

# USA Withdrawal from Paris Agreement – What Next?<sup>1</sup>

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*In June 2017, President Trump announced the USA's withdrawal from the Paris Climate Accord, which had been ratified for less than a year, thanks in large part to the USA. That drastic shift followed the change in residency at the White House. Withdrawing from the Paris Accord presents an interesting topic for analysis. There's the practical side of the withdrawal procedure as set out in Article 28 of the agreement, not to mention the consequences of US non-participation in addressing international climate issues. There are other international forums (Such as G8 and G20), which also have an interest in climate related topics.*

*The Article analyses the U.S. position in negotiations and its commitments assumed the moment the United Nations Framework Convention on Climate Change (UNFCCC) came into effect until now: the reduction of greenhouse gas emissions, financial aid and reporting. It also provides general analysis of national legal obligations under the Paris Accord, ratification of that agreement in general and in particularly another that took place in the USA, it focuses on the specifics of withdrawal. The specified three-year period from the Agreement becoming active, after which any party may withdraw from it (2019), is a noteworthy detail.*

*It is well-known that the Paris Agreement provides a framework that does not impose individual national commitments or a commitment to a compliance system. In essence, and from a legal point of view, it is non-binding. This was what allowed the USA to accept the terms of the accord relatively quickly and to use the simplified procedure, which by-passed Congress. In the opinion of the authors, President Trump's resolution to withdraw should, possibly, be considered as a simple continuation of his election discourse and the fulfilment of a campaign promise. Additionally, President Trump's declared intent to review the Paris Accord has legal grounds on which to launch further international negotiations, consequently that will never come to pass.*

*The Article was been written based on the analysis of resolutions passed at conferences attended by parties to the UNFCCC, other UN documents and international forums, the laws and regulations of the Russian Federation, information published by international legal experts and mass media coverage of the topic.*

*The Article sums up the consequences of US withdrawal from the Paris Accord, noting that the Agreement's status will not change after the USA withdraws. The Accord will remain in force having become effective in 2016 and the US will remain a party to the fundamental UN Climate Convention. The reduction in contributions to the Green Climate Fund will undoubtedly limit the project's potential in developing economies. A 'domino effect' is not inconceivable – with similar resolutions following the U.S. example, Turkey for example has announced the likelihood that it too will suspend ratification. There is though still time before 2019 for the U.S. to change its position.*

**Key words:** Climate Change; UNFCCC; Paris Agreement; US withdrawal

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<sup>1</sup> The editorial board received the article in July 2017.

A year ago, the world's two largest economies, the USA and China (which, together, account for 37% of global anthropogenic greenhouse gas emissions) announced they were joining the Paris Climate Agreement. To a large extent, it was that declaration that sealed the Paris deal, with the agreement officially going into effect on November 4, 2016.<sup>2</sup>

Naturally, when Donald Trump announced June 1, 2017 that the USA would be pulling out of the Paris Agreement, it sent shockwaves through the world, not only stirring up a flurry of official statements condemning the White House but also causing many to ask some practical questions, such as whether this move by the USA would alter the status of the Paris Agreement. How is the USA going to change its policy regarding the UN climate change process as a whole? Will the USA remain a party to the agreement at all? What's going to change in the UNFCCC negotiation process? Let's consider these issues.

***The USA in the international climate change process.*** The main international climate change agreement is the United Nations Framework Convention on Climate Change (UNFCCC), which was adopted in 1992 and went into effect in 1994. The UNFCCC was endorsed by 196 countries and the EU, and thus the Convention often gets cited as a rare example of a truly universal agreement.<sup>3</sup> The USA ratified the UNFCCC in 1992.

The objective was to stabilize greenhouse gas concentrations in the atmosphere “at a level that would prevent dangerous anthropogenic interference with the climate (Article 2).” At the same time, the developed nations are attempting to return “individually or jointly to their 1990 levels these anthropogenic emissions of CO<sub>2</sub> and other greenhouse gases not controlled by the Montreal Protocol (Article 4.2b).”

