designating Ghana as a potential destination or indeed any advance notice of their removal. Ghanaian President John Dramani Mahama told the press that he was planning to return all of these migrants to their home countries.[59] At least five of these individuals had received court orders protecting them against *refoulement* under CAT or the Refugee Convention.[60] Ghana forcibly removed one of these men to his home country of Gambia despite his repeated expression of his fear of torture due to his sexual orientation, and despite telling officials that he had been awarded CAT protection against return.[61] Despite expressing her "alarm[] and dismay[at] the circumstances under which these removals are being carried out, especially in light of the government's cavalier acceptance of Plaintiffs' ultimate transfer to countries where they face torture and persecution," a federal judge denied a request for a temporary restraining order against their removal to Ghana due to a lack of jurisdiction.[62]

These third-country renditions to apparent sites of persecution and torture are likely to expand as the lawsuits challenging these practices wind their way through the federal courts.

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The Trump Administration Steps Back from International Environmental Cooperation

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As in other areas of international law, the Trump administration has questioned the degree to which U.S. participation in international environmental regimes and agreements furthers its "America First" agenda.[1] Thus far, the administration has focused primarily on rolling back—and potentially ending—U.S. participation in the UN climate change regime. But it has also slashed U.S. support for international environmental conservation programs, terminated environmental justice initiatives, and placed in doubt U.S. engagement in international environmental issues more generally. Moreover, the continuing pattern of U.S. positions flipping with every change of administration undermines confidence in the United States as a reliable negotiating partner.

Withdrawal from the Paris Agreement

On his first day in office, President Donald J. Trump issued Executive Order 14162, titled "Putting America First in International Environmental Agreements."[2] The order states: "In recent years, the United States has purported to join international agreements and initiatives that do not reflect our country's values or our contributions to the pursuit of economic and

[59] *See* Chris Cameron, *Lawsuit Accuses Trump Officials of More Wrongful Deportations*, N.Y. Times (Sept. 13, 2025), *at* https://www.nytimes.com/2025/09/13/us/politics/trump-lawsuit-wrongful-deportations-ghana.html.
[60] *See* Complaint, D.A. v. Noem, Case 1:25-cv-03135-TSC (D.D.C. Sept. 12, 2025).
[61] D.A. v. Noem, Case 1:25-cv-03135-TSC, Memorandum Op. and Order at 8 (D.D.C. Sept. 15, 2025).
[62] *Id.* at 15.
[1] *See generally* Jacob Katz Cogan, Contemporary Practice of the United States, 119 AJIL 313, 314 (2025).
[2] Putting America First in International Environmental Agreements, Exec. Order 14162, 90 Fed. Reg. 8455 (Jan. 20, 2025) [hereinafter IEL Executive Order].

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environmental objectives. Moreover, these agreements steer American taxpayer dollars to countries that do not require, or merit, financial assistance in the interests of the American people."[3] The order further provides that it is the policy of the Trump administration "to put the interests of the United States and the American people first in the development and negotiation of any international agreements with the potential to damage or stifle the American economy."[4]

This statement of policy may have implications for U.S. participation in other environmental agreements, as we note below, but the focus of the executive order is on climate agreements. The order directs the U.S. ambassador to the United Nations to notify the United Nations of U.S. withdrawal from "any agreement, pact, accord, or similar commitment made under the United Nations Framework Convention on Climate Change."[5] The only such agreement to which the United States is a party is the Paris Agreement,[6] which was adopted by the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) on December 12, 2015, and which the United States first joined in 2016 under President Barack Obama.[7] Pursuant to the executive order, the United States submitted its notification of withdrawal on January 27, 2025.[8]

This is not the first time that the United States has withdrawn from the Paris Agreement. During President Trump's first term in office, the United States submitted a notice of withdrawal effective on November 4, 2020.[9] The United States rejoined on January 20, 2021, the first day of the Biden administration.[10]

Under the terms of the Paris Agreement, withdrawal by a party shall take effect one year after the depositary receives the notification.[11] Accordingly, the notification from the secretary-general of the United Nations, acting as depositary for the Paris Agreement, declares that the U.S. withdrawal will take effect on January 27, 2026.[12] However, Executive Order 14162 states that the United States will consider its withdrawal from the treaty "and any attendant obligations" to be effective immediately on providing its notification of withdrawal.[13] If, pursuant to the executive order, the United States fails to fulfil an obligation under the Paris Agreement prior to January 27, 2026, when its withdrawal becomes effective internationally, it will be in violation of the Paris Agreement. However, the United States under President Joseph R. Biden, Jr. had already fulfilled the two procedural obligations under the Paris Agreement that apply prior to January 27, 2026: namely, to submit a nationally determined contribution and a biennial transparency report.[14] As a result, it seems unlikely that the United States will violate the Paris Agreement prior to its withdrawal becoming effective.

