



Scaling just transitions: Legitimation strategies in coal phase-out commissions in Canada and Germany

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ABSTRACT

Climate change mitigation triggers both spatial and moral complexities, as demonstrated by the contentious issue of phasing out coal power. The success of the Paris Agreement depends on, among other things, the acceptability of climate policy measures and thus, from a moral perspective, on the ability to organize transition processes in ways that do not damage the livelihoods of workers, communities, and entire regions. Spatially, the unequal distributions of burdens and advantages of both climate change and respective mitigation measures provoke struggles over their legitimacy in contexts ranging from local to global. Phasing out coal mining and the respective power generation capacity thus triggers processes of structural transformation that cut across geographic scales, vertical levels of policy and politics, as well as sectoral boundaries.

In light of the urgency of the climate crisis, countries such as Canada and Germany have established stakeholder-driven commissions to develop proposals for just transition pathways for phasing out coal production and consumption. We argue that these commissions are arenas in which spatial, moral, and sectoral (re-) negotiations materialize. Comparing the Canadian and German stakeholder commissions through expert interviews with their members, the article traces how governments use commissions to legitimize their transition policies. Expectations at different levels and from different actors in turn place commission members under pressure to justify their involvement and the outputs of the commissions. We find that the Canadian task force showed greater commitment to collecting and reflecting the needs of communities in its coal regions, and to communicating these to the federal government. In the German coal commission, legitimation strategies focused mainly on a broad representation of interests, and on government spending for affected regions, workers, and industries. In that case, a compromise was reached that satisfied most, but not all, of the diverse requirements.

1. Introduction

Phasing out fossil fuel dependence is essential for effective climate protection, yet triggers anxiety and resistance, particularly in mining regions. Achieving effective climate mitigation – and greater climate justice – will depend on organizing transitions that are not only ambitious, but at the same time socially just in the affected regions. Bringing both aspirations together requires processes and policies that affected communities and the broader electorate perceive as legitimate. In analyzing these processes, we argue that spatial and moral implications are closely intertwined.

Responding to the complex problem of carbon lock-in (Unruh, 2000), countries like Canada (CA) and Germany (DE) have appointed stakeholder commissions to develop recommendations on how a just

transition (JT) and regional structural change can be organized. This article analyzes the legitimation strategies applied in these commissions as a scalar phenomenon: depending on the respective mandate, commission members must respond to pressure from various scales and societal groups. Local communities, national stakeholder organizations, political administrations at different levels, as well as the wider public all articulate their expectations. The spatial dimension closely connects to a moral one, as local claims to legitimacy are weighed against national interests, both of which are themselves heterogeneous. Consequently, stakeholder commissions serve as arenas in which these claims are debated and prioritized.

Exploring the nexus between scale on the one hand and legitimation strategies on the other provides a novel approach to understanding the differences between transition processes. In this contribution, we trace

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how expectations at different scales and from different actors pressurize the members of stakeholder commissions to justify their involvement in the negotiations and related outputs. To this end, we compare JT commissions in Germany and Canada. While these two countries share similarities regarding political economy and the societal debate on coal usage as well as in administrative and political terms, a closer look at the mandates, membership structure, and approaches of the commissions reveals considerably different approaches to organizing stakeholder-driven processes. These differences help explain the respective commissions' divergent processes and outputs. We trace their strategies for coping with legitimacy pressures along the dimensions of input, throughput, and output legitimacy.

Our comparative study gives insight into spatially structured conflictive negotiation processes in the context of mitigation measures. The multi-level conflicts we observe here can point to similar dynamics in other transitions relating to climate policy. Thus, this article provides insights for other potential phase-outs that can be expected if national governments and societies are serious about meeting the Paris Agreement targets and the United Nations Sustainable Development Goals (SDGs).

Section 2 introduces the nexus of scaling and legitimation strategies and depicts stakeholder commissions as arenas for debating this nexus. In Section 3, we briefly describe the preliminary situation as well as our qualitative research methodology. Section 4 traces the multi-scalar attempts to ensure legitimacy during the subsequent phases of the commissions' work. In Section 5, inter-country differences are discussed. Section 6 presents conclusions from the study.

