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BACKGROUNDER

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The U.S. Should Withdraw from the United Nations Framework Convention on Climate Change

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Abstract

In order to satisfy its commitments to the recently signed Paris Agreement on climate change, the Obama Administration plans to reduce U.S. greenhouse gas (GHG) emissions in 2025 by 26 percent to 28 percent below 2005 levels. If the U.S. follows through with this plan by restricting access to carbon dioxide–emitting natural resources, American households and businesses will incur higher energy costs. These increases in costs will, in turn, slow economic growth and reduce per capita income growth while having little to no impact on the projected warming. Withdrawing from the U.N. Framework Convention on Climate Change would send a clear signal that the U.S. believes that the widespread international approach is costly and ineffective and would avoid future arrears to the UNFCCC as current law should prohibit U.S. financial contributions after the Palestinian Authority formally acceded to the treaty. Withdrawal would will not preclude the U.S. from studying climate change, understanding the risks, and working with a smaller group of nations through informal arrangements to undertake appropriate steps. It would, however, prevent abuse of the UNFCCC framework as a vehicle for asserting U.S. commitments while avoiding Senate advice and consent in the treaty process.

On April 22, 2016, the United States, along with over 170 other nations, signed the Paris Agreement on climate change. Negotiated in December 2015, the agreement contains both binding and non-binding commitments intended to combat global warming by shifting the global energy economy away from the use of natural resources such as coal, natural gas, and oil, and toward renewable sources like solar and wind power. As part of its Intended Nation-

Key Points

- The Obama Administration plans to reduce U.S. greenhouse gas (GHG) emissions in 2025 by 26 percent to 28 percent below 2005 levels.
- Because the plan requires restricting the use of natural resources like coal, oil, and natural gas, the plan will increase energy costs for all Americans, slow economic growth, and reduce per capita income growth—all while having little to no impact on the projected warming.
- The Administration is using U.S. participation in the United Nations Framework Convention on Climate Change (UNFCCC) to avoid Senate advice and consent in the treaty process.
- The United States' participation in the UNFCCC has been costly, ineffective, and is predicated on the premise that man-made global warming is an urgent threat when the science suggests otherwise. The U.S. should withdraw from the UNFCCC.

This paper, in its entirety, can be found at **http://report.heritage.org/bg3130**

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ally Determined Contributions (INDC), the Obama Administration announced plans to reduce U.S. greenhouse gas (GHG) emissions in 2025 by 26 percent to 28 percent compared to 2005 levels.[1] If the U.S. follows through with this plan, American households and businesses will incur higher energy costs. These increased costs will, in turn, slow economic growth and reduce per capita income growth while having little to no impact on the projected warming.

The Paris Agreement is the latest in a series of costly policy choices the U.S. government has made because of its participation in the United Nations Framework Convention on Climate Change (UNFCCC). Participation in the UNFCCC is predicated on the premise that GHG emissions from human activity are predominantly responsible for and will lead to significant increases in average global temperatures and that countries around the world must act immediately to stop dangerous levels of global warming. Though the climate is changing, as it always has, the threat is not as clear, imminent, and catastrophic as the UNFCCC makes it out to be.[2]

Further, the international body is convinced that the only means to successfully combat global warming is to reduce the use of conventional fuels that power the global economy. Such a dramatic transformation will drive energy costs higher for developed nations and block access to dependable energy sources for developing ones. America's participation in international climate change programs has wasted taxpayer money and led to questionable and harmful interventions in energy markets through government-backed financial programs, mandates, and heavy-handed regulation.

The United States should withdraw from the UNFCCC. Withdrawing from the UNFCCC would acknowledge that the current international approach to climate change is costly, ineffective, and unworkable. It would also avoid likely U.S. arrears to the UNFCCC in the future as current law should prohibit U.S. financial contributions to the organization after the Palestinian Authority formally acceded to the treaty in March 2016.[3] Withdrawing from the UNFCCC would not preclude the U.S. government from studying climate science, understanding any potential risks associated with climate change, and working with a smaller group of nations through informal arrangements to undertake appropriate steps. However, withdrawing will prevent future Administrations from using the existing UNFCCC framework to avoid Senate advice and consent in the treaty process as required by Article II Section 2 of the U.S. Constitution.