[3] *Id.*, Sec. 1.
[4] *Id.*, Sec. 2.
[5] *Id.*, Sec. 3(a).
[6] Paris Agreement, Dec. 12, 2015, TIAS No. 16-1104, 3156 UNTS 79.
[7] *See* UN Doc. C.N.612.2016.TREATIES-XXVII.7.d (Sept. 3, 2016) (depositary notification).
[8] *See* UN Doc. C.N.71.2025.TREATIES-XXVII.7.d (Jan. 27, 2025) (depositary notification).
[9] *See* Jean Galbraith, Contemporary Practice of the United States, 114 AJIL 124, 132 (2020).
[10] *See* UN Doc. C.N.10.2021.TREATIES-XXVII.7.d (Jan. 20, 2021) (depositary notification).
[11] *See* Paris Agreement, *supra* note 6, Art. 28(2).
[12] *See* UN Doc. C.N.71.2025.TREATIES-XXVII.7.d (Jan. 27, 2025) (depositary notification).
[13] IEL Executive Order, *supra* note 2, Sec. 3(a).
[14] *See* United States, Nationally Determined Contribution – Reducing Greenhouse Gases in the United States: A 2035 Emissions Target (Dec. 19, 2024), *at* https://unfccc.int/sites/default/files/2024-12/United%20States%202035%20NDC.pdf [https://perma.cc/G35L-LKMC]; United States, 2024 U.S. Biennial Transparency

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Although Executive Order 14162 does not require the United States to withdraw from the UNFCCC, it and other actions make clear that the Trump administration does not regard climate change as a real problem and intends to cease all support for domestic and international efforts to address it. Indeed, not only is the Trump administration ending U.S. policies to address climate change, it is also reportedly pressuring other countries not to support climate change actions, such as expanding wind power or seeking to reduce emissions of greenhouses from ships.[15] Lee Zeldin, the administrator of the Environmental Protection Agency (EPA), has asserted that "we are driving a dagger through the heart of climate-change religion."[16] Examples of steps that the Trump administration has taken to that end include:

- The State Department eliminated the Office of the Special Presidential Envoy for Climate Change, shut down its climate negotiations office,[17] and did not send a delegation to a meeting of the International Maritime Organization (IMO) in March 2025 that considered proposed regulations to limit greenhouse gas (GHG) emissions from ships, or to the meetings of the UNFCCC subsidiary bodies in June 2025. It is still unclear the degree to which the United States will support work on the Intergovernmental Panel on Climate Change (IPCC)[18] or will participate in the 30th Conference of the Parties to the UNFCCC, which is scheduled to be held in Belem, Brazil, in December 2025.
- Executive Order 14162 states that the United States "shall immediately cease or revoke any purported financial commitment made by the United States" under the UNFCCC, revokes and rescinds the U.S. International Climate Finance Plan, and directs the heads of various U.S. agencies to describe their actions to revoke or rescind actions to advance that Plan.[19]
- The Trump administration dismissed the scientists writing a congressionally mandated report, due in 2027, on how climate change is affecting the United States.[20]
- The Trump administration plans to cut funding for climate research by the National Oceanic and Atmospheric Administration, which would among other things end the "iconic" record of measurements of CO2 levels in the atmosphere (the so-called

Report (Dec. 24, 2024), *at* https://unfccc.int/sites/default/files/resource/2024%20U.S.%20Biennial%20Transparency%20Report.pdf [https://perma.cc/Z9F7-Z5WX].

[15] *See* Lisa Friedman, *Trump, with Tariffs and Threats, Tries to Strong-Arm Nations to Retreat on Climate Goals*, N.Y. TIMES (Aug. 27, 2025), *at* https://www.nytimes.com/2025/08/27/climate/trump-international-pressure-climate-oil.html.

[16] Lee Zeldin, *EPA Ends the "Green New Deal,"* WALL ST. J. (Mar. 12, 2025), *at* https://www.wsj.com/opinion/lee-zeldin-epa-ends-the-green-new-deal-aa81de06.

[17] *See* Sara Schonhardt, *Rubio Eliminates Office that Oversees Climate Talks*, E&E NEWS (Apr. 25, 2025), *at* https://www.eenews.net/articles/rubio-eliminates-office-that-oversees-climate-talks.

[18] *See* Bob Berwyn, *Some US Scientists Stick with the IPCC Despite the Administration Pulling Out of International Climate Work*, INSIDE CLIMATE NEWS (Mar. 15, 2025), *at* https://insideclimatenews.org/news/15032025/us-ipcc-scientific-authors-climate-report ("The Trump administration did not respond to questions about future U.S. engagement with the IPCC.").

