions target and financial contributions[.] . . . The U.S. can unilaterally change its emissions target under the agreement—it doesn't have to “renegotiate” it¹⁹

The Paris Agreement does not require the United States to make particular contributions to the Green Climate Fund, which was established in 2010 to help “developing countries limit or reduce their greenhouse gas emissions and adapt to climate change”²⁰ Article 9 of the Paris Agreement provides that “[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 Convention.”²¹ So far, the United States has contributed \$1 billion of a \$3 billion pledge made to the fund by former President Obama.²²

Many world leaders criticized the U.S. decision to withdraw from the Paris Agreement.²³ President Emmanuel Macron of France, in a twist on the U.S. president's campaign slogan, tweeted “Make Our Planet Great Again” and created a website, under that domain, to encourage researchers and entrepreneurs supportive of climate change to emigrate to France.²⁴ Prime Minister Charles Michel of Belgium tweeted, “I condemn this brutal act against #ParisAccord.”²⁵ Prime Minister Justin Trudeau of Canada was “deeply disappointed.”²⁶ Germany, France, and Italy, together, “t[ook] note with regret.”²⁷

¹⁸ Juliet Eilperin, *In the Trump White House, the Momentum Has Turned Against the Paris Climate Agreement*, WASH. POST (May 3, 2017), at <https://www.washingtonpost.com/news/energy-environment/wp/2017/05/02/in-the-trump-white-house-the-momentum-has-turned-against-the-paris-climate-agreement>.

¹⁹ Chris Mooney, *Trump's Reasons for Leaving the Paris Climate Agreement Just Don't Add Up*, WASH. POST (June 1, 2017), at <https://www.washingtonpost.com/news/energy-environment/wp/2017/06/01/trumps-reasons-for-leaving-the-paris-climate-agreement-just-dont-add-up>.

²⁰ *About the Fund*, GREEN CLIMATE FUND, at <http://www.greenclimate.fund/who-we-are/about-the-fund>.

²¹ Paris Agreement, *supra* note 2, Art. 9(1); *see also* Mooney, *supra* note 19 (quoting Biniac as saying that “financial contributions are voluntary”); Daniel Bodansky, *The Paris Climate Change Agreement: A New Hope?*, 110 AJIL 288, 309–11 (2016) (Paris Agreement does not create any new substantive financial obligations).

²² Chris Mooney, *Days Before Trump's Inauguration, State Dept. Sends \$500 Million to United Nations Climate Fund*, WASH. POST (Jan. 17, 2017), at <https://www.washingtonpost.com/news/energy-environment/wp/2017/01/17/days-before-trumps-inauguration-state-dept-sends-500-million-to-united-nations-climate-fund>.

²³ Michael D. Shear, *Trump Will Withdraw U.S. From Paris Climate Agreement*, N.Y. TIMES (June 1, 2017), at <https://www.nytimes.com/2017/06/01/climate/trump-paris-climate-agreement.html>.

²⁴ Nicholas Vinocur, *Macron Trolls Trump with 'Make Our Planet Great Again' Website*, POLITICO (EU) (June 8, 2017), at <http://www.politico.eu/article/macron-trolls-trump-with-make-our-planet-great-again-website>; *Make Our Planet Great Again*, at <https://www.makeourplanetgreatagain.fr>; Somini Sengupta, Melissa Eddy, Chris Buckley & Alissa J. Rubin, *As Trump Exits Paris Agreement, Other Nations Are Defiant*, N.Y. TIMES (June 1, 2017), at <https://www.nytimes.com/2017/06/01/world/europe/climate-paris-agreement-trump-china.html>.

²⁵ Sengupta, Eddy, Buckley & Rubin, *supra* note 24.

²⁶ Justin Trudeau, Prime Minister of Canada Press Release, Statement in Response to the United States' Decision to Withdraw from the Paris Agreement (June 1, 2017), at <http://pm.gc.ca/eng/news/2017/06/01/statement-prime-minister-canada-response-united-states-decision-withdraw-paris> [hereinafter Trudeau Statement].