The Kyoto Protocol, adopted in 1997,<sup>4</sup> was an important step forward that defined a specific aggregated objective for the developed nations. This was to reduce the total anthropogenic greenhouse gas emissions “by at least five percent to the 1990 level in the period between 2008 and 2012 when the obligations apply” (Article 3.1) and defined individual obligations for 40 developed nations (which at that time accounted for roughly half of all total greenhouse gas emissions). Under the Kyoto Protocol, the USA was obliged to reduce emissions by 7%, to the 1990 level.<sup>5</sup> However, the USA, having signed the protocol in 1998,<sup>6</sup> never ratified it for the exact same reasons cited by US President Donald Trump 19 years later: cutting emissions and implementing other related measures to curb climate change would slow down the economic development of the country and would thus be bad for America. Neither Republican President George W. Bush nor his Democrat successor Obama ever got around to ratifying the Kyoto protocol. The USA's position on climate change is quite clear and pragmatic; it essentially boils down to never agreeing to any quantitatively defined international ob-

<sup>2</sup> It's symbolic that for Russia, November 4 is the date when the country ratified the UN Framework Convention on Climate Change in 1994 and the Kyoto Protocol in 2004.

<sup>3</sup> See: [http://unfccc.int/essential\\_background/convention/status\\_of\\_ratification/items/2631.php](http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php)

<sup>4</sup> CO<sub>2</sub> Emissions from fuel combustion highlights (2016 edition), IEA, <http://www.iea.org>.

<sup>5</sup> UNFCCC Decision 1/CP.3 “Adoption of the Kyoto Protocol to UNFCCC”, 1997.

<sup>6</sup> [http://unfccc.int/kyoto\\_protocol/status\\_of\\_ratification/items/2613.php](http://unfccc.int/kyoto_protocol/status_of_ratification/items/2613.php)

ligations. Here, it should also be noted that the USA never ratified the UN Biodiversity Convention or the Basel Convention on the Control of Transboundary Movements of Hazardous Waste, recognizing in all of them a threat to its economic security.

Trump never made a secret of his negative take on the Paris Agreement or his skepticism regarding the entire climate change issue; he had been open about it since the start of the US presidential campaign. The official platform of the Republican Party stated that climate change was not a national security priority, that the Intergovernmental Panel on Climate Change is a political instrument rather than an independent scientific institution and that the agendas of both the Kyoto Protocol and the Paris Agreement “represent only the personal commitments of their signatories; no such agreement can be binding upon the USA until it is submitted to and ratified by the Senate...”<sup>7</sup> Furthermore, the GOP’s ultimate strategic goal in the matter was to cut the financing of the UNFCCC and the Green Climate Fund.

***The Paris Agreement.*** The Paris Agreement is the product of many years of negotiations. It’s a fairly comprehensive document that is less structured than the UNFCCC or the Kyoto Protocol; it’s full of verbose definitions, replete with cross references and what not. Its aim is to “hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C.”<sup>8</sup> At the same time, the agreement describes the actions that every signatory country must implement in rather general terms, presenting them primarily as recommendations in the form of “the parties should” rather than imposing specific obligations with the form “the parties shall.”<sup>9</sup> However, the most important part is that the Paris Agreement does not make any allowances whatsoever for the specific circumstances of any individual countries. Instead it uses such general terms as party, parties, developed parties, developing parties, each party, etc.

The obligations to cut emissions are replaced with nationally-determined contributions (NDC) which each party gets to determine on its own, including specific emissions reduction targets, deadlines for their achievement and the base year. Thus, the nationally determined contributions vary greatly from absolute reductions in emissions to reductions in the hydrocarbon content of the GDP. The NDC that the USA committed to promised to reduce emissions by 26-28% of the 2005 level by 2025<sup>10</sup>. It should be stressed again, though, that the NDCs are not part of the text of the Paris Agreement that has to be ratified, meaning that there are serious limits to how legally binding the agreement is. There are no sanctions for failure to abide by the NDCs.