[19] *See* IEL Executive Order, *supra* note 2, Sec. 3(c), (e), (f).

[20] *See* Andrew Freedman, *Trump Administration Dismisses All Authors of Major Climate Report, Throwing US Assessment into Limbo*, CNN (Apr. 29, 2025), *at* https://www.cnn.com/2025/04/29/climate/trump-dismisses-climate-report-authors/index.html.

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"Keeling Curve," after its originator, Charles Keeling) carried out at the Mauna Loa Observatory in Hawaii since 1958.[21]

- On July 29, the EPA proposed rescinding its 2009 finding that greenhouse gases endanger public health and welfare, which has provided legal authority for the government to regulate greenhouse gases under the Clean Air Act.[22]
- On August 12, the secretaries of state, commerce, energy, and transportation issued a joint statement threatening to "retaliate" against countries that support the IMO's "Net Zero Framework," which would establish a global fuel standard on shipping and impose a fee on GHG emissions from ships.[23]

Notwithstanding its withdrawal from the Paris Agreement, the United States is subject to any existing customary international law obligations in relation to climate change. In an advisory opinion on climate change delivered in July 2025, the International Court of Justice (ICJ) provided an expansive interpretation of the customary international law principles of harm prevention and cooperation, which it opined are binding on all states in relation to climate change.[24] The ICJ rejected the U.S. argument, made by the Biden administration in its written statement to the court, that GHG emissions should be distinguished from the types of transboundary pollution to which the harm prevention principle had previously been applied.[25]

When the U.S. withdrawal takes effect, it will be one of only four parties to the UNFCCC that do not belong to the Paris Agreement.[26] Although the ICJ did not expressly mention the United States, it opined that the customary obligations of non-party states are shaped by the practice of states under the climate change treaties, and on that basis the court noted that "it is possible that a non-party State which co-operates with the community of States parties to the three climate change treaties in a way that is equivalent to that of a State party, may, in certain instances, be considered to fulfil its customary obligations through practice that comports with the required conduct of States under the climate change treaties. However, if a non-party State does not co-operate in such a way, it has the full burden of demonstrating that its policies and practices are in conformity with its customary obligations."[27] In light of the hostility of the Trump administration to the Paris Agreement and to other efforts to

[21] *See* Rebecca Dzombak, *After 7 Decades of Measurements from a Peak in Hawaii, Trump's Budget Would End Them*, N.Y. TIMES (July 17, 2025), *at* https://www.nytimes.com/2025/07/17/climate/budget-cuts-climate-observatories.html.

[22] *See* Maxine Joselow & Lisa Friedman, *In Game-Changing Climate Rollback, E.P.A. Aims to Kill a Bedrock Scientific Finding*, N.Y. TIMES (July 29, 2025), *at* https://www.nytimes.com/2025/07/29/climate/epa-endangerment-finding-repeal-proposal.html.

[23] U.S. Dep't of Energy Press Release, Joint Statement on Protecting American Consumers and Shipping Industries by Defeating the International Maritime Organization's "Net Zero Framework" aka Global Carbon Tax (Aug. 12, 2025), *at* https://www.energy.gov/articles/joint-statement-protecting-american-consumers-and-shipping-industries-defeating [https://perma.cc/M95F-AKTV].

[24] Obligations of States in Respect of Climate Change, Advisory Opinion, paras. 131–42 (ICJ July 23, 2025) [hereinafter ICJ Advisory Opinion].

[25] *See* Written Statement of the United States of America, Request by the United Nations General Assembly for an Advisory Opinion, paras. 4.5–4.21 (ICJ Mar. 22, 2024), *at* https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-06-00-en.pdf [https://perma.cc/JMJ3-6NEC].

[26] Currently 195 of 198 of the parties to the UNFCCC are parties to the Paris Agreement. *See* UN Climate Change, Paris Agreement — Status of Ratification, *at* https://unfccc.int/process/the-paris-agreement/status-of-ratification [https://perma.cc/7R6G-Q9CM].

[27] ICJ Advisory Opinion, *supra* note 24, para. 315.

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address climate change, the United States is likely to be vulnerable to claims, based on the advisory opinion, that it is in breach of its customary international law obligation of harm prevention. Further, since the administration is also withdrawing the United States from most cooperative efforts, it is vulnerable to the charge that it is in breach of its customary international law obligation to cooperate on the protection of the environment.

