



## A Look into the Bumpy Road of US Commitment to International Environmental Law: The Case of the Paris Agreement

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### ABSTRACT

International environmental law is one of the important pieces in the present international system. The aforementioned matter plays an important role in uniting or at least attempting to unite the many states in the world to address the environmental threat the world is being exposed to. One of them is present in the form of the Paris Agreement, a product of the United Nations Framework Convention on Climate Change (UNFCCC) concerned with the issue of climate change. Among the states in the world, the US, one of the world's global powers, is one of its party members. The US has had a rather rocky record regarding its commitment to the Paris Agreement. A case can be made out of the Trump administration's move to exit the Paris Agreement. However, it would soon reenter the agreement under the subsequent Biden administration. With that development in mind, the writer sets out to describe and explain why the drastic change of attitude towards the international environmental law of the Paris Agreement occurred. This study employs the qualitative research method with a literature review approach that utilizes secondary data. To that end, the writer posits how the different stances to the agreement was a result of the different interest or perspective towards the regime and climate change between the two administrations, as well as other matters touched upon in the paper.

**Keywords:** Biden Administration, Climate change, Paris Agreement, Trump Administration, United States

### ABSTRAK

Hukum lingkungan internasional merupakan salah satu bagian penting dalam sistem internasional. Hal tersebut berperan penting dalam menyatukan banyak negara untuk mengatasi ancaman lingkungan yang sedang dihadapi dunia. Salah satunya hadir dalam bentuk Paris Agreement, sebuah produk dari United Nations Framework Convention on Climate Change (UNFCCC) yang berkaitan dengan isu perubahan iklim. Amerika Serikat (AS), salah satu kekuatan global dunia, adalah salah satu anggotanya. AS memiliki catatan yang agak goyah terkait komitmennya terhadap Perjanjian Paris. Contohnya adalah langkah pemerintahan Trump untuk keluar dari Perjanjian Paris. Namun, AS masuk kembali ke dalam perjanjian tersebut di bawah pemerintahan Biden pada periode berikutnya. Dengan mempertimbangkan perkembangan tersebut, penulis bermaksud untuk menggambarkan dan menjelaskan mengapa perubahan sikap AS yang drastis terhadap hukum lingkungan internasional Perjanjian Paris terjadi. Studi ini menggunakan metode riset kualitatif dengan pendekatan studi literatur yang memanfaatkan data sekunder. Penulis menemukan bagaimana hal ini disebabkan oleh perbedaan kepentingan atau perspektif antara administrasi Trump dan Biden terhadap Paris Agreement dan ancaman perubahan iklim, serta hal-hal lain yang disinggung dalam penelitian ini.

**Kata Kunci:** Pemerintahan Biden, Perubahan Iklim, Perjanjian Paris, Pemerintahan Trump, Amerika Serikat



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## 1. Introduction

With the many activities that mankind commits, either as an individual or as an enormous community like the state that composes the international system, the environment has been the silent witness over the annals of time. From the thinning of the ozone layers to the existential threat that climate change offers, the repercussions are starting to peek its head. The many ups and downs that fill the legacy of mankind would inflict severe wounds, some would take decades to be cleansed, to the earth we are inhabiting.

The severity of mankind's action to the environment they inhabit would bring about focus to work on the way that such a task can be carried out with more environmental consideration. Such a spirit would then imbue the international effort to form international regimes or international law that governs states' activities impact to the environment and their overture to heal the already inflicted wounds. An early example to the big tree of international environmental law can be traced back to the Stockholm declaration which dated back to 1972. The declaration was concerned with the issue of human development that should be done with the consideration of the environment's management (United Nations, n.d.). Later down the road, the enormous international concern that the declaration embodies would give rise to future endeavors towards the environment, from the likes of Marpol, Kyoto Protocol, to the Paris Agreement.

Now, with the stark development that has occurred over the present international system, the international environmental regime has grown a lot. Nowadays, it is not only states that are enforcing the call to put a leash on their activities, rather such calls are now also made by other actors that fall in the non-state actors like international organization, non-governmental organization to individuals in the grassroot level. Unfortunately, despite the growing focus and concern aimed to combat climate change, some states do not give the same priority to it, justifying such a stance with other excuses.