The financial obligations involving the raising of USD 100 billion to help developing countries by 2020 are also expressed in general terms. This objective was adopted back in 2009 at the Copenhagen conference.<sup>11</sup> The obligations concern developed

<sup>7</sup> Republican platform 2016. <https://www.gop.com/the-2016-republican-party-platform/>, page 22.

<sup>8</sup> Article 2 of the Paris Agreement.

<sup>9</sup> Multilateral Environmental Agreement Negotiator’s Handbook, UNEP, 2007, pages 3- 65.

<sup>10</sup> USA first NDC submission, 03.09.2016, <http://www4.unfccc.int/ndcregistry/PublishedDocuments/United%20States%20of%20America%20First/U.S.A.%20First%20NDC%20Submission.pdf>.

<sup>11</sup> UNFCCC Decision 2/CP.15 “Copenhagen Agreement”, 2009.

nations,<sup>12</sup> but there are no specific instructions regarding how this burden should be allocated among them. In 2017, contributions were announced by 43 countries, including 9 developing ones (which can provide financing voluntarily as well), but their total was a little over \$10 billion (USD).<sup>13</sup> Of this total, \$3 billion was pledged by the USA. Barack Obama managed to transfer \$500 million literally three days before leaving office in January, 2017. In other words, there is a tenfold gap between the target amount of the fund and its actual amount, but since there is no mechanism for ensuring that obligations are met, there is no other option than to make calls for an increase in amount of climate change aid in the future.

It's obvious that in terms of its power to legally bind signatories, the Paris Agreement is no match for the Kyoto Protocol. All of this resulted from the consensus-based decision-making procedure used by the parties to the UNFCCC. On the other hand, it's the soft nature of the obligations that ensured the fast ratification of the Paris Agreement by all the parties including the US. If the Paris Agreement was even a little more specific, it probably would never have gone into effect in less than one year after its adoption. It should be noted here that as of today, the parties to the Paris Agreement include 159 developed and developing nations, which together account for the most greenhouse gas emissions.<sup>14</sup>

With the above taken into account, Trump's arguments about how the USA supposedly would incur huge losses if it were to participate in the Paris Agreement sound completely unconvincing. One thing is certain, though: Trump is delivering on his campaign promises.

***Ratification, adoption or approval.*** Under Article 20, the Paris Agreement is to be ratified, adopted or approved by states and the regional economic integration organizations that are parties to the Convention.... Ratification, adoption, approval or accession documents are to be submitted for storage to the Depositary (the UN General Secretary). In other words, the Paris Agreement allows for a variety of forms for the parties to express their obligations under it as an international agreement, exactly in accordance with the provisions of international law. The form of accession to the agreement is chosen by each party based on their national laws.

The USA signed the Paris Agreement on April 22, 2014, and on September 3 of the same year the country submitted acceptance documents to the UN. In other words, the USA formally accepted rather than ratified the agreement because the decision was made within the authority of President Obama, who hadn't secured approval from Congress.<sup>15</sup> A publication by the World Resources Institute (WRI, 2016)<sup>16</sup> offers a de-

<sup>12</sup> Historically, in the terms used in the UNFCCC Russia is classed as a country with a transition economy and is thus given a certain amount of leeway (Article 4.6) and thus is under no obligation to provide financial aid to developing countries. Naturally, this does not mean that Russia is prohibited from voluntarily offering financial aid.

<sup>13</sup> Status of Pledges and Contributions made to the Green Climate Fund, 02.06.2017, [https://www.greenclimate.fund/documents/20182/24868/Status\\_of\\_Pledges.pdf/eef538d3-2987-4659-8c7c-5566ed6afd19](https://www.greenclimate.fund/documents/20182/24868/Status_of_Pledges.pdf/eef538d3-2987-4659-8c7c-5566ed6afd19).

