



United Nations
Framework Convention on
Climate Change

If, as news outlets are reporting, the Trump Administration makes good on its campaign promise to withdraw from the Paris Agreement, one thing to watch for is *how* it withdraws. If Trump takes the dramatic step of withdrawing from the [United Nations Framework Convention on Climate Change](#), (as opposed to simply withdrawing from the Paris Agreement itself) he will undermine 25 years of global cooperation to promote information disclosure, scientific research, technological exchange and diplomatic dialogue to tackle the most challenging and consequential environmental problem we have ever faced. He will also set up a major legal battle over whether a president can withdraw from a Senate-ratified treaty without a Senate vote.

I have [earlier argued](#) that if Trump withdraws the U.S. from the Paris Agreement, doing so may make little difference either from a climate change or diplomatic perspective. That's because the Trump Administration is already committed to destroying U.S. climate policy, eliminating funding for international negotiations, cutting state department staff, and decimating funding for research on climate and energy. In fact, I have worried that if Trump keeps the U.S. in Paris, it may mask the tremendous damage he is doing domestically to climate policy.

It is one thing to withdraw the U.S. from the Paris Agreement. Such a decision is unfortunate but easily reversible by the next U.S. President. Withdrawal from the UNFCCC, however, is a more serious blow to international diplomacy on climate change. Here's why.

The UNFCCC, adopted in 1992 by 196 countries, does what its title says it is doing: it sets up a framework for tackling global warming. The United States Senate ratified the UNFCCC, and President George H.W. Bush signed it and [pledged](#) that the U.S. would remain the "world's preeminent leader in protecting the global environment."

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The most important part of the UNFCCC is that it establishes the negotiating procedure, through annual “conferences of the parties,” to be used to negotiate future agreements. The most recent COP, [COP 23](#), took place last month in Bonn. The most important COPs produced the Kyoto Protocol ([COP 3](#)) and the Paris Agreement ([COP 21](#)). The treaty has a number of other non-binding provisions that commit signatories to begin to address climate change.

If Trump withdraws the U.S. from the UNFCCC, more than anything he is turning his back on *the process* of international diplomacy in addition to the substance. He is essentially saying, “we are so hostile to the idea that climate change is occurring that we refuse even to discuss it with the global community.”

Trump’s withdrawal from UNFCCC would also be a clear attempt to hamstring future Presidents from participating in international climate talks. Unlike the Paris Agreement, if we withdraw from the UNFCCC, we can’t get back in without Senate ratification. The process for withdrawal takes a year but requires only that the U.S. notify the parties that it intends to withdraw. To get back in, the U.S. could “accede” to the agreement but would need Senate ratification to join the treaty again. Such ratification in the current political climate seems unlikely.

The Paris Agreement, by contrast, was designed so that President Obama did not need to seek Senate approval – given the composition of the Senate, such approval would never have happened. Instead, the commitment each party, including the U.S., made in Paris is determined individually by the country, not by the treaty itself. If the U.S. withdraws from the Paris Agreement (a lengthy process that would take 4 years), it can get back in simply by acceding without getting Senate approval.

If Trump takes the more drastic approach and withdraws the U.S. from the UNFCCC, not only will he be sending a horrible signal to the world that we won’t even talk about climate change but he will set up a legal battle that pits the Senate against the President. The central question? If it takes Senate ratification by a two-thirds vote to enter the U.S. into a

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treaty, must the Senate vote by a two-thirds vote to withdraw from one? The answer is [by no means clear](#) but would at least give a future President a good argument that the treaty remains in effect as long as the Senate has not acted.