2. Legitimation strategies in multi-scalar just transition processes

2.1. Spatial dimensions of legitimation

As stakeholders debate, constitute, and challenge coal transition pathways, they apply various legitimation strategies aimed at different scales and issue-driven audiences. The contribution of this article therefore is to combine the literature on legitimacy and legitimation processes on the one hand, and scaling on the other. This enables comparisons of stakeholder commissions in two countries that face similar urgency to phase out coal, but which have adopted somewhat different approaches to targeting the relevant scales involved in the transition. As we will show in the coming sections, producing legitimate recommendations becomes more complicated the more levels and addressees are involved. The wider and more diverse the audiences, the more difficult it becomes to arrive at outputs and processes that are broadly perceived as legitimate.

Governments as well as appointed members of JT commissions have an interest in creating processes and arriving at outputs that are perceived as legitimate. According to Max Weber, a social or political order is legitimate if it is accepted by the members of society, and if its rules are not only seen as adequate but actually give orientation to social action (Weber, 2006 [1921]). *Legitimacy* describes a state of legitimacy, while *legitimation* describes the process of making something legitimate (Zürn, 2012). While this article focuses on the latter, namely legitimation strategies, an assessment which concentrates more on normative aspects of legitimacy of one of the studied commissions, the German coal commission, has been carried out by (Löw Beer, Gürtler, Herberg, & Haas, 2021). While measuring perceptions of legitimacy among the wider public is beyond the scope of this contribution, we take a closer look at the attempts and strategies that are observable in different phases of the commissions' work.

In order to structure our analysis of legitimation strategies, we use an established distinction between different dimensions of legitimacy. Scharpf (1970) introduced a normative separation between input legitimacy ("government by the people," i.e., reflection of citizens' concerns and preferences resulting from participation) and output

legitimacy ("government for the people," i.e., the problem-solving quality and the effective promotion of the common good). Based on Easton (1965) and Schmidt (2013), throughput legitimacy is added as a category to evaluate governance processes that occur between input and output. It is defined as "efficacy, accountability and transparency of [...] governance processes along with their inclusiveness and openness to consultation *with the people*" (Schmidt, 2013, p. 1). Thus, in addition to the input that citizens provide or the output in terms of results, the entire intervening period during which input is processed and digested – the 'black box' of governance – is relevant for our analysis.

In this article, we understand the relations between different scales, from local to global, as being fluid and constantly (re-)negotiated. Conventional depictions employ nested hierarchies (comparable to Russian dolls), with geographical arenas contained within each other, thereby presuming a fixed hierarchy between different levels (see also Brenner, Jessop, Jones, & Macleod, 2003). In contrast, we deviate from such a static understanding, and instead agree with Bulkeley that it is necessary to pay closer attention to "the ways in which relations of hierarchy are constituted, constructed and contested" (Bulkeley, 2005, p. 897). In the case of phase-out and transition processes, the local level, for instance, is not hierarchically subordinated per se to the provincial/state or national level; rather, "the domination and subjugation of particular scales of [...] governing arrangements is part and parcel of the processes of scaling and rescaling" (ibid. 2005). The comparison of two national commissions that simultaneously respond to global climate justice and local social justice claims shows how the territorial boundedness of moral questions is a contested and power-ridden process. Our analysis unravels how multi-stakeholder negotiations spatially interpret and thus 'containerize' justice at certain scales (Fraser, 2009). Against this backdrop, we emphasize that the study of climate justice and just transitions should avoid the "territorial trap" (Agnew, 1994).

2.2. The concept of just transition

Recently, coal phase-out processes in particular have been accompanied by demands for a so-called Just Transition (JT). These demands – which originally emerged through the mobilization of labor movements (Morena, Krause, & Stevis, 2020), and gained broad attention in the course of recent political strategies (e.g. ILO, 2013; Presidency of COP24, 2018; UNFCCC, 2015) – have triggered a discussion about what is 'just' in terms of transitions beyond coal, and whose concerns should be prioritized. Emphasizing an ethical dimension in processes that are often described more distantly – especially in the German discourse¹ – as 'structural change' (German: "Strukturwandel"), JT has been introduced as "the idea that justice and equity must form an integral part of the transition towards a low-carbon world" (Just Transition Research Collaborative, 2018, p. 4). A global understanding of JT would include those affected by climate policies as well as those that suffer from climate change. Given the broad scope of the concept, dimensions of justice (distributional, procedural, recognition-based, restorative) as well as issues of space and time need particular consideration (Heffron & McCauley, 2018). Particularly, the question of who has a legitimate say in just transitions triggers a conflict that is both moral and spatial.