A Brief History of the UNFCCC and Its Stated Goals

In 1992, United Nations member states attended the Conference on Environment and Development (UNCED). More commonly known as the Rio Earth Summit, the meeting led to the signing of the UNFCCC. The main objective of the UNFCCC is to achieve the

> [s]tabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.[4]

The treaty entered into force in 1994 and currently has 197 parties, including the U.S. Since 1995, the parties have met annually to discuss steps to address man-made global warming. The signature achievement for the parties was the Kyoto Protocol, adopted

1. Steven Groves, "Obama's Plan to Avoid Senate Review of the Paris Protocol," Heritage Foundation *Backgrounder* No. 3055, September 21, 2015, http://www.heritage.org/research/reports/2015/09/obamas-plan-to-avoid-senate-review-of-the-paris-protocol.
2. David W. Kreutzer, Nicolas D. Loris, Katie Tubb, and Kevin D. Dayaratna, "The State of Climate Science: No Justification for Extreme Policies," Heritage Foundation *Backgrounder* No. 3119, April 22, 2016, http://www.heritage.org/research/reports/2016/04/the-state-of-climate-science-no-justification-for-extreme-policies.
3. United Nations Treaty Collection, "United Nations Framework Convention on Climate Change," https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXVII-7&chapter=27&Temp=mtdsg3&lang=en (accessed May 13, 2016).
4. Intergovernmental Panel on Climate Change, 1.2.1 Article 2 of the Convention, https://www.ipcc.ch/publications_and_data/ar4/wg3/en/ch1s1-2.html (accessed May 13, 2016).

in December 1997.[5] The Kyoto Protocol committed 37 industrialized countries to legally binding GHG reduction targets.[6] The agreement has two commitment periods, the first spanning from 2005–2012 and the second from 2013–2020. The second commitment period is known as the Doha amendment, which commits parties to reducing GHG emissions 18 percent below 1990 levels by 2020.[7] Out of the 37 countries participating in Kyoto, only 7 have ratified the Doha amendment.

Recognizing the economic costs and the the fact that the GHG reductions outlined in the Kyoto Protocol would have little to no impact on projected warming, the United States never ratified the Kyoto Protocol.[8] Canada withdrew from the agreement in 2012.[9] Japan, Russia, and New Zealand have stated they will not participate in the second commitment period requiring additional cuts to GHG emissions.

The Paris Protocol and the U.S. Commitment

Most recently, leaders from around the world convened at the 2015 U.N. Climate Change Conference in Paris. The agreement reached at the end of the Paris conference set a target of achieving a 2 degree Celsius warming threshold with intentions to limit warming to 1.5 degrees Celsius. The means of accomplishing the goal largely center on transitioning the global energy economy away from carbon-emitting natural resources toward renewable energy.

The agreement determines "that deep reductions in global emissions will be required in order to achieve the ultimate objective of the Convention and emphasiz[es] the need for urgency in addressing climate change."[10]

As part of the agreement, industrialized nations submitted INDC to reduce greenhouse gas emissions.[11] While the UNFCCC does not itself place any legally binding agreements on emissions reductions, it set the framework and impetus for U.S. climate policy to move America toward carbon-free energy sources and to significantly restrict carbon emissions from natural resources.[12]

The Obama Administration's INDC aims to reduce U.S. GHG emissions by 26 percent to 28 percent below 2005 levels by the year 2025.[13] The American delegation's pledge to the UNFCCC is framed as the beginning of a "pathway from 2020 to deep, economy-wide emission reductions of 80 percent or more by 2050. The target is part of a longer range, collective effort to transition to a low-carbon global economy as rapidly as possible."[14]

While the U.S. INDC is non-binding and the Administration emphasizes that the U.S. "does not intend to utilize international market mechanisms," the plan outlines a litany of domestic regulations that the Administration proposed and implemented during President Obama's time in office so far, including:

5. United Nations Framework Convention on Climate Change, Kyoto Protocol, http://unfccc.int/kyoto_protocol/items/2830.php (accessed May 13, 2016).
6. Ibid.
7. United Nations Treaty Collection, Doha Amendment to the Kyoto Protocol, Chapter XXVII Environment, December 8, 2012, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-c&chapter=27&lang=en (accessed May 13, 2016).
8. Nicolas Loris, "Why Paris Climate Conference Is a Throwback to 1997 Kyoto Debate," Daily Signal, December 1, 2015, http://dailysignal.com/2015/12/01/why-paris-climate-conference-is-a-throwback-to-1997-kyoto-debate/.
9. Government of Canada, "Canada's Withdrawal from the Kyoto Protocol," December 15, 2011, https://www.ec.gc.ca/Publications/default.asp?lang=En&n=EE4F06AE-1&xml=EE4F06AE-13EF-453B-B633-FCB3BAECEB4F&offset=3&toc=hide (accessed May 13, 2016).
10. United Nations Framework Convention on Climate Change, "Adoption of the Paris Agreement," December 12, 2015, https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf (accessed May 13, 2016).
11. United Nations Framework Convention on Climate Change, "INDCs as Communicated by Parties," http://www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx (accessed May 13, 2016).
12. The agreement displays biases toward politically preferred low-carbon energy sources. For instance, despite the fact that nuclear energy provides baseload carbon-free electricity, the agreement does not mention nuclear power once. Instead, the agreement pushes for the adoption of more renewable energy, particularly in Africa.
13. UNFCCC, "Party: United States of America—Intended Nationally Determined Contribution," March 31, 2015, http://www4.unfccc.int/submissions/INDC/Published%20Documents/United%20States%20of%20America/1/U.S.%20Cover%20Note%20INDC%20and%20Accompanying%20Information.pdf (accessed May 13, 2016).
14. Ibid.