²⁷ Paolo Gentiloni, Emmanuel Macron & Angela Merkel, Prime Minister of Italy, President of France, & Chancellor of Germany, Dichiarazione Italia-Germania-Francia sull'annuncio degli USA dell'uscita dall'Accordo di Parigi sul clima (June 1, 2017), at <http://www.governo.it/articolo/dichiarazione-italia>

The spokesperson for the secretary-general of the UN expressed “major disappointment.”²⁸

In conjunction with his announcement that the United States would withdraw from the Paris Agreement, President Trump announced that he will seek to renegotiate it. He stated:

[W]e will start to negotiate, and we will see if we can make a deal that’s fair. And if we can, that’s great. And if we can’t, that’s fine. . . . I’m willing to immediately work with Democratic leaders to either negotiate our way back into Paris, under the terms that are fair to the United States and its workers, or to negotiate a new deal that protects our country and its taxpayers. . . . So if the obstructionists want to get together with me, let’s make them non-obstructionists. We will all sit down, and we will get back into the deal. And we’ll make it good, and we won’t be closing up our factories, and we won’t be losing our jobs. And we’ll sit down with the Democrats and all of the people that represent either the Paris Accord or something that we can do that’s much better than the Paris Accord. And I think the people of our country will be thrilled, and I think then the people of the world will be thrilled. But until we do that, we’re out of the agreement.”²⁹

It is unclear how strong the administration’s desire to renegotiate is. As of August 4, 2017, the State Department told its diplomats that at this time, “there are no plans to seek to renegotiate or amend the text of the Paris Agreement, or begin negotiations toward a new agreement.”³⁰ Additionally, according to press reports, Secretary of State Rex Tillerson instructed diplomats to sidestep questions regarding what it would take for the U.S. to reengage.³¹

Even if the U.S. commits to renegotiation, Christiana Figueres, the former executive secretary of UNFCCC who led the negotiations on the agreement, expressed doubts about the feasibility of this approach.³² Most world leaders have rejected this possibility, and many took the opportunity to reaffirm their countries’ commitment to the Paris Agreement and combating climate change.³³ Prime Minister Trudeau stated “Canada is unwavering in our commitment to fight climate change and support clean economic growth. . . . While the U.S. decision is disheartening, we remain inspired by the growing momentum around the world to combat climate change”³⁴ Germany, France, and Italy issued an emphatic

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²⁸ Stéphane Dujarric, Spokesman for the Secretary-General of the UN, Statement on the US Decision to Withdraw from the Paris Agreement (June 1, 2017), at <https://www.un.org/sg/en/content/sg/statement/2017-06-01/statement-attributable-spokesman-secretary-general-us-decision>.

²⁹ Trump Statement, *supra* note 3.

³⁰ Yeganeh Torbati & Valerie Volcovici, *Exclusive: U.S. Envoys Told To Be Coy on Re-engaging in Paris Climate Deal – Cable*, REUTERS (Aug. 8, 2017), at <https://www.reuters.com/article/us-usa-climate-diplomacy/exclusive-us-envoys-told-to-be-coy-on-re-engaging-in-paris-climate-deal-cable-idUSKBN1AO276>.

³¹ *Id.*

³² Sengupta, Eddy, Buckley & Rubin, *supra* note 24; Kevin Loria, *Paris Climate Agreement Architect: This Was a “Vacuous Political Melodrama,”* BUS. INSIDER (June 1, 2017), at <http://www.businessinsider.com/christiana-figueres-trump-decision-to-pull-us-out-of-paris-agreement-2017-6>.

³³ Sengupta, Eddy, Buckley & Rubin, *supra* note 24.

³⁴ Trudeau Statement, *supra* note 26.

joint statement supporting the Paris Agreement calling it “a cornerstone . . . for effectively and timely tackling climate change.”³⁵ They stated:

We deem the momentum generated in Paris in December 2015 irreversible and we firmly believe that the Paris Agreement cannot be renegotiated, since it is a vital instrument for our planet, societies and economies.

We are convinced that the implementation of the Paris Agreement offers substantial economic opportunities for prosperity and growth in our countries and on a global scale.

We therefore reaffirm our strongest commitment to swiftly implement the Paris Agreement, including its climate finance goals and we encourage all our partners to speed up their action to combat climate change.

We will step up efforts to support developing countries, in particular the poorest and most vulnerable, in achieving their mitigation and adaptation goals.³⁶

China also made statements, both before and after President Trump’s announcement, reaffirming the Chinese commitment to the agreement.³⁷

The G-20 also issued a declaration responding to the United States’ decision to withdraw from the Paris Agreement. The leaders of the G-20 (with the exception of the United States) stated:

We take note of the decision of the United States of America to withdraw from the Paris Agreement. The United States of America announced it will immediately cease the implementation of its current nationally-determined contribution. . . . The Leaders of the other G20 members state that the Paris Agreement is irreversible. We reiterate the importance of fulfilling the UNFCCC commitment by developed countries in providing means of implementation including financial resources to assist developing countries with respect to both mitigation and adaptation actions in line with Paris outcomes. . . . We reaffirm our strong commitment to the Paris Agreement, moving swiftly towards its full implementation in accordance with the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.”³⁸

The G-20 (except for the United States) also announced the G20 Hamburg Climate and Energy Action Plan for Growth, an annex to the Leaders’ Declaration, promising to

move forward to implement[] our current and future Nationally Determined Contributions (NDCs) in line with the Paris Agreement. We will increase cooperation among ourselves and with non-G20 countries to facilitate mutual learning, good practice

³⁵ Gentiloni, Macron & Merkel Statement, *supra* note 27.