Reviewing Other International Environmental Agreements

In addition to Executive Order 14162 on international environmental agreements, President Trump issued a much broader executive order in February, directing the secretary of state to conduct a review of all conventions and treaties to which the United States is a party, in order to determine which are contrary to the interests of United States and whether they can be reformed.[28] This review, which was to be completed within 180 days, will presumably encompass all multilateral environmental agreements to which the United States is a party, including the UNFCCC,[29] the London (Dumping) Convention,[30] the Convention on International Trade in Endangered Species (CITES),[31] the International Convention for the Prevention of Pollution from Ships (MARPOL),[32] the Ramsar Wetlands Convention,[33] the Montreal Protocol,[34] and the Minamata Mercury Convention.[35] Pending the completion of this review, continued U.S. membership in these agreements is now in question.

Regardless of the outcome of the Trump administration's review of existing treaty commitments, it seems even more unlikely than before that the United States will join several major environmental agreements that it has signed but never ratified, including the Basel Convention on the Transboundary Movement of Hazardous Wastes,[36] the Convention on Biological Diversity,[37] the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,[38] and the Stockholm Convention on Persistent Organic Pollutants.[39]

[28] *See* Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations, Exec. Order 14199, 90 Fed. Reg. 9275 (Feb. 4, 2025).

[29] United Nations Framework Convention on Climate Change, May 9, 1992, 1771 UNTS 107.

[30] Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, Dec. 29, 1972, 26 UST 2403, 1046 UNTS 120.

[31] Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 2, 1973, 993 UNTS 243.

[32] International Convention for the Prevention of Pollution from Ships, Nov. 2, 1973, 34 UST 3407, 12 ILM 1319, *amended by* Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, Feb. 17, 1978, 1340 UNTS 61.

[33] Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Feb. 2, 1971, TIAS No. 11084, 996 UNTS 245.

[34] Montreal Protocol on Substances that Deplete the Ozone Layer, Sept. 16, 1987, S. Treaty Doc. 100-10, 1522 UNTS 3.

[35] Minamata Convention on Mercury, Oct. 10, 2013, 55 ILM 3, 3201 UNTS 3.

[36] Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Mar. 22, 1989, 1673 UNTS 126.

[37] Convention on Biological Diversity, June 5, 1992, 1760 UNTS 79.

[38] Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Sept. 10, 1998, 2244 UNTS 337.

[39] Stockholm Convention on Persistent Organic Pollutants, May 22, 2001, 2256 UNTS 119.

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In 2022, the United Nations launched the negotiation of a legally binding instrument on plastic pollution.[40] As of August 2025, the United States was continuing to participate in the negotiations, sending a delegation to the resumed fifth session of the Intergovernmental Negotiating Committee on Plastic Pollution (INC5-2). Executive Order 14162 does not refer to the plastics negotiation explicitly, but it does require the U.S. ambassador to the United Nations to certify a report to the assistants to the president for economic policy and for national security affairs that "describes in detail any further action required to achieve the policy objectives set forth in [the order]," which are, again, to put U.S. interests first in the negotiation of "international agreements with the potential to damage or stifle the American economy."[41] As of August 1, 2025, the report has not been published.

Stepping Back from International Environmental Cooperation

Apart from whether the United States will withdraw from existing environmental treaties or participate in the negotiation of new ones, another set of questions concerns whether the Trump administration's actions will cause the United States to fail to meet its existing obligations under environmental treaties to which it is a party. Some of these obligations are framed in general terms and are in line with U.S. domestic policy and practice, so they may not require active compliance. In some cases where environmental treaties include more specific substantive obligations—for example, the Montreal Protocol and CITES—compliance is already effectuated by existing domestic laws.[42] However, other obligations require active steps by the United States to comply. For example, the UNFCCC requires its parties to submit regular "inventory reports" on anthropogenic emissions by sources and removals by sinks of greenhouse gases.[43] The United States has yet to submit its national inventory report for 2025.[44]

Whether or not the United States complies with these obligations, there is no doubt that the Trump administration has dramatically changed course from the policies of the Biden administration to work with other governments to protect and conserve the environment. To take an example in addition to those noted above: the parties to the Convention on Biological Diversity adopted a non-binding Global Biodiversity Framework in 2022, which sets out targets that the parties hope to achieve by 2030. Target 3 is to ensure that 30 percent of terrestrial and inland water areas, and of marine and coastal areas, are "effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures."[45] Under the Biden administration, the United States expressed its support for the Framework,

[40] *See* UNEA Resolution 5/14, UN Doc. UNEP/EA.5/Res.14 (Mar. 2, 2022).

[41] IEL Executive Order, *supra* note 2, Secs. 3(d), 2.

[42] *See, e.g.*, Clean Air Act, Tit. VI (codified at 42 U.S.C. §§ 7671–7671q); Endangered Species Act, Sec. 9(c) (codified at 16 U.S.C. § 1538(c)).

[43] UNFCCC, Art. 12, May 9, 1992, 1771 UNTS 107.

[44] UN Climate Change, National Inventory Submissions, 2025, *at* https://unfccc.int/ghg-inventories-annex-i-parties/2025 [https://perma.cc/A7J5-HBKV].