- Carbon-dioxide regulations for new and existing power plants. Combined, these two regulations serve as major component of the Administration's global warming agenda.
- Fuel-efficiency and GHG regulations for light and heavy-duty vehicles.
- Energy-efficiency regulations for commercial and residential buildings as well as appliances.[15]
- Environmental Protection Agency (EPA)-approved alternatives to hydrochlorofluorocarbons.
- Methane regulations for landfills and the oil and gas sector.
- Executive orders to reduce GHG emissions by the federal government.[16]

Cumulatively, the impact of past and present Administrations' involvement in international climate change programs has come at great cost to American taxpayers and the economy broadly and have done little, if anything, for the environment.

American Participation in the UNFCCC Part of a Costly Attempt at Economic Transformation

Americans have already paid a steep price for the United States' involvement in the UNFCCC. Policies supporting domestic and international climate efforts have resulted in wasted taxpayer money, higher energy prices, and special treatment from the government for preferred energy sources and technologies.

The message perpetuated by participation in the UNFCCC is anti-development in nature. Such sentiment was evident in UNFCCC Executive Secretary Christiana Figueres's statement regarding international commitments to reduce GHG emissions. "This is the first time in the history of mankind," she said, "that we are setting ourselves the task of intentionally, within a defined period of time to change the economic development model that has been reigning for at least 150 years, since the industrial revolution."[17]

This aggressively burdensome agenda involves significant costs.

Global Warming Regulations Mean Higher Energy Prices, Less Growth. Approximately 80 percent of America's energy needs are met through natural resources that emit carbon dioxide (CO_2), mainly coal, oil, and natural gas.[18] Similarly, these energy resources provide more than 80 percent of the entire world's energy consumption. These natural resources constitute such a large share of the world's energy use because they are the most reliable electricity and transportation fuel at the most affordable price. Decarbonizing the energy economy will drive up energy costs, costs which must be absorbed or passed on for others to pay.

Heritage Foundation economists estimate that American household electricity expenditures will increase 15 percent to 20 percent over the next decade as a result of the Administration's global warming regulations.[19] Other economic consequences of the Administration's war on affordable energy over the next two decades are estimated to be:

- An overall annual average shortfall of nearly 400,000 American jobs, including an average manufacturing shortfall of over 200,000 jobs;
- A total income loss of more than $30,000 for a family of four; and
- An aggregate U.S. gross domestic product (GDP) loss of over $2.5 trillion.

The same holds true for the rest of the world. Because of the abundance and affordability of coal,

15. While energy-efficiency regulations date back to the 1970s, the Obama Administration has increased the stringency of the standards.
16. UNFCCC, "Party: United States of America—Intended Nationally Determined Contribution."
17. UNRIC Brussels, United Nations Regional Information Centre (UNRIC), "Questions to Christiana Figueres on COP21," Europa, November 2, 2015, https://europa.eu/eyd2015/en/unric/posts/questions-cristina-figures-cop21 (accessed June 1, 2016).
18. Institute for Energy Research, Fossil Fuels, http://instituteforenergyresearch.org/topics/encyclopedia/fossil-fuels/ (accessed May 13, 2016).
19. Kevin D. Dayaratna, Nicolas D. Loris, and David W. Kreutzer, "Consequences of Paris Protocol: Devastating Economic Costs, Essentially Zero Environmental Benefits," Heritage Foundation *Backgrounder* No. 3080, April 13, 2016, http://www.heritage.org/research/reports/2016/04/consequences-of-paris-protocol-devastating-economic-costs-essentially-zero-environmental-benefits.

oil, and natural gas, the International Energy Agency projects that carbon-emitting conventional fuels will provide 75 percent of the world's energy needs in 2040.[20] Reducing access to these natural resources will de-develop industrialized nations and retard development in China, India, Africa, the Middle East, and Southeast Asia (where much of the energy growth is projected to occur), and impede efforts to attain higher living standards in both developed and developing economies.