Beyond the ambiguity that characterizes JT as a political term, the academic literature makes clear that scale is always implied, for instance – as Newell and Mulvaney (2013) point out – when discussing the contradictions between justice for those suffering from fossil fuel exploitation versus those profiting from this very exploitation. Heffron and McCauley (2018) suggest capitalizing on common ground between the elaborated debates on environmental justice, energy justice, and climate justice. All of these debates address change processes in national

¹ In Germany, only trade union representatives explicitly referred to the concept, but in the debates within the German coal commission, many issues cover the nexus of justice and transition.

policies, regional actor constellations, or local citizen movements to varying degrees. In this context, national stakeholder commissions can be seen as multifaceted and multi-scalar arenas for developing JT strategies. They relate to three aspects at once: a) climate justice discourses – as the reason for politically induced coal phase-outs rests on the aim of reducing emissions in order to limit negative effects of climate change; b) energy justice discourses, for instance on affordability and electricity prices; and finally c) environmental justice discourses, e.g., on the effects of mining, such as environmental damage and forced resettlement.

We use the JT concept to unfold the ethical complexity and controversial process of defining the appropriate scope and scale for coal phase-out policies. The issue of spatial and moral interdependence is central to understanding how attempts at producing legitimate decisions are undertaken. For the analysis, this comes down to the moral question of how differing claims to justice interact with each other. The spectrum ranges from very narrow (workers and/or businesses) or narrow understandings (workers and communities² affected by transitions in fossil fuel regions) to broader definitions (including both citizens from fossil fuel regions as well as others that may bear the cost of a transition, e.g., fellow Germans or Canadians). In that sense, further scholarly engagement is critical in order to scrutinize the integrative possibilities and limitations of the JT concept.

2.3. Stakeholder commissions as arenas of spatial and moral negotiations

Based on the general remarks concerning the spatial and moral dimensions of transitions, we understand stakeholder commissions as temporary arenas in which diverse interests meet and struggles about political legitimacy take place. Stakeholders address specific audiences depending on the level as well as the issues, interests, or sector they represent. In the case of coal phase-out commissions, local actors may represent specific needs of the affected regions, while sectoral stakeholders with a nationwide mandate (business representatives, trade unionists, environmentalists, and the like) may speak to issue-specific audiences. Consequently, it is possible to associate specific legitimation strategies with certain levels at which they are directed (see also Table 5 in the annex). Recommending funding for local infrastructure support can serve as an example benefiting affected regions (local level), while an ambitious phase-out trajectory or guaranteeing stable electricity prices for industry points instead to the national level.

Multi-stakeholder commissions in the context of coal phase-outs are set up, among other things, to reconcile national priorities and their local impacts. The national goal of reducing emissions does not affect all regions equally, but results in locally highly concentrated burdens. Local actors can (de-)legitimize policies because of the share of costs and benefits across regional communities and sectors. Achieving legitimacy on a national level is dependent on the ability to reach a compromise between different priorities, e.g., from industries, environmentalists, and trade unions. Krick (2014), however, observes a trade-off between the efficacy and inclusiveness of expert commissions.

Stakeholder commissions focusing on a coal phase-out are embedded in a political economy that is shaped by unequal power relations and therefore lends stakeholders varying degrees of autonomy. Meadowcroft observes that “groups with the most power are also the ones that have gained [...] the most from existing ways of doing things” (Meadowcroft, 2007, p. 308). Accordingly, those who have benefitted from a fossil-based economy, the ‘incumbents’, do not easily give up their power and privileges (Newell, 2019) and aim to influence policy

² A focus on communities is relevant for including effects on families, neighbors, indirectly affected businesses, and so forth. In addition, the broader focus also incorporates groups that are negatively affected by fossil fuel-based economies: citizens displaced by mining activities, those that suffer from pollution, noise, etc. Thus, a broad just transition concept can incorporate some of the concerns traditionally discussed in environmental justice debates.

decisions. At the same time, unequal power relations are not static. New arrangements including stakeholder bodies have the chance to shift power relations incrementally. They may give greater agency to formerly marginalized actors (Meadowcroft, 2007), increase the visibility of specific policy domains and representatives, or alter the traditional relationship of industry, trade unions and environmental groups. Our analysis shows, for example, that the rise of an increasingly influential and diversifying climate movement took place during the negotiations in the respective JT commissions, thus lending public support to local environmental protests.