One of such countries with a rugged record of compliance to international environmental laws is the US. One instance of such a record is explicable upon learning how in less than a decade, the US has left and rejoined the Paris Agreement. Despite being one of the international environmental laws, the Paris Agreement lacks the binding power to compel its party states to carry out their duty through to the end. Such a trait has allowed some states, like the US, to at times disregard its responsibilities and even release claims that are against the Paris Agreement's goal. In the past, the US has also dumped another international environmental law. The aforementioned case occurred during the George W. Bush administration where the US pulled out of the Kyoto Protocol (ABC News, 2017). Hence, the exit from the Paris Agreement is not the first of its kind in US history with the international environmental law.

In the past, numerous undertakings have been carried out to shed light over US involvement in international environmental law, including that of the Paris Agreement. One of them is a research carried out by Ilja Richard Pavone (2018). The research is fixated on the Trump administration move to exit the agreement. The move hinted at the cessation of US nationally determined contributions as well as the Green Climate Fund. This move showed how the Trump administration put the primacy of a short-term interest of the US economy as opposed to the international environmental law along with the global climate change effort. A research carried out by Yong-Xiang Zhang et. al. focused on the very event of US withdrawal from the agreement along with its implication to the global climate change governance (Zhang et al, 2017). The article would find how should the withdrawal remain a long ongoing fact in the future, it would affect the overall effort to combat climate change through the limitation of budgets as a result of US withdrawal. Such is the argument as it would eliminate fundings or donations coming from the US. However, the importance of climate change along with sustainable development would remain present despite the absence of the US in the long run.

A similar research was also done, albeit focused on the response coming from China towards US withdrawal from the Paris Agreement. Written by Hai-Bin Zhang et. al. (2017), the research finds how the US withdrawal is not a welcomed development to climate change's global governance and cooperation. The US absence also made it affect developing states by making it difficult for them to mitigate or adapt to the repercussions from climate change. In the face of such a development, the paper argued how China should fill in the gap left by the US by attaining the upper end of its nationally determined contributions to as far as playing an active and facilitating role in future climate cooperation. With the aforementioned coverage of

previous studies, the writer seeks to contribute to the existing landscape of US commitment to the Paris Agreement as one of the international environmental laws by touching upon the change of attitude towards the regime between the Trump and Biden administration.

Another perspective on the matter is also put forward by Petri & Biedenkopf (2020) as they delve into how the EU responds to US political U turn as apparent in the exit from the Paris Agreement. The study touches on how the US exit from the agreement was a considerable blow considering that the effort to face climate change depends on the strides from all countries. In response to such a change, the EU, through the European Parliament, Council of the EU, and the European Council, resorted to a rhetorical containment strategy. In this regard, the EU did so by expressing its continued support to the Paris Agreement as well as its regret on the US departure from the agreement under the Trump administration. Such a move can be understood as a way for the EU to avoid the domino effect from US departure as well as to pursue EU foreign climate policy.

The existing academic landscape has provided a lot of focus to the respective strides of the US under one administration. There have been few works that look into the change between one administration and the subsequent one that replaces the former. This is important to note as it affects the way in which the US treats many issues. The aforementioned notion can be exemplified by the changing treatment of climate change between the Trump and Biden administrations. Against that backdrop, the paper seeks to describe the contrasting attitude of the last two administrations in the US, that of Donald Trump and Joe Biden, towards the Paris Agreement and the overarching climate change issue. Such an undertaking can provide an insight as to how the future US administration would approach the climate change issue and the overall US commitment to the Paris Agreement as the two administrations also represent the two biggest political parties in the US.

## **2. Method**

This research uses a qualitative method with a literature review approach. Qualitative research emphasizes its analysis on deductive and inductive inference processes and on analyzing the dynamics of relationships between observed phenomena, using logic. This type of research is oriented towards natural phenomena or symptoms. The qualitative method in this article was chosen because the phenomenon of the United States commitment investigated in this article is not possible to measure precisely (Zuchri, 2021). Through this research, the author does not go directly to the field such as interviews. Therefore, the data in this research is taken from the use of literature studies where previous data that are considered relevant are taken according to the research topic. The study uses secondary data procured by the use of the internet data collection technique. By resorting to said data collection technique, the writers can gain access to a plethora of sources from the internet, e.g. pertinent news articles, prior studies, government reports, etc. The internet data collection technique also gives the writers the needed leeway to carry out data triangulation to avoid incorporating faulty information in the subsequent interpretation. In this study, the aforementioned data are qualitatively interpreted to understand how the Trump and Biden administrations handled the issue of climate change differently.