<sup>14</sup> See: <http://unfccc.int/2860.php>.

<sup>15</sup> See: [http://unfccc.int/paris\\_agreement/items/9444.php](http://unfccc.int/paris_agreement/items/9444.php).

<sup>16</sup> Domestic processes for joining the Paris Agreement, WRI, 2016.

tailed analysis of the legislation of 100 countries, the largest parties whose law applies to the accession to the Paris Agreement. It concludes that an executive order by the US President is sufficient as an acceptance document.

Commenting on the form of acceptance used by the USA, former White House legal advisor Melvin Purvis noted that the main guiding principle in situations like this is whether or not joining an international agreement would require amendments to national legislation. If the answer to that question is no, then it's more than enough for the President to sign the agreement without getting it ratified by the Senate. It's the same legal principle that many US presidents have relied upon since the time of George Washington.<sup>17</sup> In other words, President Obama was acting well within his authority and in accordance with US law. Trump's decision to discontinue the USA's participation in the Paris Agreement only confirmed the legitimacy of Obama's actions: the fact that the US had joined the Paris Agreement under Obama was never denied.

It should be noted that the domestic process for joining the Paris Agreement for the US (or any other country), whether it's ratification or acceptance, is determined by the individual countries' domestic laws exclusively, and does not in any way affect the country's status as party to the Agreement.

***Pulling out of the Paris Agreement.*** Both the process for joining and ratifying an international agreement as well as the process for pulling out of it are stipulated in the international agreement. However, the latter is hardly ever used. In the entire history of multilateral international cooperation on climate change, there has only been one example: when Canada pulled out of the Kyoto Protocol in 2012.<sup>18</sup>

Parties can withdraw from the Paris Agreement under Article 28: a country can formally announce it's withdrawing from the agreement at any time after three years from the date the agreement goes into effect (November 4, 2016). The termination of the country's participation in the agreement then goes into effect within one year, since the Depositary gets notified about it at a later date, specified in the official notice announcing the termination.

In other words, a party can only officially leave the Paris Agreement after November 4, 2019 and the decision will only go into effect one year after the official notice is given. This means that the US can only officially leave the Paris Agreement on the day following the 2020 presidential elections. However, nobody knows if the official position of the US administration is going to change by then or not....

The Vienna Convention on the Law of Treaties stipulates that a multilateral agreement does not cease to exist simply because the number of its participants drops below the number of parties that were needed for it to go into effect.<sup>19</sup> This is also true for the Paris Agreement. In other words, after the USA pulls out of it, the Paris Agreement will still remain a valid international agreement that went into effect on November 4, 2016.

<sup>17</sup> See: [https://www.washingtonpost.com/news/powerpost/wp/2015/11/30/trick-or-treaty-the-legal-question-hanging-over-the-paris-climate-change-conference/?utm\\_term=.78e42f1d0d86](https://www.washingtonpost.com/news/powerpost/wp/2015/11/30/trick-or-treaty-the-legal-question-hanging-over-the-paris-climate-change-conference/?utm_term=.78e42f1d0d86).

<sup>18</sup> See: [http://unfccc.int/files/kyoto\\_protocol/background/application/pdf/canada.pdf](http://unfccc.int/files/kyoto_protocol/background/application/pdf/canada.pdf).

<sup>19</sup> The 1969 Vienna Convention on the Law of Treaties, [http://www.un.org/ru/documents/decl\\_conv/conventions/law\\_treaties.shtml](http://www.un.org/ru/documents/decl_conv/conventions/law_treaties.shtml).

Experts are also talking about the possibility of the USA pulling out of the UNFCCC, as that would expedite the termination of their participation in the Paris Agreement: they would not need to wait for three years as the Convention has been in effect for over 20 years.<sup>20</sup> However, since the UNFCCC was ratified by the USA, i.e. it was approved by Congress, Congress would also have to pass a resolution to pull out of it and that would require time and support in both the Senate and the House of Representatives. For a more detailed treatment of this process, see the publication by the American international law expert D. Bodansky (2016).<sup>21</sup>

***Response in the USA and around the world.*** The response to Trump's decision in the USA and around the world has been quite emotional and very vocal.

