

Why Germany's coal compromise failed to end the debate

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Can expert commissions develop solutions for controversial issues that will enjoy broad democratic support? A team of researchers from the Institute for Advanced Sustainability Studies (IASS) has analyzed the work of Germany's "Coal Exit Commission" using a set of new criteria. While the authors view positively the Commission's success in reaching a compromise, they criticize its failure to deliver an outcome that promotes the common good, particularly with respect to the high cost of the coal exit and its unambitious contribution towards Germany's climate goals, as well as the lack of public participation.

On 29 April 2021, Germany's Federal Constitutional Court ruled that the provisions of the Climate Protection Act (2019) are incompatible with the constitution—a ruling that has put Germany's "[coal](#) compromise" back in the spotlight. The ruling has forced the government to amend its existing climate targets rather making effective climate action merely a matter for future generations.

Fierce debates accompanied the decision-making process around the coal phase-out. There were widespread concerns that the end of Germany's coal era would affect the economic performance of the coal regions, reducing quality of life and endangering social cohesion. In response to this, a special commission was established by the Federal Government on 6 June 2018. "The Commission on Growth, Structural Change and Employment—also known as the 'Coal Commission' for short—was the most important commission in this legislative period and was supposed to help resolve the conflict around the coal phase-out," says project leader David Loew Beer, who led the study at the IASS. "Today we can say that it has been at least partially successful in this respect. Our research aimed to evaluate whether the commission's work has benefited democracy and sustainability."

For the study, which has been published in the "Zeitschrift fuer Politikwissenschaft" (Journal of Political Science), the researchers

evaluated the reports of the Commission and articles from various media outlets as well as statements and studies released by participating organizations. In addition, interviews were conducted with 14 of the 28 members or their deputies.

At the time, a range of stakeholder groups were included in the commission, including representatives from environmental organizations, private sector entities, trade unions, science, and the regions. In the end, 27 of the 28 members approved the compromise. "The federal government viewed this as confirmation that the commission had been able to strike a fair balance between the different interests," says scientist Loew Beer. Interviews with those involved in the negotiations, however, revealed that the final negotiations were largely conducted by a small and informal group of participants.

How widely accepted was the Coal Commission?

One special feature of the study is that it applies a comprehensive system of criteria that was developed to examine the legitimacy of the Coal Commission and that enables researchers to derive generalisable findings which can be applied to other commissions. "Our analysis also examines the third area of legitimacy, so-called throughput legitimacy," explains Loew Beer. "This offers insights into the democratic quality of the Commission's work and considers issues such as: were members able to contribute equally? What was the quality of the debate? How were the individual members of the Commission equipped? There is very little empirical research on this—and our approach has enabled us to gain new insights."

Recommendations for future commissions

The Commission's work resulted in:

- the Coal Phase-out Act
- the Structural Strengthening Act for Coal Regions, which provides for extensive financial aid for the affected regions.

According to the study's conclusion, in its various legislative initiatives the federal government frequently refers to the agreement reached by the Commission, even where these deviate from the Commission's recommendations in practice. From the perspective of democratic theory, it is problematic that the federal government failed to assume political responsibility for its decisions. According to the authors, this explains why the "coal policies" pursued by the federal and state governments continued to meet with public resistance.

Other critical aspects: It was difficult for the public to understand how exactly the decisions were made. Was a solution found to compensate for the differences in expertise, experience, and access to resources among the Coal Commission's members? Not at all. The federal government's desire to limit its financial exposure, coupled with its unambitious approach to climate policy, diminished the Commission's ability to pursue the common good, resulting in an outcome that the Federal Constitutional Court has rightly criticised as unsustainable.

The researchers also note that it is somewhat paradoxical that while government has allocated substantial funding for the affected regions, the compromise has met with little approval in the regions. Loew Beer speculates that this could be due to the lack of involvement of citizens in the Commission's work and the legislative process.

The researchers recommend the following for future commissions:

- binding criteria for the composition and support of future commissions, as well as transparency guidelines
- mandates that reflect the diverse interests of the affected parties

- a broadening and strengthening of parliamentary debates and decision-making processes. Such far-reaching issues as this should be debated and decided by parliament
- professional and inclusive moderation
- the creation of citizen participation processes to accompany the work of future commissions

More information: David Löw Beer et al, Wie legitim ist der Kohlekompromiss? Spannungsfelder und Verhandlungsdynamiken im Prozess der Kohlekommission, *Zeitschrift für Politikwissenschaft* (2021). DOI: [10.1007/s41358-021-00261-8](https://doi.org/10.1007/s41358-021-00261-8)

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