[45] Conference of the Parties to the Convention on Biological Diversity, Kunming-Montreal Global Biodiversity Framework, para. 13, UN Doc. CBD/COP/DEC/15/4 (Dec. 19, 2022) (Target 3).

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particularly Target 3.[46] Even before the Framework was finalized, President Biden issued an executive order that committed the United States to reach the so-called "30 by 30" goal.[47]

On his first day in office, President Trump withdrew that executive order.[48] Rather than pledge to conserve additional land, the Trump administration has encouraged greater exploitation of forests and other undeveloped areas. In March, he issued an executive order that promotes domestic production of lumber by, among other things, bypassing environmental requirements.[49] Pursuant to that order, Secretary of Agriculture Brooke Rollins issued an "emergency order" to allow logging on more than 112 million acres of the 193 million acres designated as national forests.[50] Secretary Rollins also removed restrictions on mining on hundreds of thousands of acres of federal land in Nevada and New Mexico.[51] The Department of Interior announced that it would greatly shorten environmental reviews of proposals for projects involving coal, gas, oil, and minerals on public lands, citing as authority another January 20 executive order declaring a "national energy emergency."[52] In addition, the Trump administration has proposed a rule that would reinterpret the Endangered Species Act to provide weaker protections for the habitat of endangered species.[53] Trump administration officials are also planning to remove federal protections for national monuments covering millions of acres in the western United States, in order to promote energy development on public lands.[54] It may be expected that the legality under U.S. law of all of these agency actions will be tested in court.

[46] *See* U.S. Department of State, Convention on Biological Diversity Adopts Landmark Global Biodiversity Framework to Protect Nature (Dec. 20, 2022), *at* https://2021-2025.state.gov/convention-on-biological-diversity-adopts-landmark-global-biodiversity-framework-to-protect-nature [https://perma.cc/UAG4-MQ5V].

[47] *See* Tackling the Climate Crisis at Home and Abroad, Exec. Order 14008, Sec. 216(a), 86 Fed. Reg. 7619, 7627 (Jan. 27, 2021).

[48] *See* Initial Rescissions of Harmful Executive Orders and Actions, Exec. Order 14148, Sec. 2, 90 Fed. Reg. 8237, 8238 (Jan. 20, 2025).

[49] *See* Immediate Expansion of American Timber Production, Exec. Order 14225, 90 Fed. Reg. 11365 (Mar. 1, 2025).

[50] *See* U.S. Dep't of Agriculture, Secretary's Memorandum 1078-006: Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands (Apr. 3, 2025), *at* https://www.usda.gov/sites/default/files/documents/sm-1078-006.pdf [https://perma.cc/C5E7-GD37].

[51] *See* U.S. Dep't of Agriculture Press Release, Secretary Rollins Announces Sweeping Reforms to Protect National Forests and Boost Domestic Timber Production (Apr. 4, 2025), *at* https://www.usda.gov/about-usda/news/press-releases/2025/04/04/secretary-rollins-announces-sweeping-reforms-protect-national-forests-and-boost-domestic-timber [https://perma.cc/C6JY-W4A4] (noting the cancellation of two mineral leasing withdrawals); *see also* Lisa Friedman, *Trump Administration Opens More Public Land to Drilling and Mining*, N.Y. TIMES (Apr. 8, 2025), *at* https://www.nytimes.com/2025/04/08/climate/trump-new-mexico-nevada-mining-drilling.html.

[52] *See* U.S. Dep't of the Interior Press Release, Department of the Interior Implements Emergency Permitting Procedures to Strengthen Domestic Energy Supply (Apr. 23, 2025), *at* https://www.doi.gov/pressreleases/department-interior-implements-emergency-permitting-procedures-strengthen-domestic [https://perma.cc/DBD3-BBFR]; Lisa Friedman, *Interior Department to Fast-Track Oil, Gas and Mining Projects*, N.Y. TIMES (Apr. 23, 2025), *at* https://www.nytimes.com/2025/04/23/climate/interior-department-gas-and-mining-projects.html; Declaring a National Energy Emergency, Exec. Order 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025). In March, the president issued another executive order instructing the Interior Department to identify the federal lands known to hold mineral deposits and reserves, and to prioritize mineral production as the primary land uses in those areas. *See* Immediate Measures to Increase American Mineral Production, Exec. Order 14241, 90 Fed. Reg. 13673 (Mar. 20, 2025).

[53] *See* Rescinding the Definition of "Harm" Under the Endangered Species Act, 90 Fed. Reg. 16102 (Apr. 17, 2025).