³⁶ *Id.*

³⁷ Sengupta, Eddy, Buckley & Rubin, *supra* note 24; Michael D. Shear & Coral Davenport, *World Leaders Increase Pressure on Trump to Stay in Paris Accord*, N.Y. TIMES (May 26, 2017), at <https://www.nytimes.com/2017/05/26/world/europe/paris-climate-agreement-trump-g7.html>.

³⁸ G20 Leaders’ Declaration: Shaping an Interconnected World, 10, July 7/8, 2017, available at <https://www.g20.org/gipfeldokumente/G20-leaders-declaration.pdf>.

sharing and capacity-building, including through existing fora, inter alia, such as the NDC Partnership.³⁹

Notably, following Trump's announcement, numerous state and local officials declared their intention to support the Paris Agreement within the limits of their respective jurisdictions and authority. Thirteen states and Puerto Rico have joined the U.S. Climate Alliance, a "bi-partisan coalition of states . . . committed to the goal of reducing greenhouse gas emissions consistent with the goals of the Paris Agreement."⁴⁰ One of those states, Hawaii, has already passed legislation committing the state to the goals and limits of the Paris Agreement.⁴¹ Nearly four hundred mayors across the country have joined the Mayors National Climate Action Agenda, to "work[] together to strengthen local efforts for reducing greenhouse gas emissions."⁴² The U.S. Conference of Mayors stated that it "strongly opposes President Trump's withdrawal from the Paris Climate Accord and has vowed that the nation's mayors will continue their commitment to reduce greenhouse gas emissions to alleviate the impacts of global warming."⁴³

Several individual elected officials engaged directly with foreign officials as well. Governor Jerry Brown of California travelled to China to meet with President Xi Jinping personally to discuss climate change.⁴⁴ The governor and the Chinese Ministry of Science and Technology signed an agreement to collaborate on green energy technology.⁴⁵ Brown has also proposed hosting a global environmental summit in San Francisco in 2018.⁴⁶ He has explicitly said, "President Trump is trying to get out of the Paris agreement, but he doesn't speak for the rest of America."⁴⁷ Prime Minister Trudeau spoke about shared climate change goals to the National Governors Association.⁴⁸ (For his part, Trudeau indicated that "Canada will

³⁹ G20, Hamburg Climate and Energy Action Plan for Growth, Annex to G20 Leaders Declaration, July 7/8, 2017, at <http://www.g20.utoronto.ca/2017/2017-g20-climate-and-energy-en.pdf>.

⁴⁰ U.S. CLIMATE ALLIANCE, at <https://www.usclimatealliance.org>.

⁴¹ Jonah Engel Bromwich, *Defying Trump, Hawaii Becomes First State to Pass Law Committing to Paris Climate Accord*, N.Y. TIMES (June 7, 2017), at <https://www.nytimes.com/2017/06/07/climate/hawaii-climate-paris-trump.html>.

⁴² CLIMATE MAYORS, at <http://climatemayors.org>.

⁴³ Sara Durr, *Mayors Strongly Oppose Withdrawal from Paris Climate Accord*, THE U.S. CONF. OF MAYORS (June 1, 2017), at <https://www.usmayors.org/2017/06/01/mayors-strongly-oppose-withdrawal-from-paris-climate-accord>.

⁴⁴ Jessica Meyers, *Jerry Brown in China with a Climate Message to the World: Don't Follow America's Lead*, L.A. TIMES (June 7, 2017), at <http://www.latimes.com/world/asia/la-fg-brown-china-20170607-story.html>; Javier C. Hernandez & Adam Nagourney, *As Trump Steps Back, Jerry Brown Talks Climate Change in China*, N.Y. TIMES (June 6, 2017), at <https://www.nytimes.com/2017/06/06/world/asia/xi-jinping-china-jerry-brown-california-climate.html>.