Costs to Taxpayers. Taxpayers have paid tens of billions of dollars in climate financing for direct grants, development finance, and export credit. From 2010 to 2014, the federal government spent $12.5 billion on these initiatives.[21] The amount the U.S. spent over the 2010–2012 period was more than six times higher than previous years and represented nearly one-quarter of the entire amount committed by developing countries.[22]

In November 2014, President Obama also pledged to commit $3 billion to the Green Climate Fund, an international fund established within the framework of the UNFCCC, to "promote the paradigm shift towards low-emission and climate-resilient development pathways by providing support to developing countries to limit or reduce their greenhouse gas emissions and to adapt to the impacts of climate change."[23] The Administration and proponents of the Green Climate Fund have repeatedly called for contributions of $100 billion per year in public and private financing from the United States and other countries to combat climate change. In March 2016, the Obama Administration made a $500 million payment to the Green Climate Fund despite Congress never having authorized the funding.[24] This funding was taken from a bilateral assistance account that could have been used for programs to combat the Zika virus. The Obama Administration has since asked Congress to provide additional emergency funding because Zika poses a health threat both domestically and internationally.[25]

Market-Distorting Effects. More damaging than the direct costs to the taxpayer, however, are the distortionary effects these climate regulations and finance programs have on the economy. For instance, the purpose of the Green Climate Fund is to use public money to leverage private-sector financing. No matter the mechanism, government financing programs siphon private capital investment out of the market and dictate where that money is spent. Projects with a government stamp-of-approval draw increased private-sector investments, taking money away from other potential investments. This government finger on the scale distorts market signals and skews how investors view risk and reward, leading to opportunity costs and misallocation of labor and capital that negatively impact the market.[26]

Examining the Premise for Action: The State of Climate Science

One could argue that such economic hardship is acceptable if, as a result, the worst impacts of global warming are avoided. With each passing annual meeting, the U.N. has emphasized the urgency and severity of the threat of climate change. Its climate models have projected catastrophic warming, dangerous sea level rising, and more frequent and intense natural disasters centuries into the future. But climate realities tell a different story.

20. International Energy Agency, "World Energy Outlook 2015, Executive Summary," https://www.iea.org/Textbase/npsum/WEO2015SUM.pdf (accessed May 13, 2016).
21. U.S. Department of State, "Mobilizing Climate Finance," December 2015, http://www.state.gov/e/oes/climate/faststart/index.htm (accessed May 13, 2016).
22. Ibid.
23. The Green Climate Fund, http://www.gcfund.org/about/the-fund.html (accessed May 13, 2016).
24. Suzanne Goldenberg, "Obama Administration Pays Out $500m to Climate Change Project," *The Guardian*, March 7, 2016, http://www.theguardian.com/environment/2016/mar/07/obama-administration-pays-out-500m-to-climate-change-project (accessed May 13, 2016).
25. Senator James Lankford, "Obama Raided $500M for Zika to Finance UN's Green Climate Fund," Daily Signal, May 23, 2016, http://dailysignal.com/2016/05/23/obama-raided-500m-for-zika-to-finance-uns-green-climate-fund/ (accessed May 25, 2016).
26. Nicolas D. Loris, "Examining the Department of Energy's Loan Portfolio," testimony before the Subcommittee on Energy and Subcommittee on Oversight, Committee on Science, Space and Technology, U.S. House of Representatives, March 3, 2016, http://www.heritage.org/research/testimony/examining-the-department-of-energys-loan-portfolio.

General agreement exists (though not unanimity[27]), even among climatologists commonly labeled as skeptics or "deniers," that the Earth has warmed moderately over the past 60 years and that some portion of that warming can be attributed to man-made CO_2 emissions. However, absolutely no consensus exists that temperatures are increasing at an accelerating rate, that the planet is on a path toward a climate catastrophe, or that man-made emissions are the dominant cause of warming.[28] Climatologists differ on the various causes of climate change, the rate at which the earth is warming, the effect of man-made emissions on warming, the most accurate climate data and temperature sets to use, and the accuracy of climate models projecting decades and centuries into the future.[29] Furthermore, policymakers and proponents of GHG regulations routinely ignore the benefits of increased CO_2 emissions into the atmosphere and of a warmer world.

The fact of the matter is that observed climate data, failed climate projections, and inaccurate climate models provide enough reason to question calls for immediate domestic or international action on global warming.[30]

As to how best to define, let alone measure, "extreme" weather as it relates to global warming impacts, the U.N.'s Intergovernmental Panel on Climate Change (IPCC) is inconclusive.[31] Extreme weather events are a poor metric for measuring global warming given the limited data, since extreme events are exactly that—out of the ordinary. Data sets are often far too limited to make many meaningful conclusions; data goes back only as far as the late 1800s with earlier records often being less sophisticated and less thorough.[32] That said, the IPCC and analysis provided by the U.S. National Climatic Data Center conclude that there are no significant trends for floods, droughts, hurricanes, or tornadoes.[33]