We perceive attempts to increase the legitimacy of a planned coal phase-out as an iterative process as indicated in Fig. 1. From the viewpoint of the respective federal governments, the appointment of a stakeholder commission or task force is an attempt to legitimize its economic policy (which may include a decision to phase out coal) through the strategic involvement of key stakeholders and potential veto players. The role of the state can be seen here as maintaining a fragile balance between legitimation and accumulation, democracy and capitalism (Offe, 2006 [1972]). Commissions are a potential way of reconciling these different logics. Understanding the role of the state in this sense reveals how commissions operate in a tension field in which the basic conditions of a capitalist system are left intact (inter alia to ensure tax revenues), while the state is also dependent on democratic legitimation and thus cannot leave major societal problems (like environmental degradation through the climate crisis) unaddressed.

In an iterative perspective on legitimation, attempts of the federal governments to ensure legitimation in turn puts selected stakeholders (commissioners) under pressure to respond to diverse and multi-scalar expectations of their respective audiences. As soon as stakeholders are integrated into a task force or commission, they commit themselves to a process that they can only control to a certain extent. Therefore, commission members have to justify their own involvement as well as the process and results of the commissions.

Increasing legitimacy in a multi-scalar context is not the only motive that might have led members to participate in a commission; other motives, such as preventing a certain outcome or raising one’s own public visibility, are also plausible but are less relevant from the perspective of scalar justice demands.

3. Empirical approach and preliminary situation

Canada and Germany qualify as comparative cases for analyzing the spatial implications of legitimation strategies in JT commissions for two reasons: firstly, both countries found themselves in a similar preliminary situation, as they experienced urgency and public pressure to phase out coal. At the same time, they faced uncertainty about how the transition should be organized and how resistance could be overcome. Secondly, the two countries employed different approaches to organizing stakeholder-driven transition processes; this variation allows us to observe how different legitimation strategies target different scales.

3.1. Preliminary situation in Canada and Germany

The urgency to phase out coal results mainly from the industry’s high greenhouse gas emissions and strong negative climate impacts.³ On the international stage, both countries present themselves as climate leaders, e.g., through the promotion of the German energy transition or through Canada’s co-founding of the Powering Past Coal Alliance (PPCA). However, due to slow progress in reducing greenhouse gas emissions in recent years, the ambition and progress of both countries

³ While this is a main reason for the transition away from coal, additional factors contribute to the phase-out decision, such as major air pollution from coal-fired power plants, societal conflicts due to mining devastation, or the economic decline of the coal industry.