In the US, a number of state governors, mayors, universities and companies announced their continued commitment to climate change goals, coalitions of Paris Agreement supporters were set up and a whole 'We are Still In' movement emerged, bringing together 125 cities, 9 states, 183 colleges and universities, 900 businesses, for a total of 120 US citizens and \$6 trillion in the national economy.<sup>22</sup> The UNFCCC secretariat was also inundated with statements from various groups. However, although decisions preceding the Paris Agreement welcomed actions and initiatives by interested groups that were not parties to the agreement,<sup>23</sup> these initiatives do not in and of themselves create any legal grounds for joining the Paris Agreement; its parties can only be nation states that are members of the UN.

The heads of the EU, Canada, India, Japan, Mexico, China and a number of other countries made public statements, which, while not exactly condemning the USA's decisions, expressed dismay. Even North Korea joined the fray; Kim Jong Un called Trump's decision the height of egoism.<sup>24</sup>

Speaking at the international economic forum in Saint Petersburg this June, Russian President Vladimir Putin noted that the USA "didn't have to pull out of the Paris Accords, as they are essentially a framework agreement; what they should have done instead was change the USA's commitments under these Paris accords." Russia, meanwhile, signed the Paris Agreement in 2016 and plans to ratify it in 2019.

The media have started comparing the USA with two other countries that didn't sign the Paris Agreement: Nicaragua and Syria.<sup>25</sup> It's hardly a valid comparison, seeing that Syria couldn't even have participated in the talks, given the sanctions the EU has imposed on members of its government and the civil war that's been tearing the country apart for the better part of the decade. Meanwhile, Nicaragua stated clearly,

<sup>20</sup> Article 25 of the UNFCCC allows members to leave at any time once the Convention has been in effect for three years.

<sup>21</sup> Daniel Bodansky, Sandra Day O'Connor College of Law, Arizona State University 'Legal note: could a future President reverse U.S. approval of the Paris Agreement', 2016.

<sup>22</sup> See – "We are still in", <http://www.wearestillin.com/>.

<sup>23</sup> UNFCCC Decision 1/CP.21, Section V (2015).

<sup>24</sup> See: <http://www.telegraph.co.uk/news/2017/06/07/height-egotism-north-korea-blasts-donald-trump-pulling-paris/>.

<sup>25</sup> See: <http://www.politifact.com/truth-o-meter/statements/2017/jun/01/debbie-wasserman-schultz/are-nicaragua-and-syria-only-countries-not-sign-pa/>

back when the talks were still underway in Paris, that voluntary commitments to reduce emissions would not be able to ensure the required reduction in emissions to save Mother Earth and thus it had no intention of signing the document.

Trump's decision to pull out of the Paris Agreement has changed the format of other multilateral forums the USA takes part in: there can no longer be joint statements on climate change backed by all participants. Thus, the final document signed after a meeting of the G7 environmental ministers in Bologna on June 11–12, 2017 only enumerates the countries that confirmed their commitment to the Paris Agreement, with the USA's 'minority report' being mentioned in a footnote. At the same time, what the footnote says is actually quite positive: the USA has managed to reduce its carbon footprint since 1994 and intends to continue cooperating with partners while pursuing the national interests of ensuring economic growth and maintaining a healthy environment.

The G7 summit in Hamburg also made special mention of the USA's special position in its final communique. For the first time, a separate paragraph was used to talk about the special position of a G7 member. But here too, the USA confirmed its commitment to reducing greenhouse gas emissions while trying to maintain economic growth.