Perhaps one of the most glaring problems is the inaccuracy of the temperature increase projected by computer models—models upon which the UNFCCC relies for its recommendations to policymakers. Many errors could account for the failure of the models to predict actual temperatures accurately. One such disagreement is the different equilibrium climate sensitivity (ECS) estimates. ECS distributions attempt to quantify the earth's temperature response to CO_2 emissions by measuring how the earth's temperature changes from a doubling of CO_2 in the atmosphere. More recent analysis from a number of climatologists estimates that the ECS is about 2 degrees Celsius, much lower than the 3.3 degrees Celsius projected by the climate reports supported by the IPCC.[34]

27. See, for instance, Patrick Moore, "Natural Resource Adaptation: Protecting Ecosystems and Economies," testimony before the Subcommittee on Oversight, Environment and Public Works Committee, U.S. Senate, February 25, 2014, http://www.epw.senate.gov/public/_cache/files/415b9cde-e664-4628-8fb5-ae3951197d03/22514hearingwitnesstestimonymoore.pdf (accessed May 4, 2016), and Bart Strengers, Bart Verheggen, and Kees Vringer, "Climate Science Survey: Questions and Answers," PBL Netherlands Environmental Assessment Agency," April 10, 2015, http://www.pbl.nl/sites/default/files/cms/publicaties/pbl-2015-climate-science-survey-questions-and-responses_01731.pdf (accessed March 15, 2016).
28. Richard McNider and John Christy, "Why Kerry Is Flat Wrong on Climate Change," *The Wall Street Journal*, February 19, 2014, http://online.wsj.com/news/articles/SB10001424052702303945704579391611041331266?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303945704579391611041331266.html (accessed May 13, 2016).
29. Claude Allegre et al., "Concerned Scientists Reply on Global Warming: The Authors of the Jan. 27 *Wall Street Journal* op-ed, 'No Need to Panic about Global Warming,' Respond to Their Critics," *The Wall Street Journal*, February 21, 2012, http://www.wsj.com/articles/SB10001424052970203646004577213244084429540 (accessed May 13, 2016).
30. Kreutzer et al., "The State of Climate Science: No Justification for Extreme Policies."
31. Intergovernmental Panel on Climate Change, "Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaption," United Nations, p. 124, http://www.ipcc-wg2.gov/SREX/images/uploads/SREX-All_FINAL.pdf (accessed May 13, 2016).
32. Judith Curry, "Extreme Testimony," Climate Etc., March 8, 2011, http://judithcurry.com/2011/03/08/extreme-testimony/ (accessed May 13, 2016).
33. Intergovernmental Panel on Climate Change, "Climate Change 2013: The Physical Science Basis," http://www.climatechange2013.org/ (accessed May 13, 2016), and and Craig Idso, "Extreme Weather Events: Are They Influenced by Rising Atmospheric CO2?" Center for the Study of Carbon Dioxide and Global Change, September 10, 2014, http://www.co2science.org/education/reports/extremewx/extremewx.pdf (accessed May 13, 2016).
34. Paul Knappenberger and Patrick Michaels, "Climate Models' Tendency to Simulate Too Much Warming and the IPCC's Attempt to Cover That Up," October 10, 2013, Cato Institute, http://www.cato.org/blog/climate-models-tendency-simulate-too-much-warming-ipccs-attempt-cover (accessed May 13, 2016).

Another problem is the UNFCCC's approach. The framework's principles emphasize:

> Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost.[35]

This is the so-called precautionary principle—that it is "better to be safe than sorry"—to address climate change. However, this is sloppy reasoning and ignores the costs, risks, and unintended consequences of decarbonizing the world. Affordable, reliable, and widely available energy is essential to addressing poverty and unlocking opportunity and prosperity.

The UNFCCC Is an Unworkable, Ineffective Approach—Even if Global Warming Is as Problematic as the IPCC Projects

U.N. climate conferences have become increasingly irrelevant, in large part because the approach taken is unworkable. International negotiations have centered on placing the economic burden of addressing climate change on a few dozen developed countries while asking little or nothing from more the 150 developing countries. But the primary source of GHG emissions is increasingly the developing world, most notably from large developing economies such as China and India.