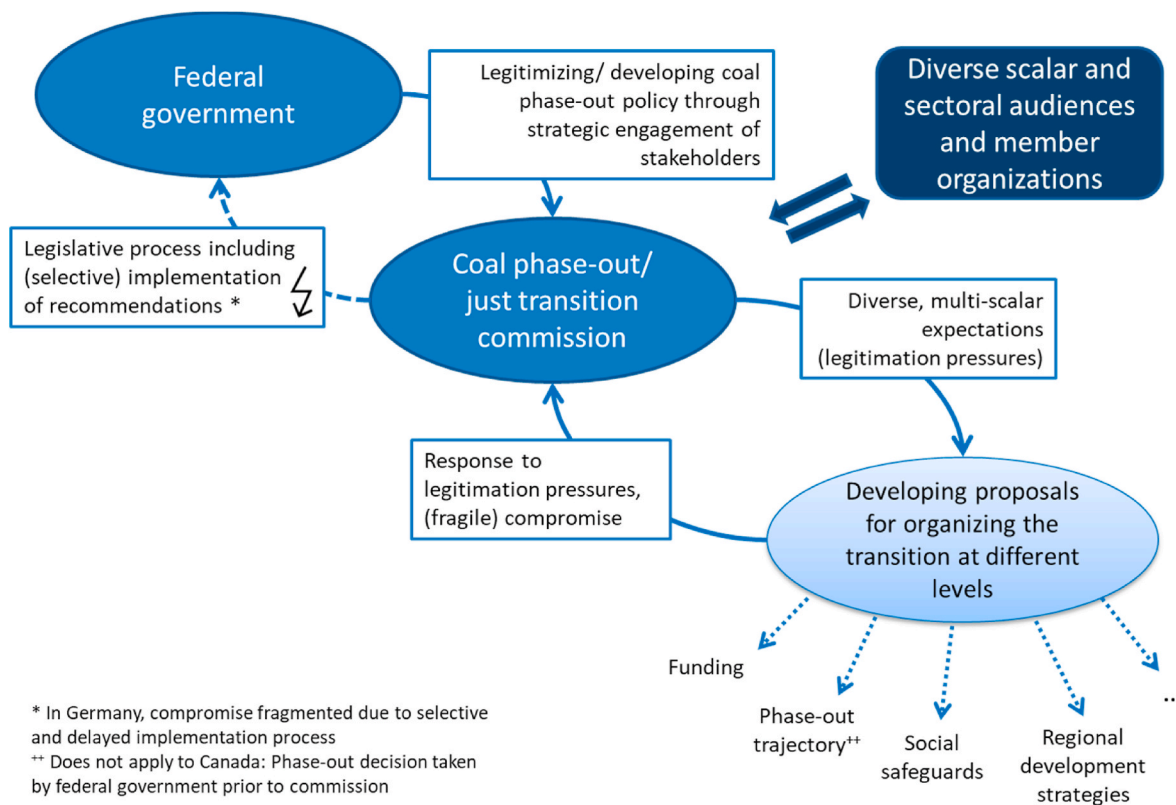


Fig. 1. Attempts to establish legitimacy as an iterative process: While the federal governments appoint commissions to legitimize their own work, the commission members have to justify their involvement and output in response to pressure from various scales and audiences.

has been criticized as insufficient (see e.g. [Climate Action Tracker, 2020](#)). This delay has evoked discontent on the domestic scale, e.g., through climate protests or through increased voting shares for green and progressive parties.

In both countries, employment in the coal sector – which is partially concentrated in rural, economically disadvantaged regions – has complicated attempts to achieve an earlier phase-out. Furthermore, trade unions are influential in either facilitating or obstructing the transformation and thus had to be taken onboard. A further relevant similarity is based in the federal system in which provinces (CA) or states (“Länder” in DE) have a strong influence on the energy transition and can introduce considerable obstructions to national policies. As discussed in this article, this is an important consideration from a multi-spatial viewpoint. The countries differ with regard to the share of coal in the electricity mix (see [Table 1](#)); not only is Germany’s dependence on coal higher, so is the emission reduction impact that the country can achieve through its phase-out. In Canada, the oil and gas sector is more significant than coal for both emissions and employment ([Mertins-Kirkwood & Hussey, 2020](#)). Both Canada and Germany not only support the transition away from coal, but at the same time continue to subsidize coal-fired energy production directly and indirectly ([Zerzawy, Herbst, Liss, & Stubb, 2020](#); [Gençsü et al., 2019](#)).

While a thorough analysis of the political economy and the historic relevance of coal in Germany ([Oei et al., 2020](#); [Stognief, Walk, Schöttker, & Oei, 2019](#)) and Canada ([Mertins-Kirkwood & Hussey, 2020](#)) is beyond the scope of this article, it is important to note that some Canadian provinces had either phased out coal already (Ontario) or else had a strategy in place to do so (Alberta) prior to the federal-led commission in Canada. In addition, a regulation requiring the closure of coal-fired electricity stations after the end of their economic life had been in place in Canada since 2012 ([Beale, 2019](#)). In Germany, the coal phase-out discourse was embedded in a situation in which, despite growing renewable electricity shares through the energy transition

Table 1

Comparative overview of the preliminary economic and employment situation in the Canadian and German coal industry.

	Canada	Germany
Preliminary situation and context	<ul style="list-style-type: none"> Withdrawal from coal-based electricity production by 2030, decided by federal government Coal industry concentrated in four provinces, particularly Alberta 9% of Canadian electricity supply coal-based (2016); Alberta: 50% 	<ul style="list-style-type: none"> Intended withdrawal from domestic lignite mining and electricity generation from lignite and hard coal, but commission tasked with suggesting phase-out trajectory Coal industry concentrated in three regions across four federal states ~37% of German electricity supply coal-based (2017)
Employment in coal industry	<ul style="list-style-type: none"> ~11,000 direct jobs in coal industry^a 	<ul style="list-style-type: none"> ~20,000 direct jobs in coal industry^b

^a Based on data from [Just Transition Task Force \(2019a, p. 13\)](#); [Mertins-Kirkwood and Hussey \(2020, p. 177\)](#).

^b Based on data from [Kommission Wachstum Strukturwandel und Beschäftigung \(2019, p. 52\)](#); [Statistik der Kohlewirtschaft \(2018\)](#).

(*Energiewende*), greenhouse gas emissions did not decline ([Leipprand & Flachsland, 2018](#)).