[54] Jake Spring & Dino Grandoni, *Trump Officials Consider Shrinking 6 National Monuments in the West*, WASH. POST (Apr. 24, 2025), *at* https://www.washingtonpost.com/climate-environment/2025/04/24/trump-national-monument-reductions-mining-oil. Doing so would be consistent with President Trump's policy during in his first term, when he shrank the Bears Ears and Grand Staircase-Escalante national monuments in Utah. In May, the Department of Justice Office of Legal Counsel issued an opinion that presidents can unilaterally reduce or eliminate entirely the area designated around a national monument. *See* U.S. Dep't of Justice Office of Legal

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The Trump administration rollback of the U.S. commitment to the 30x30 goal is reflective of a more general distancing from multilateral environmental initiatives. For example, the United States sent a comparatively low-level delegation to the U.N. Oceans Conference in Nice in June 2025, and it did not send a delegation to the preparatory meeting in April for the entry into force of the Agreement on Biological Diversity of Areas beyond National Jurisdiction (the so-called "High Seas Treaty").[55]

More generally, the Trump administration is carrying out drastic cuts in the personnel and resources devoted to U.S. environmental programs. Thousands of people have been laid off at the Forest Service[56] and the National Park Service.[57] The number of EPA personnel have already decreased by about one-quarter, and the EPA announced in July that it would fire hundreds more scientists and eliminate its Office of Research and Development, whose work has historically provided the scientific basis for nearly all of the EPA's policies and regulations.[58] The administration's proposed budget for the EPA for fiscal year 2026 would cut the agency's budget by 54 percent, from $9.14 billion to $4.16 billion.[59]

The Trump administration's demolition of U.S. environmental programs has been especially destructive of U.S. support for international environmental protection. As has been extensively reported, the Trump administration has dismantled the U.S. Agency for International Development (USAID), ending 86 percent of its programs and retaining just 15 of its 10,000 personnel.[60] A significant portion of USAID support went to international conservation: in 2023, it provided $375 million to biodiversity programs in sixty countries, and another $318 million in investments in forestry such as "biodiversity and sustainable landscapes funds."[61] None of these programs appears to have been spared.[62] Although President Trump issued an executive order in April that purports to target illegal, unreported,

Counsel, Revocation of Prior Monument Designations: Memorandum Opinion for the Counsel to the President (May 27, 2025), *at* https://www.justice.gov/olc/media/1403101/dl [https://perma.cc/F8MZ-KMXP].

[55] *See* Agreement Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, UN Doc. A/CONF.232/2023/4 (2023). On the High Seas Treaty, which the United States signed in September 2023, see Jacob Katz Cogan, Contemporary Practice of the United States, 118 AJIL 168, 169 (2024).

[56] *See* Marcia Brown & Jordan Wolman, *Forest Service Fires 3,400 People after "Deferred Resignation" Deadline Passes*, POLITICO (Feb. 14, 2025), *at* https://www.politico.com/news/2025/02/13/forest-services-fires-3400-employees-00204213.

[57] *See* Dylan Baddour, *National Park and Forest Service Staffing Levels Have Been Dramatically Reduced*, INSIDE CLIMATE NEWS (Apr. 18, 2025), *at* https://insideclimatenews.org/news/18042025/national-park-forest-service-staff-slashed-by-trump-administration.

[58] *See* Lisa Friedman & Maxine Joselow, *E.P.A. Says It Will Eliminate Its Scientific Research Arm*, N.Y. TIMES (July 18, 2025), *at* https://www.nytimes.com/2025/07/18/climate/epa-firings-scientific-research.html.

[59] U.S. Environmental Protection Agency, FY 2026 EPA Budget in Brief (May 2025), *at* https://www.epa.gov/system/files/documents/2025-05/fy-2026-epa-bib.pdf [https://perma.cc/JE2P-86AP].

[60] *See* Karoun Demirjian, Stephanie Nolen, Michael Crowley & Elizabeth Dias, *Final Cuts Will Eliminate U.S. Aid Agency in All but Name*, N.Y. TIMES (Mar. 28, 2025), *at* https://www.nytimes.com/2025/03/28/us/politics/usaid-trump-doge-cuts.html.

[61] *See* Adam Welz, *U.S. Aid Cuts Are Hitting Global Conservation Projects Hard*, YALE ENVIRONMENT 360 (Apr. 23, 2025), *at* https://e360.yale.edu/features/usaid-cuts-conservation [https://perma.cc/2N6K-P7RH] (citing USAID's 2024 annual report to Congress on programming to conserve biodiversity and manage forests).

[62] *See id.* Support for international conservation from the U.S. Fish and Wildlife Service has also been halted. *See* Benji Jones, *Leaked Emails Show the Nation's Leading Wildlife Agency Has Halted Critical Funding for Conservation*, VOX (Feb. 14, 2025), *at* https://www.vox.com/down-to-earth/399957/fish-wildlife-service-trump-funding-freeze.