Even if the U.S. cut 100 percent of its CO_2 emissions it would not make a significant difference in projected global warming. Using the same climate sensitivity (which is arguably higher than reality) as the IPCC assumes in its modeling, the world would only be 0.137 degrees Celsius cooler by 2100 if the U.S. cut its CO_2 emissions by 100 percent. If the entire industrialized world cut its CO_2 emissions by 100 percent it would avert warming by only 0.278 degrees Celsius by the turn of the century.[36]

Using the IPCC's own assumptions, to have a meaningful impact on global temperatures, any agreement would require significantly reduced emissions from both developed and developing countries. Such a course would be economically devastating, however, and was one reason why Canada pulled out of the Kyoto Protocol, and why Japan, Russia, and Canada have said they would not commit to a new treaty with binding commitments to reduce emissions.[37]

Proponents of an international agreement and the UNFCCC point to China and India's commitment to reduce CO_2 emissions as evidence that the developing world is serious about such reductions. For example, China agreed to peak its GHG emissions by 2030. Non-binding promises to cut emissions 14 years from now are a small price to pay for continuing the status quo. In fact, China has been grossly underreporting its CO_2 emissions and use of coal. According to a November 2015 article from *The New York Times*:

> China, the world's leading emitter of greenhouse gases from coal, has been burning up to 17 percent more coal a year than the government previously disclosed, according to newly released data. The finding could complicate the already difficult efforts to limit global warming. Even for a country of China's size, the scale of the correction is immense. The sharp upward revision in official figures means that China has released much more carbon dioxide—almost a billion more tons a year according to initial calculations—than previously estimated.[38]

35. United Nations Framework Convention on Climate Change, Article 3 Principles, https://unfccc.int/resource/docs/convkp/conveng.pdf (accessed May 13, 2016).
36. Paul C. Knappenberger and Patrick J. Michaels, "Current Wisdom: We Calculate, You Decide: A Handy-Dandy Carbon Tax Temperature-Savings Calculator," Cato At Liberty, July 23, 2013, http://www.cato.org/blog/current-wisdom-we-calculate-you-decide-handy-dandy-carbon-tax-temperature-savings-calculator (accessed May 13, 2016).
37. Patrick Michaels and Paul C. "Chip" Knappenberger, "We Calculate, You Decide: A Handy-Dandy Carbon Tax Temperature-Savings Calculator," Cato Institute, June 23, 2013, http://www.cato.org/blog/current-wisdom-we-calculate-you-decide-handy-dandy-carbon-tax-temperature-savings-calculator (accessed June 1, 2016).
38. Chris Buckley, "China Burns Much More Coal Than Reported, Complicating Climate Talks," *The New York Times*, November 3, 2015, http://www.nytimes.com/2015/11/04/world/asia/china-burns-much-more-coal-than-reported-complicating-climate-talks.html?_r=0 (accessed May 13, 2016).

What are the odds that China will be more forthright and transparent in the future when accuracy could have an actual impact? Further, China's refusal to address its current severe air and water quality problems, neither of which has anything to do with reducing GHG emissions, should raise serious concerns as to whether China will follow through with any commitment.

China's improved standards of living have been accomplished through the use of CO_2-emitting conventional energy. China's GDP per capita has increased from a little more than $300 in 1990 to nearly $7,000 today.[39] This growth is impressive, but China's per capita GDP is still a fraction of the developed world's. Decarbonization would hinder China's economic growth, which is why authorities have resisted calls to restrict GHG emissions in previous agreements. China is unlikely to honor its promises in 2030 if it would hamper continued economic growth.

India's pledged cuts are similarly dubious. India recently vowed to cut its carbon intensity by 33 percent to 35 percent by 2030.[40] However, roughly 22 percent of Indians still do not have access to electricity.[41] Domestic political pressures to increase access to electricity and living standards are going to be far more pressing than international promises to make GHG emissions cuts.

Closer inspection, however, reveals that India has already incorporated this reality into its pledge. The promised reductions are not for CO_2 emissions, but for cuts in the ratio of CO_2 emissions to GDP, i.e., emissions intensity. This ratio will go down so long as CO_2 emissions rise less rapidly than GDP. For example, the carbon intensity of the U.S. economy dropped by more than 45 percent between 1981 and 2011 even as CO_2 emissions rose 18 percent.[42]

India's GDP is projected to rise from $1.15 trillion in 2005 (the base year for India's promised cuts) to $6.9 trillion in 2030.[43] Over the same span CO_2 emissions are projected to rise from 1.2 gigatons (Gt) to 3.8 Gt.[44] Simple division shows that the CO_2 intensity in 2005 was 1.05 Gt per trillion dollars and that it is expected to drop to 0.577 Gt per trillion dollars in 2030. Therefore, projections for India's GDP and CO_2 emissions combine to predict that a business-as-usual scenario (one without any policies beyond those currently in place) will lead to a 45 percent reduction in India's carbon intensity by 2030. The promised cuts are 33 percent to 35 percent. In other words, if India does nothing at all, it is likely to more than meet its "bold commitment."