## **3. Result and Discussions**

### **Two sides of the same coin: US economic growth and its greenhouse gas emissions**

The enormous economic power that the US possesses also contributes to its colossal greenhouse gas emission, one of the leading factors to the climate change the world is witnessing. Such a thing can occur as a result of the strong reliance the US and its industries have towards fossil fuels which are one of the leading causes of climate change. A clear example can be seen in the greenhouse gas emissions spike that the US witnessed in 2022 which was around 1,3% (Shao, 2023). Despite the negative and bleak prospect that climate change, as an existential threat, has posed, the US still considers its economy as a more important matter.

As earlier mentioned, the US has made the same feat under George W. Bush administration in regard to the Kyoto Protocol (Montague, 2018). This instance was done out of concern for the national economy of the US. Many deemed how the measures contained in the Kyoto Protocol would jeopardize the economy, something that would not only hinder its growth but the overall US competitiveness as well. However, despite

the presence of such stance to this day, the same antithesis to it also exists, many segments in the population have been advocating for better commitment and measures to address climate change, from better adherence to existing international environmental laws to the enactment of the needed measures (green energy transition and cutbacks on fossil fuels) (Leiserowitz et al, 2019; Sparkman et al, 2022). However, such a thing is easier said than done, especially in relation to the goal of reducing the greenhouse emissions goal, as there are many things that come to consideration at the top level. Additionally, this focus towards the national economy would be one of the things that remain in the US consideration over the years, including under the Trump administration.

During the Trump administration, the Republican Party's control of both the White House and Congress allowed for significant shifts in policy, particularly those overturning many initiatives from previous administrations. This dynamic was especially evident in Donald Trump's foreign and domestic policies, which emphasized American interests above all else. Trump's administration frequently re-evaluated and renegotiated bilateral agreements, often disregarding the potential impact on US foreign relations (Asadnabizadeh, 2019). A prominent example of this policy shift was the relaxation of regulations governing the coal, oil, and gas industries. This deregulation included rolling back environmental protections and lifting restrictions designed to combat climate change. The political affiliation of Trump's administration was a critical factor influencing these policy changes. The "America First" policy epitomized this approach, prioritizing national over global concerns (The White House, 2025). As a member of the Republican Party, Trump adhered to a conservative stance on social issues while aligning with libertarian principles on economic matters. This ideological framework underpinned many of his administration's decisions, including the controversial withdrawal from the Paris Agreement. The Republican Party's orientation has historically favored business interests and maintained a skeptical view of the government's ability to solve social problems. This perspective often translates into policies that benefit corporate economic interests and support the party's socially conservative base.

The administration's deregulatory actions were seen as efforts to stimulate economic growth by reducing the burden of environmental regulations on businesses. Proponents argued that such measures would lead to increased job creation and economic expansion, particularly in energy sectors like coal and oil. These policies clearly undermined environmental protections and exacerbated climate change, posing long-term risks to both the environment and public health (Ardyanti & Sari, 2022). Therefore, the Trump administration's policies were indeed deeply intertwined with the Republican Party's broader ideological commitments. By prioritizing deregulation and economic liberalization, Trump's policies reflected the Republican agenda that sought to balance economic growth with a conservative approach to governance. This alignment between Trump's policies and Republican ideals underscores the significant impact of political party affiliation on policy direction and implementation.

### **The stride to break away: Leaving the Paris Agreement**

In 2017, the erstwhile president of the US, Donald Trump, announced his plan for the US to leave the Paris Agreement (Austin, 2019). The plan eventually came to fruition in 2019 after the lengthy process of withdrawal. While it is true that the Paris Agreement is not binding in nature, it still bestows upon the US some expectation and demand for it to cut back on its greenhouse gas emissions. There are indeed some obligations to be carried out like releasing documents that contain the measures that party members have taken but under Trump's administration, such duty has been disregarded with little to no punishment (Friedman, 2020). Such violation is against the article 6 of the Paris Agreement concerning the reporting duty that party members should fulfill. Unfortunately, little can be done to address the disregard coming from the US as the Paris Agreement is not binding in nature.