Both the Canadian and German governments decided to entrust stakeholders with developing proposals for the contentious issue of dealing with the adverse (economic and employment) effects of phasing out coal; the timing was also similar in both cases. However, beyond that, differences become visible. The countries have very different traditions of using advisory commissions, which are rooted in their respective political culture and framework ([Brede, 2009](#)). Comparative studies reveal differences between German expert commissions and

Canadian royal commissions (cf. e.g. [Schultze & Zinterer, 1999](#); [Zinterer, 2004](#)). Germany has a long record of ‘social dialogue’ between employers’ associations and trade unions. In times of crisis, negotiations between these stakeholders and government representatives commonly take place in a system of ‘informal tripartism’ ([Reitzenstein, Schulz, & Heilmann, 2020](#), pp. 152–153). German stakeholder commissions operate in a rather informal environment and are embedded in a system of federal joint decision making, neocorporatism, and party competition ([Brede, 2009](#), p. 43). In the case of the German Commission on Growth, Structural Change, and Employment (informally referred to as coal commission), trade union and employers’ associations were complemented by other stakeholders such as environmental NGOs, scientists, municipal representatives, and affected citizens (see section 4.1). The coal commission in Germany thus reveals both continuity – the majority of members represent the fractions of capital and labor – as well as a deviation from this continuity through the selective involvement of additional actors. Given that the trade unions in Germany “for the most part, remained in the hegemonic coal alliance” ([Kalt, 2021](#), p. 15), a certain imbalance to the benefit of status quo advocates can be expected. At the same time, it is important to avoid considering stakeholder groups as monolithic blocs. Recent developments have created within-group frictions and at the same time enabled new coalitions. In Canada, the federal government decided to convene a task force on a JT. Task forces are one form of public inquiry alongside royal commissions, commissions of inquiries, etc. They typically involve knowledgeable practitioners and are tasked with examining rather practical matters.

3.2. Methodology

Between March and August 2019, we conducted 18 semi-structured expert interviews with commissioners in both countries. Given the time span in the first six months after the end of the commissions’ work, the interviews capture a specific situation during which there was intensive debate about the commissions’ outputs and the extent to which the recommendations would be translated into legislation. In Canada, we interviewed four commissioners and had one additional in-depth background conversation. In Germany, 14 interviews have been conducted (7 commission members; 6 participating personal assistants, so-called “sherpas”; 1 press spokesperson). In addition, one prime minister of a German federal state responded to our questions in written form. The semi-structured interviews involved all status groups (see [Tables 3 and 4](#) in the annex). They lasted 30–60 min and were recorded, transcribed, and analyzed ([Bogner, Littig, & Menz, 2009](#)). A second data source derives from commission reports, including intermediate and final reports, relevant mandates, terms of references, and rules of procedure.

Using a qualitative data analysis approach, both cases and several variables are combined and analyzed using an exploratory heuristic (“small-n approach”). The coding system is based on deductive categories matching the different phases of the commissions as well as the legitimization aspects as introduced in section 2.1. In a second step, we added further categories inductively. We used MaxQDA 2018 software to support this procedure and to allow for a multi-author analysis that ensures inter-coder reliability.

The data selection and the presented structure trace the phases of a commission. Accordingly, we focus on the phases of initiation (background of the commission, mandate, member selection), working period (procedure, conflicts and their resolutions, decision-making, external intervention), and outcomes and follow-up.

4. Results: multi-level legitimization strategies in just transition commissions

This section analyzes attempts by members of stakeholder commissions to respond to pressure to achieve legitimacy at different scales related to energy transition processes. To provide context for the analysis, [Table 2](#) summarizes the main features and outcomes of the Canadian and German commissions. We then turn to our analysis.

Both commissions were established by their respective federal governments. In Canada, the task force was installed by the Ministry of the Environment and Climate Change. The Canadian Government had previously decided to phase out electricity generation from coal by 2030. Thus, the task force’s mandate was limited to “providing knowledge, options and recommendations to the Minister of the Environment and Climate Change on implementing a JT for [coal] workers and communities” ([Environment and Climate Change Canada, 2018](#)). The commission in Germany had a much more comprehensive mandate. In particular it had to agree on a national phase-out plan and propose a comprehensive plan for structural change in the affected regions (cf. [Table 2](#)). Consequently, the German commission had to deal with issues concerning different policy levels, from national to local, and it had to strive for legitimacy in very different fields. [Fig. 2](#) shows the different spatial and thematic dimensions of the two commissions.