*The start of new talks or what's next?* In his speech on Jun 1<sup>st</sup>, President Trump proposed starting new talks to develop a new agreement that the USA would be fine with several times.<sup>26</sup> It has to be noted here that the UNFCCC has almost 200 member states and the way it works is that every proposal must be unanimously agreed to. It should also be noted that the Paris Agreement was signed after 10 years of negotiations (if we start counting from the second period of the Kyoto Protocol that started in 2005). So it's unlikely that Trump's idea to start from scratch will meet with much support. The UNFCCC secretariat essentially said as much in its official statement, 'The Paris Agreement is a historic document signed by 195 parties and ratified by 146 countries and the EU, so it cannot be revised at the request of a single country.' At the same time, the statement notes the organization is open to dialogue with the USA.

Since the decision to leave the Paris Agreement only goes into effect in four years, the question is: what's going to happen until 2020?

Under the terms and conditions of the agreement and in accordance with simple logic, until the decision to pull out of the agreement goes into effect, the USA must remain a full-fledged participant of the Paris Agreement process. The country can take part in negotiations and any other events for parties to the agreement. Naturally, one can hardly expect a country that has just announced it will be leaving to take an active part in these processes or abide by the resolutions passed by the parties, but there are no formal grounds for expelling the USA right now. On the other hand, there is no formal mechanism for forcing the USA to abide by Paris Agreement resolutions either.

Trump has announced that the US will no longer contribute to the financing of the Green Climate Fund. Thus, the budget of the Green Climate Fund will be cut by

<sup>26</sup> See: <https://www.whitehouse.gov>.

almost a third. In all probability, the implementation of climate programs in developing countries will be reduced by roughly the same amount. The situation can only change if the other countries pledge to provide additional financial aid, but so far none have volunteered.

Some experts say the USA's decision to abandon the Paris Climate Change Agreement could kick off a domino effect and other countries may soon follow suit.<sup>27</sup> At the G20 summit in Hamburg, Turkey's president said the Turkish parliament was unlikely to ratify the Paris Agreement because of the USA's decision to pull out of it, as well as its refusal to abide by its obligations under it and its abandonment of its financial aid pledges.<sup>28</sup>

It goes without saying that any country can take advantage of Article 28 of the Paris Agreement, but so far it's only been the USA that has officially announced it will be pulling out.

What's more important is that the USA still remains a party to the UNFCCC, so they're still subject to related obligations, such as taking an annual inventory of anthropogenic greenhouse gas emissions and filing national greenhouse gas emissions reports, preparing national climate change policy and climate change measures reports, making annual financial contributions to the UNFCCC, and so on. They fully participate in all the negotiations that parties to the UNFCCC participate in, as well as in the work of the auxiliary bodies of the UNFCCC tasked with developing implementation solutions for the Paris Agreement.<sup>29</sup> They can potentially be given the status of an observer under the Paris Agreement, similar to the status they had in the Kyoto Protocol (i.e. without the right to discuss issues and vote on them).

## Conclusions

First. The USA's decision to pull out of the Paris Agreement is not going to affect the status of the Agreement. It remains an international agreement that went into effect on November 4, 2016, when it was ratified by the USA and China. That's at least one link between the US and the Paris Agreement, and is similar to the link between Russia and the Kyoto Protocol, which only went into effect because it was ratified by Russia in 2004.

Second. Pulling out of the Paris Agreement entails no sanctions for the USA. The damage to the country's reputation will undoubtedly be severe, though.

<sup>27</sup> See: <http://www.climatedepot.com/2017/06/01/failure-of-paris-climate-deal-was-inevitable/>.

<sup>28</sup> See: <http://www.rbc.ru/rbcfreenews/596127629a794733bd3692fe>.

<sup>29</sup> August 4, 2017 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 Agreement. In the official comment it is stated that the United States will continue to participate in climate change negotiations, including ongoing negotiations related to guidance for implementing the Paris Agreement, and the US is open to re-engaging in the Paris Agreement, as was indicated in President Trump's June 1, 2017 announcement <https://www.state.gov/r/pa/prs/ps/2017/08/273050.htm>.