Proponents of the UNFCCC too quickly ignore the threats that exist with proposals limiting CO_2 emissions. The risks associated with poverty and importance of energy to alleviating those risks are much more clear, imminent, and solvable than the risks associated with carbon-emitting energy sources' impact on global warming. The focus for China, India, and the rest of the developing world should be promoting economic development and introducing economic freedom. Increasing access to affordable, dependable energy is a critical component of improving human well-being in these countries. Growing economically will equip citizens with the resources to combat future challenges, whether they are climate-related or not.

Withdraw and Prohibit Funding

In summary, (1) considerable debate remains about the reliability of climate predictions; (2) proposed actions will be ineffective in actually achieving the results regarded as necessary; and (3) the economic costs far outstrip the benefits. However, there are also political factors that should be taken into account.

39. The World Bank, GDP Per Capita (Current US$) Data Series, 2014, http://data.worldbank.org/indicator/NY.GDP.PCAP.CD (accessed May 13, 2016).
40. Karl Ritter and Katy Daigl, "India Vows to Cut Carbon Intensity, Boost Renewable Energy in Pledge for Paris Climate Talks," *U.S. News & World Report*, October 2, 2015, http://www.usnews.com/news/world/articles/2015/10/02/india-vows-to-cut-carbon-intensity-in-paris-pledge (accessed May 13, 2016).
41. The World Bank, Access to Electricity (% of Population), http://data.worldbank.org/indicator/EG.ELC.ACCS.ZS (accessed May 13, 2016).
42. U.S. Energy Information Administration, International Energy Statistics, http://www.eia.gov/cfapps/ipdbproject/iedindex3.cfm?tid=91&pid=46&aid=31&cid=regions&syid=1981&eyid=2011&unit=MTCDPUSD (accessed May 13, 2016).
43. Ibid.
44. The World Bank, CO2 Emissions (Metric Tons per Capita), http://data.worldbank.org/indicator/EN.ATM.CO2E.PC?page=1 (accessed May 13, 2016).

President Obama has misused the existing UNFCCC framework, treating it as a vehicle to avoid his constitutional obligation to seek advice and consent from the U.S. Senate. Indeed, the Administration's position regarding the Paris Agreement is particularly alarming for two reasons: (1) The agreement has all the hallmarks of a treaty that should be submitted to the Senate for its advice and consent under Article II, Section 2 of the U.S. Constitution; and (2) the agreement contains targets and timetables for emissions reductions and, as such, the Administration's failure to submit it to the Senate breaches a commitment made by the executive branch to the Senate in 1992 in regard to ratification of the UNFCCC.[45]

In addition, on December 18, 2015, the Palestinian Authority deposited its instrument of accession to the UNFCCC. In accordance with Article 23(2) of the treaty, the Palestinians officially became the 197th party to the UNFCCC on March 17, 2016—ninety days after depositing their instrument of accession.[46] As was the case when the Palestinians joined the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2011, this event should trigger a U.S. law prohibiting any future U.S. funding to the UNFCCC.[47]

However, the Obama Administration has signaled its intent to continue funding based on the absurd argument that the UNFCCC is a treaty, not an international organization.[48] In fact, the UNFCCC is a treaty-based international organization, just like the United Nations and U.N. specialized agencies. The Framework Convention is the founding legal document upon which the organization and its structure are based. The organization has an executive secretary, employs "around 500 people" according to its website, and has permanent subsidiary bodies.[49]

To address these and other concerns, Congress should:

- **Insist that U.S. law prohibiting funding to international organizations that admit the Palestinian Authority as a member state is strictly observed.** The purpose of U.S. membership in international organizations is to advance American interests. When a U.N. body threatens key U.S. interests, the U.S. should send a clear signal about the ramifications of such action. Ending U.S. financial support to U.N. organizations that grant membership to the Palestinians would be an effective signal. If the U.S. ignores or otherwise weakens its own laws to allow U.S. contributions despite Palestinian membership, the U.S. would effectively encourage these organizations to admit the Palestinians as a member.

- **Zero out funding for the UNFCCC.** It is clear that the UNFCCC is an international organization affiliated with the U.N. and, therefore, U.S. funding should be barred after the Palestinian accession. Nonetheless, the Administration appears determined to provide funding. Congress should respond by providing no funding for, and barring transfer of any funds to, the UNFCCC and its related entities.