Table 2

Comparative overview of mandate, main features, and outcomes of Just Transition commissions in Canada and Germany.

	Canada	Germany
Mandate	<ul style="list-style-type: none"> • Providing JT pathways for workers and communities in the four affected provinces • Engaging with relevant stakeholder groups • Providing recommendations for a federal JT plan 	<ul style="list-style-type: none"> • Agreeing on a date and pathway for phasing out coal mining and power generation • Providing economic and social perspectives for a JT in three most affected regions • Creating a broad societal consensus surrounding energy- and climate policy-driven structural change
Membership Key activities	<ul style="list-style-type: none"> • 11 task force members • Extensive community visits to 15 coal communities in four provinces • Consultation with provincial governments and counties 	<ul style="list-style-type: none"> • 31 commission members • Three community visits to coal regions • 10 monthly meetings with over 60 expert hearings (August 2018 to January 2019)
Main outputs and recommendations	<ul style="list-style-type: none"> • Seven JT principles and 10 recommendations to the federal government • Demands for financial support (“hundreds of millions of dollars”) • JT plan should be implemented by a lead ministry • Social impacts to be reduced through measures such as transition centers, pension bridging, re-education 	<ul style="list-style-type: none"> • Phase-out trajectory, coal exit between 2035 and 2038 • €40 billion funding over 20 years dedicated to coal regions in transition • Compensation for utilities and in case of rising electricity prices • Social impacts to be reduced through measures such as early retirement or the exclusion of compulsory redundancies