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and unregulated fisheries,[63] the cuts to USAID have eliminated all but one of the USAID marine conservation programs, which had operated in more than twenty-five countries.[64] USAID provided around a third of U.S. climate finance in recent years, which is also now at an end.[65] The Trump administration has officially rescinded the U.S. pledge of $4 billion to the Green Climate Fund made under previous administrations.[66]

Rejecting Connections Between Environmental Protection and Human Rights

In recent decades, international law has increasingly identified linkages between environmental protection and human rights.[67] In 2022, the United States joined other states at the UN General Assembly to recognize the human right to a clean, healthy, and sustainable environment.[68] In its July 2025 advisory opinion, the ICJ stated that the right is "inherent in" and "essential for" the enjoyment of other human rights.[69] Previous administrations had stated that the United States does not regard the right to a healthy environment as part of international law,[70] but they also recognized that other human rights may be relevant to environmental issues. As far back as 2000, for example, the United States included in its report to the Committee on the Elimination of Racial Discrimination a section on environmental discrimination, which stated that "low-income and minority communities frequently bear a disproportionate share of adverse environmental burdens," and recognized that U.S. environmental laws do not expressly address impacts on low-income and minority communities.[71]

In the United States, the concern over such environmental discrimination has often found expression through efforts to achieve "environmental justice."[72] In 1994, President Bill Clinton issued Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which instructed federal agencies to consider environmental justice, including disproportionately high or adverse impacts on minority and low-income populations, in their policies and programs.[73] In 2023,

[63] *See* Restoring American Seafood Competitiveness, Exec. Order 14276, sec. 4(e)-(g), 90 Fed. Reg. 16993, 16994–95 (Apr. 17, 2025).

[64] *See* Edward Carver, *Under Trump, US Retreats from Global Fisheries and Ocean Leadership*, Mongabay (Apr. 29, 2025), *at* https://news.mongabay.com/2025/04/under-trump-us-retreats-from-global-fisheries-and-oceans-leadership. The one remaining program, in the Philippines, will expire in December. *See id.*

[65] *See* Josh Gabbatiss, *Analysis: Nearly a Tenth of Global Climate Finance Threatened by Trump Aid Cuts*, Carbon Brief (Mar. 10, 2025), *at* https://www.carbonbrief.org/analysis-nearly-a-tenth-of-global-climate-finance-threatened-by-trump-aid-cuts [https://perma.cc/DU9Z-F5DK].

[66] *See* Graham Gibson & Allison Gacad, *US Rescinds $4 Bln in Pledged Funding for Green Climate Fund, Removes Climate Stress Testing from Banks*, Carbon Pulse (Feb. 6, 2025), *at* https://carbon-pulse.com/366417.

[67] *See, e.g.*, ICJ Advisory Opinion, *supra* note 24, paras. 373, 457 ("[T]he protection of the environment is a precondition for the enjoyment of human rights," and "States have obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking necessary measures to protect the climate system and other parts of the environment.").

[68] *See* GA Res. 76/300 (July 28, 2022).

[69] ICJ Advisory Opinion, *supra* note 24, para. 393.

[70] *See* Jacob Katz Cogan, Contemporary Practice of the United States, 117 AJIL 128, 129 (2023).

[71] *See* Committee on the Elimination of Racial Discrimination, Reports Submitted by States Parties Under Article 9 of the Convention, para. 389, UN Doc. CERD/C/351/Add.1 (Oct. 10, 2000).

[72] *See generally* John H. Knox & Nicole Tronolone, *Environmental Justice as Environmental Human Rights*, 57 Vand. J. Transnat'l L. 153 (2024).

[73] *See* Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Exec. Order 12898, 59 Fed. Reg. 32 (Feb. 16, 1994).

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President Biden issued Executive Order 14096, entitled "Revitalizing Our Nation's Commitment to Environmental Justice for All," which stated that "[r]estoring and protecting a healthy environment . . . is a matter of justice and a fundamental duty that the Federal Government must uphold on behalf of all people," and instructed every federal agency to "make achieving environmental justice part of its mission."[74]

In the first days of his second term, President Trump issued executive orders revoking these orders and other executive orders from previous administrations promoting diversity, equity, and inclusion.[75] The Trump executive orders require the termination of all environmental justice offices and positions, and in February, Attorney General Pam Bondi ordered the components of the Department of Justice to terminate their environmental justice programs, offices, and positions.[76] In March, the EPA closed its environmental justice offices and instructed personnel that environmental justice considerations shall "no longer inform EPA's enforcement and compliance assurance work."[77]

Conclusion

The most obvious way that the Trump administration is changing course with respect to international environmental law is its decision to withdraw from the Paris Agreement, which reflects its opposition to international as well as domestic efforts to address climate change. However, it has also stepped back from other international efforts to protect the environment. It is too soon to say how far its actions will hamper the continued development of international environmental law by other states. Some states may use the U.S. attitude as an excuse to reduce their own levels of commitment, but others are likely to push for a strong agreement on plastics, for example, whether or not the United States takes an active role. Moreover, the disengagement of the Trump administration from international environmental cooperation may be reversed by later administrations.