The exit from the agreement was seen by the administration as a means to capitalize on the US energy production, especially oil and gas. Such a thing could be connected to the interest of the US to maintain its position as the biggest economic power back then. The Paris Agreement was also deemed to be unfair by the administration as it allows other enormous, albeit growing, power like China and India to use fossil fuels for

the sake of their development (McGrath, 2020). In short, the agreement would push states, notably developed ones like the US, to cut down on the amount of emissions it pumps out every year (UN News, 2020). Such a limitation, once put, would limit the option the US has to grow its economy as it would need to cut down on its fossil fuel consumption, an important element in its industries. Aside from that, it also allows other countries to keep on their track for development through the many channels of investment and innovation while the US has to make amends to the already done damage to the environment. Such an argument posits how the overall environmental regime hinders US competitiveness, especially amidst an international system that is witnessing the rise of new power like China.

The decision to withdraw from the two international laws did not garner any unanimous support from the population, let alone the states. Given the leeway that the US gives to its states and towns, many of them can engage in international relations albeit limited as they only represent the state or town, not the US as a whole. Through their conduct of paradiplomacy, they would still partake in the cause to fight climate change. A clear action of them can be seen in their participation in COP 23 that was held in Germany, not to mention in the absence of the US as a state's overall involvement (Lecavalier, 2023).

In the past, Donald Trump had mentioned how climate change is nothing compared to other threats revolving around American sovereignty (Jamilah et al, 2022). Illegal migrants which then became Trump's administration concerns, make the security border as one of the highest priority. Terrorists from the Middle East, whose identity was framed as 'Islamic terrorist' also became main concern to shifting the U.S. government efforts to taking part on the climate agenda. And the last, but probably the most endorsed issue by the Trump administration is the decline of the U.S. economy which was responded to by Trump by creating "Make American Great Again" (MAGA). The developing countries, most notably China, are seen as the biggest threat for Americans to reach their greatness, viewing that the Chinese propaganda aimed to reduce the competitiveness of US industries (Wong, 2016). This view of shifting the focus to another problem further demonstrates how little mind is paid to climate change which can be seen as an effort to desecuritization global climate change. The same disregard is also present in how they were content with the sole status as observer that they would be having in UN climate negotiations in contrast to a full member of the effort. Such was the case as despite its exit from the Paris Agreement, the US is still a member of the UNFCCC that oversees and forms the agreement (Friedman, 2020).

### **The return to the Paris Agreement under Biden administration**

The Biden administration is filled with numerous changes, one which involves the US stance towards the Paris Agreement. That is the case because during his administration, the US finally reentered the aforementioned international law after their prior exit under Trump's administration. The move that the administration carries out can be considered as a rollback to the damaging strides that the Trump administration made in the past. The rollback is further strengthened, apart from the move to reenter said agreement, by the Biden administration's goal to make environmental issues like climate change a key component to US foreign policy.

Moreover, in its core, the administration also harbors a totally different view towards climate change. As opposed to merely seeing it as a hoax or Chinese propaganda, the administration deems it as an existential threat that not only jeopardizes the US, but also the world (McGrath, 2021). The perception of it as a threat can be understood given the already present proof presented by many matters like the global rise of sea level (as a result of ice melting in the arctic) along with the exacerbation of droughts that make food production at risk.

The changing attitude that the administration shows can be interpreted as a move from "America first" to the world first. With the latter motto, the administration does not necessarily abandon its people or national interest as combating climate change is something beneficial for all, either American or not. In line with the spirit of the agreement, the new administration's refocus towards the climate change issue is further accentuated by setting a goal to reduce US greenhouse gas pollution (for around 50-52%) by 2030 (The White House, 2021). Despite the seemingly strong focus given to climate change or environmental issues as seen in the move

to reenter the agreement, the Biden administration seeks to do so while catering to other needs as well, notably ones involving the competitiveness of US industries.

Even amidst the Russia-Ukraine war that severely impacts the global energy supply chain, the Biden administration maintains an optimistic outlook. Instead of merely focussing on healing the existing fossil infrastructures that are shaken due to the war, it sees the war as the momentum for the US to start cutting back on fossil fuels and begin the transition to a renewable and green energy (Milman, 2022). However, despite such a rosy statement, the administration does not detach itself from the existing reality that the US population is facing amidst the war, that is the spiking gas prices. To that end, the administration would continue to highlight how the US is also on the line to fulfill the demand to stabilize the price as apparent in the already huge oil production in the country. Hence, it can counter any hounding statement towards its stance as it remains on track to deal with both issues hand in hand.