⁴⁵ Associated Press, *China and California Sign Deal to Work on Climate Change Without Trump*, GUARDIAN (June 6, 2017), at <https://www.theguardian.com/us-news/2017/jun/07/china-and-california-sign-deal-to-work-on-climate-change-without-trump>; Meyers, *supra* note 44.

⁴⁶ Lisa Friedman, *Jerry Brown Announces Climate Summit Meeting in California*, N.Y. TIMES (July 6, 2017), at <https://www.nytimes.com/2017/07/06/climate/jerry-brown-california-climate-summit.html>; Melanie Mason, Evan Halper & Patrick McGreevy, *Gov. Brown Unveils Plan for Global Climate Summit, Further Undercutting Trump's Agenda*, L.A. TIMES (July 6, 2017), at <http://www.latimes.com/politics/la-pol-sac-jerry-brown-climate-summit-20170706-story.html>.

⁴⁷ Friedman, *supra* note 46.

⁴⁸ Alexander Burns, *Going Around Trump, Governors Embark on Their Own Diplomatic Missions*, N.Y. TIMES (July 15, 2017), at <https://www.nytimes.com/2017/07/15/us/trump-governors-diplomatic-missions.html>.

continue to work with the U.S. at the state level, and with other U.S. stakeholders, to address climate change and promote clean growth.”⁴⁹)

Some business leaders also reacted strongly, both in opposing the withdrawal announcement and reaffirming their commitment to combating climate change.⁵⁰ Anticipating funding gaps following Trump’s announcement regarding withdrawal from the Paris Agreement, former New York City mayor Michael Bloomberg’s charitable organization, Bloomberg Philanthropies, committed \$15 million to support the work of the UNFCCC secretariat.⁵¹ Bloomberg has also organized mayors, governors, state attorneys general, and business CEOs to take “America’s Pledge.”⁵² Together the group has declared “We Are Still In” and eventually plans to develop and submit to the UN a “societal NDC” based on the efforts of state and local governments, businesses, and other subnational actors.⁵³ In a letter to the UN, Bloomberg stated:

Today, on behalf of an unprecedented collection of U.S. cities, states, businesses and other organizations, I am communicating to the United Nations and the global community that American society remains committed to achieving the emission reductions we pledged to make in Paris in 2015. . . . I am confident the broad array of leaders and organizations that have signed today’s declaration, and many others that will join in the days to come, will work together to reduce U.S. carbon emissions by 26 percent by 2025, just as we had pledged in Paris. These groups will take vigorous and ambitious actions to address climate change, and we will communicate those actions in a transparent and accountable way to the UN. The United States can, and will, meet its commitment under the Paris Agreement.⁵⁴

⁴⁹ Trudeau Statement, *supra* note 26.

⁵⁰ Abigail Abrams & Lucinda Shen, ‘Climate Change is Real’: Business Leaders React to President Trump’s Withdrawal from Paris Agreement, *FORTUNE* (June 2, 2017), at <http://fortune.com/2017/06/01/paris-climate-agreement-business-leaders-react>.

⁵¹ Kristine Phillips, *Michael Bloomberg Pledges His Own Money to Help U.N. After Trump Pulls Out of Paris Climate Deal*, *WASH. POST* (June 3, 2017), at <https://www.washingtonpost.com/news/energy-environment/wp/2017/06/03/michael-bloomberg-pledges-his-own-money-to-help-u-n-after-trump-pulls-out-of-paris-climate-deal/>; Bloomberg Philanthropies Press Release, *Mike Bloomberg Doubles Down to Ensure America Will Fulfill the Paris Agreement* (June 1, 2017), at <https://www.bloomberg.org/press/releases/bloomberg-philanthropies-commits-15-million-fill-budget-gap-left-trumps-revoking-us-support-un-climate-treaty>.

⁵² Bloomberg Philanthropies Press Release, *Mike Bloomberg Sends Statement to the United Nations Following Unprecedented Outpouring of Support for Paris Agreement* (June 5, 2017), at <https://www.bloomberg.org/press/releases/mike-bloomberg-sends-statement-united-nations-following-unprecedented-outpouring-support-paris-agreement>; AMERICA’S PLEDGE, at <https://www.americaspledgeonclimate.com>; Hiroko Tabuchi & Lisa Friedman, *U.S. Cities, States and Businesses Pledge to Measure Emissions*, *N.Y. TIMES* (July 11, 2017), at <https://www.nytimes.com/2017/07/11/climate/cities-states-businesses-emissions-climate-pact.html>.

⁵³ Bloomberg Philanthropies Press Release, *supra* note 52.

⁵⁴ *Id.*