However, the effects of the administration's actions on environmental health and human well-being will not be as easily reversed or remedied. The harms caused by climate change, the global loss of biodiversity, and pollution—the triple environmental crisis—are rapidly becoming more difficult to avoid or mitigate. Undermining effective international efforts to address them will have negative consequences for environmental

[74] *See* Revitalizing Our Nation's Commitment to Environmental Justice for All, Exec. Order 14096, 88 Fed. 25251 (Apr. 21, 2023).

[75] *See* Exec. Order 14148, *supra* note 48, at 8240 (revoking Executive Order 14096); Ending Radical and Wasteful Government DEI Programs and Preferencing, Exec. Order 14151, Sec. 2, 90 Fed. Reg. 8339, 8339 (Jan. 20, 2025) (closing DEI offices); Ending Illegal Discrimination and Restoring Merit-Based Opportunity, Exec. Order 14173, Sec. 3, 90 Fed. Reg. 8633, 8634 (Jan. 21, 2025) (revoking Executive Order 12898).

[76] *See* U.S. Dep't of Justice, Memorandum from the Attorney General: Rescinding "Environmental Justice" Memoranda (Feb. 5, 2025), *at* https://www.justice.gov/ag/media/1388551/dl?inline [https://perma.cc/U9NK-Y6BJ].

[77] U.S. Environmental Protection Agency, Memorandum from Jeffrey A. Hall, Acting Assistant Administrator: Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities (Mar. 12, 2025), *at* https://www.epa.gov/system/files/documents/2025-03/necimemo-20250312.pdf [https://perma.cc/V3B2-8S2G].

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protection and human well-being that are likely to last far beyond the end of the Trump administration.

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INTERNATIONAL ORGANIZATIONS

The Trump Administration Signals Major Reevaluation of U.S. Engagement with International Organizations

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President Donald J. Trump began his second term by strongly signaling that U.S. engagement with, and support for, international organizations (IOs) should not be taken for granted. On his first day in office, he announced that the United States intended to withdraw from the World Health Organization (WHO).[1] And shortly thereafter he initiated a review of U.S. membership in all international organizations to determine whether they serve U.S. national interests and, if not, whether they could be "reformed."[2] Funding was also immediately cut for two United Nations (UN) bodies, the Human Rights Council and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and an evaluation of U.S. membership in the UN Educational, Scientific, and Cultural Organization (UNESCO) was ordered.[3] In the following eight months, the United States would: sanction officials of the International Criminal Court;[4] disclaim immunity for UNRWA in U.S. courts;[5] announce that the United States would withdraw from

[1] *See* Withdrawing the United States from the World Health Organization, Exec. Order 14155, Sec. 2(a), 90 Fed. Reg. 8361 (Jan. 20, 2025).

[2] *See* Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations, Exec. Order 14199, 90 Fed. Reg. 9275 (Feb. 4, 2025).

[3] *See id.*, Sec. 3(a). On these and other U.S. actions during the first eight weeks of the new administration, see Jacob Katz Cogan, Contemporary Practice of the United States, 119 AJIL 313, 314 (2025).

[4] *See* Imposing Sanctions on the International Criminal Court, Exec. Order 14203, 90 Fed. Reg. 9369 (Feb. 6, 2025); U.S. Dep't of the Treasury Press Release, Counter Narcotics Designations; International Criminal Court-Related Designations; Issuance of International Criminal Court-Related General Licenses (June 5, 2025), *at* https://ofac.treasury.gov/recent-actions/20250605 [https://perma.cc/ZY3M-VWWL]; U.S. Dep't of the Treasury Press Release, International Criminal Court-Related Designation; Issuance of International Criminal Court-Related General License (July 9, 2025), *at* https://ofac.treasury.gov/recent-actions/20250709_33 [https://perma.cc/W7XF-UP54]; U.S. Dep't of State Press Release, International Criminal Court-Related Designations; Issuance of International Criminal Court-Related General License (Aug. 20, 2025), *at* https://ofac.treasury.gov/recent-actions/20250820 [https://perma.cc/3X8V-WCJD].

[5] *See* Lori Fisler Damrosch, *The Trump Administration Reverses U.S. Position on UNRWA Immunities*, 119 AJIL 790 (2025).

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