Moreover, under the Biden administration, the US has agreed on the loss and damage fund provision during the COP 27 in Egypt. To that end, the US pledged to provide US 17.5\$ million to the loss and damage fund. This is a considerable difference given the attitude in the past, notably during Trump's administration, the US has been a strong opposition to the compensation fund. The compensation fund can be understood as an initiative that seeks to compensate developing states, given by their developed or industrialized counterparts, to deal with the existing repercussions of climate change (Amnesty International, 2023). The Trump administration was adamant that such a move would further hinder US competitiveness and growth, something that was already made difficult as a result of existing measures to limit greenhouse gas emissions.

### **What lies beyond the spyglass**

A prominent feature that the dynamics towards the Paris Agreement is the focus that the US puts towards climate change. The severity of the palpable repercussion of climate change, not to mention how it has been felt by the people of the US, is not enough to keep the US on track. Such is the case as presented by the exit the US made out of the Paris Agreement under the Trump administration. Therefore, there are many factors to the commitment the US has on international environmental law, from the disposition of the ruling president (along with the party they come from) as well as the present dynamics of the system. The latter can be seen in the case of the Russia-Ukraine war's implication to the global energy supply chain (notably the fossil fuel) that severely affects the US. The Biden administration attempts to use it as a momentum to support the renewable energy transition in the US while at the same time catering to the growing need of stable gas prices (Daly, 2022).

Another important matter to consider is the bipartisan debate or difference between the republican and democratic party in the US. For the case of the two administrations, the influence of each party is quite noticeable as Donald Trump emerged from the republican party whereas Joe Biden is from the other. In the past, the former has taken the stance on numerous environmental initiatives in favor of those that favor economic growth whereas the opposite occurs for the democratic party (Pengelly, 2023). Given the previous records and stance that both parties have come to over the years, it is not surprising therefore that the ruling president would act in accordance with the party's stance.

The concern towards the grim prospect that climate change could bring is not the only thing that the US has its eyes on. With the growing Chinese influence and power in the system, climate change could remain as another means that can be utilized by the US to hound China. This is apparent in how both administrations have requested China, albeit in different degrees, to adhere to the existing international environmental law so it could focus on cutting back on its greenhouse gas emissions. Additionally, this particular matter can also, as mentioned before, affect the way in which climate change and adherence to the Paris Agreement can play out as apparent in the cases of Trump and Biden administrations.

#### 4. Conclusion

The changing US commitment to climate regimes like the Paris Agreement can be boiled down to the rational disposition inherent to state actors. Being another rational actor in the international system, it is not surprising for the US to behave in manners that satiate its own national interests. In this case, the interests of the US are represented by the two different administrations, that being the Trump and Biden administrations. However, its national interest is no static thing as it can change as the leadership of the US also changes. The claim is present in the different attitude between Trump and Biden's administration towards the international environmental law, specifically climate change, that the Paris Agreement represents. The Trump administration put little to no attention to the threat that climate change represents, making it have no difficulty to leave the Paris Agreement. For the case of the Biden administration, the attention it gives and its desire to mitigate climate change made it important for the US to reenter the Paris Agreement. However, some similarity is also present between the seemingly conflicting administrations as they often use the issue as a means to hound their rival, notably China. Moreover, the dynamic of the international system also holds a sway over whether or not the US would put climate change, along with its adherence to the Paris Agreement as the relevant international law, on top of its list. Despite the bumpy road it has been, it is still imperative for the US to maintain a more consistent agenda and effort to combat climate change. One of the ways it can do so is to improve its adherence to international environmental laws, like the Paris Agreement, and overall contribution to the grand cause. Such responsibility is bestowed given its developed state as well as the considerable capacity and experience it has garnered over the years. Therefore, the parties and stakeholders there should take into account the need to remain united as a state in the face of a threat as grand as climate change.

Future research endeavors can seek to explore the ways in which the US changing commitment to the Paris Agreement or other climate regimes is responded to by its partners, aside from the EU. In this case, one can explore the US partners in North America and the Indo-Pacific regions. Such a focus can be given there given the strong focus the US gives for the two regions, especially on the latter as it is involved in a competition for influence with China. In addition, efforts to understand the changing dynamic can be done by incorporating different frameworks. For this, the authors recommend the use of the securitization framework to understand how the US commitment to combat climate change, exemplified by its commitment to pertinent international regimes like the Paris Agreement, are subjected to said framework. By doing this, an understanding of the securitizing acts and interests in the US domestic political landscape can be gained. Beyond the two, efforts can be made to again see how the US, under the current Trump administration, has again left the Paris Agreement. By taking this path, an understanding as to what are the driving forces behind the move can be gained.

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