Third. Once the US stops financing the Green Climate Fund, its budget will be cut by a third. Consequently, a number of climate change programs in developing countries currently being financed by the fund are going to have to be cut back or abandoned. In addition, the US may also reduce financing through the UNFCCC. At the moment, the US share in the budget of the UNFCCC is 22%.

Fourth. Until the decision to leave the Paris Agreement formally goes into effect, the US will remain a full-fledged party to the agreement and be able to participate in all negotiations and all events organized under the Agreement.

Fifth. It can't be ruled out that other countries may follow suit (there is already a precedent: Turkey's President Erdogan said at the G20 summit in Hamburg that his country was putting the ratification of the Paris Agreement on hold). However, at this point, the majority of the parties to the agreement have confirmed their commitment to it.

Sixth. Trump's proposal that the Paris Agreement be revised has no legal grounds and doesn't warrant the launch of an international negotiation.

At the same time, there's time until 2019. The US may still change its mind on the Paris Agreement. At least in theory, that still remains possible.

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# Выход США из Парижского соглашения – что дальше?<sup>1</sup>

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*В июне 2017 г. президент Д. Трамп объявил о выходе США из Парижского соглашения, которое вступило в силу менее года назад во многом благодаря самим же США. Такая резкая смена курса произошла вместе со сменой хозяина Белого дома. Выход из Парижского соглашения – интересная ситуация для анализа практической стороны процедуры выхода, прописанной в ст. 28 Парижского соглашения, а также с точки зрения изучения последствий для участия США в международном климатическом процессе и иных международных форматах («Группа восьми», «Группа двадцати»), содержащих климатические вопросы.*

*В статье анализируется позиция США на переговорах и принятые обязательства с момента вступления в силу Рамочной конвенции по климату (РКИК ООН) и до настоящего времени: по снижению выбросов парниковых газов, оказанию финансовой помощи, предоставлению отчетности. Приводится общий анализ юридических обязательств стран по Парижскому соглашению, процедуры ратификации Парижского соглашения – в общем и конкретно имевшей место в США, а также особенности выхода из Парижского соглашения. Особенностью является установленный трехлетний период после вступления в силу соглашения, после которого любая сторона соглашения может выйти из него – не ранее 2019 г.*

*Известно, что Парижское соглашение носит рамочный характер, в котором отсутствуют индивидуальные обязательства стран и система соблюдения обязательств, то есть оно не является с правовой точки зрения жестким договором. Именно это обстоятельство позволило США достаточно быстро и в упрощенном порядке (минуя конгресс) принять соглашение. По мнению авторов, решение Трампа о выходе, вероятно, стоит расценивать как продолжение предвыборной риторики и демонстрацию выполнения предвыборных обещаний. А высказанное предложение Трампа о пересмотре достигнутых в Париже договоренностей не имеет юридических оснований для запуска международного переговорного процесса и поэтому не может быть реализовано.*

*Статья подготовлена на основе анализа решений конференций сторон РКИК ООН, иных документов ООН и международных форумов, нормативно-правовых актов Российской Федерации, публикаций юристов-международников, публикаций в СМИ.*

*В заключении сформулированы выводы о последствиях выхода США из Парижского соглашения. Так, отмечается, что с выходом США статус Парижского договора не изменится – соглашение останется действующим, вступившим в силу в 2016 г. США остаются стороной основополагающего соглашения ООН по климату – Рамочной конвенции. Сокращение взносов в Зеленый климатический фонд, безусловно, сократит возможности для реализации проектной деятельности в развивающихся странах. Кроме того, не исключен «эффект домино» – когда вслед за США последуют аналогичные решения от других стран. Уже есть пример Турции, которая объявила о возможной приостановке процесса ратификации. Однако до 2019 г. еще есть время, в том числе и для пересмотра США своей позиции.*

Ключевые слова: изменение климата; Рамочная конвенция ООН об изменении климата; Парижское соглашение; выход США из соглашения

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