- **Prohibit funding for international climate programs.** Large wealth transfers in the name of addressing global warming, like those sought

45. Steven Groves, "Paris Climate Promise: A Bad Deal for America," testimony before the Committee on Science, Space, & Technology, U.S. House of Representatives, February 2, 2016, http://www.heritage.org/research/reports/2016/02/paris-climate-promise-a-bad-deal-for-america.
46. United Nations Treaty Collection, "United Nations Framework Convention on Climate Change," https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXVII-7&chapter=27&Temp=mtdsg3&lang=en (accessed May 13, 2016).
47. U.S. Code Title 22, Section 287e states: "The United States shall not make any voluntary or assessed contribution: (1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or (2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood, during any period in which such membership is effective." (Adopted as Public Law 103–236 in 1994.) See Brett Schaefer and Steven Groves, "US Law Should Now Prohibit Funding to UN Climate Change Convention," Daily Signal, March 24, 2016, http://dailysignal.com/2016/03/24/us-law-should-now-prohibit-funding-to-un-climate-change-convention/.
48. Schaefer and Groves, "US Law Should Now Prohibit Funding to UN Climate Change Convention."
49. UNFCCC, "Who We Are," http://unfccc.int/secretariat/items/1629.php (accessed May 13, 2016), and UNFCCC, "Bodies," http://unfccc.int/bodies/items/6241.php (accessed May 13, 2016).

by President Obama for the Green Climate Fund, waste taxpayer money and funnel public dollars to politically connected companies. They also create artificial pressure to shift away from cheaper, more reliable conventional fuels to more expensive intermittent technologies that cannot survive without public financing. Americans and citizens around the world will pay a steep price for a government-driven transition away from conventional sources of energy.

Some actions require cooperative efforts between the legislative and executive branches. Specifically, Congress should work with the next Administration to:

- **Clarify and, to the extent possible, codify the treaty process.** Which international agreements constitute treaties requiring Senate advice and consent in accordance with Article II of the Constitution is often subject to dispute. This uncertainty is demonstrated by the debates over whether the Paris Agreement on climate change and the Joint Comprehensive Plan of Action on the Iran nuclear program constitute treaties. This uncertainty persists despite internal regulations adopted by the State Department, originally in 1955 and updated most recently in 2006, known as the Circular 175 (C-175) procedure.[50] The C-175 procedure lays out eight factors for determining whether an international agreement should be negotiated as a treaty, which is subject to Senate advice and consent, or as an international agreement other than a treaty.[51] Congress should examine past practice on how various subjects have been treated historically (treaty, executive agreement, or congressional-executive agreement) and specify the issues or context that should mandate consideration of international agreements as treaties under Article II. Once such a review is complete, Congress should then press the next Administration to update and modernize the C-175 procedure in order to restore its original role as an effective mechanism for distinguishing various forms of international commitments. Congress should also explore legislative solutions to clarifying the treaty-making process in the future.

Finally, the next Administration should:

- **Withdraw from the UNFCCC.** U.S. law should prohibit funding for the UNFCCC now that the Palestinian Authority has been allowed to accede to the treaty. Unfortunately, the organization will continue to expect the U.S. to pay its assessment regardless of legal restrictions prohibiting such payments. Thus, in addition to policy reasons for withdrawal, the U.S. should do so to avoid an accumulation of arrears and disabuse the UNFCCC of the idea that U.S. funding will resume. Article 25 of the Framework Convention says that any party can withdraw from the Convention three years after the framework has entered into force by submitting a written notice to the Depositary.[52] The Depositary is the Secretary-General of the United Nations.[53] Doing so would withdraw the U.S. from any protocol to which it is a party and would enter into force one year after the Depositary receives the notification of withdraw. Withdrawal from an international organization is an executive branch power. The current Administration is committed to the UNFCCC; it will be up to the next White House to take this action.

50. U.S. Department of State, "11 FAM 723.3 Considerations for Selecting Among Constitutionally Authorized Procedures," *Foreign Affairs Manual*, Vol. 11–Political Affairs, Section 11 FAM 720, pp. 4–5, May 26, 2006, http://www.state.gov/documents/organization/88317.pdf (accessed May 13, 2016).
51. Specifically, the eight factors are: (1) the extent to which the agreement involves commitments or risks affecting the nation as a whole; (2) whether the agreement is intended to affect state laws; (3) whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; (4) past U.S. practice as to similar agreements; (5) the preference of the Congress as to a particular type of agreement; (6) the degree of formality desired for an agreement; (7) the proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement; and (8) the general international practice as to similar agreements.
52. The United Nations, "United Nations Framework Convention on Climate Change," 1992, https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (accessed May 13, 2016).
53. Ibid.

Conclusion

Withdrawing from the UNFCCC is a rightful admission that the widespread international approach is costly, ineffective, and unworkable. It would also avoid likely U.S. arrears to the UNFCCC in the future as current law should prohibit U.S. financial contributions to the organization after the Palestinian Authority formally acceded to the treaty in March 2016. Withdrawing from the UNFCCC will not preclude the U.S. from studying climate change, understanding the risks, and working with a smaller group of nations through informal arrangements to undertake appropriate steps. It would, however, prevent a future Administration from abusing the existing UNFCCC framework as a vehicle for asserting commitments on behalf of the U.S. in a manner that avoids Senate advice and consent in the treaty process.

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