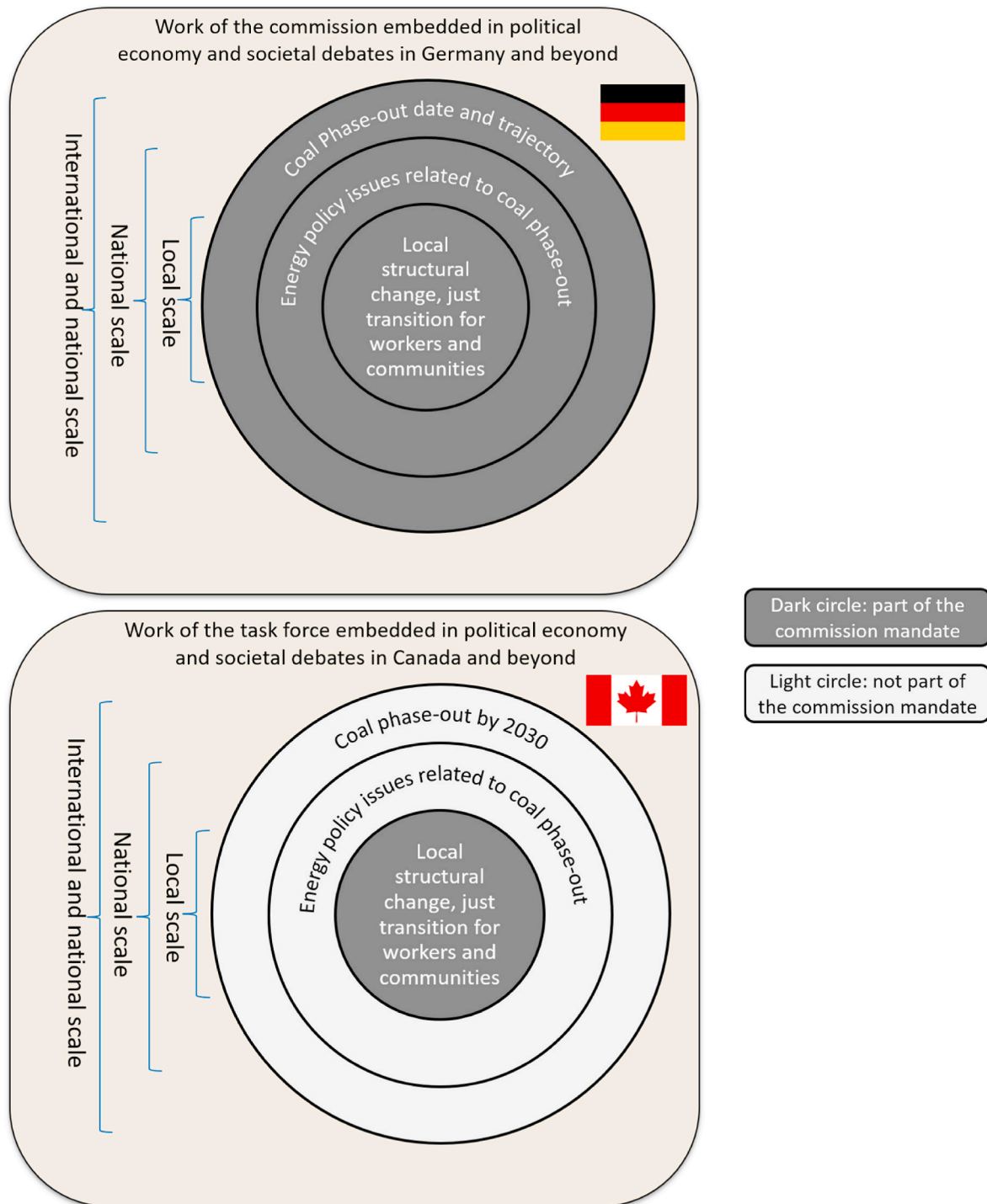


Fig. 2. While the German commission had to respond to diverse legitimation pressures at different scales, the Canadian task force could restrict its work mainly to the local level, based on a narrow mandate. In both instances, executive governments intentionally established a framework for involving stakeholders.

4.1. Who has a say? Legitimation strategies in the initial phase of the commission

Building on these two different mandates, we observed the legitimation strategies that commission members used in the initial phases of the negotiations. These strategies mainly refer to input legitimacy, which focuses on accountability and inclusiveness of which the latter is marked by the interplay between representation and participation (Scharpf, 1993). The appointment process and selection of members are important aspects of input legitimacy. In Germany, the commission

mainly involved stakeholders at the national level, including representatives from private and public industries, trade unions, environmental NGOs, science, and politics.⁴ Commission members from different backgrounds described the group composition as fairly balanced in

⁴ While a thorough analysis of all 31 members (considering preliminary positions on coal phase-out and just transition, party membership, age, gender, etc.) is not conducted here, other analyses provide further context (see e.g. [Agora Energiewende and Aurora Energy Research, 2019](#)).

representing different perspectives at the national level (DE 01, 02, 04, 08, 11). Certainly, those who have been included are more likely to agree to the composition than those who have not. Yet, the overall approval of the membership – after the commission had been finalized – is remarkable given the heterogeneity and unequal capacities between commission members. Regional conflicts were mainly picked up through representatives at the national level, which were supposed to function as a proxy. Some interviewees commented on the member selection more critically (DE 05) by mentioning groups that were not included, such as churches or youth representatives (Grothus, in Praetorius, Kaiser, Körzell, & Grothus, 2019, p. 56). Critical interviewees also questioned whether social aspects were sufficiently represented by (mainly industrial) trade unions alone (DE 04), and whether the common good and taxpayers' interests were adequately considered (DE 04, 07). The German coal corporations, which have close ties to both regional economies and national interest constellations, were not formally invited to join the commission. They nevertheless exerted strong influence due to their considerable power in the German political economy (see e.g., Brock & Dunlap, 2018), e.g., through political contacts and business/trade union organizations. From an analytical perspective, the group composition raises the question whether the involvement of particular progressive or “green” actors and the simultaneous exclusion of other, more radical opposition groups served for “assimilating and domesticating potentially dangerous ideas by adjusting them to the policies of the dominant coalition” (Newell, 2019, p. 28). The relative underrepresentation of female and diverse voices among commissioners must be noted, too.

It is important to emphasize the consecutive addition of regional groups that took place in the process of nominating commission members. A municipal representative stated that “since 2015, over and over again [...] we repeated that the regions have to be taken onboard in the process. [...] And thus, we were not really surprised when they actually asked us [to participate]” (DE 02). Eventually, two municipal politicians, two citizens representing communities threatened by resettlement, and two former prime ministers of coal-mining states as well as several other locally rooted stakeholders were nominated to the commission. This was clearly an attempt to increase legitimacy in the affected regions.

In contrast, affected federal states were not formally involved. The meso-level, which in the German federal system plays a critical role in infrastructural, educational, but also economic planning processes, was initially relegated to a subordinate role. A state prime minister mentioned that he had always criticized that “the federal states only had the role of a ‘guest’ in the commission, i.e., those who are directly affected had no direct voting right” (DE 15). However, despite not actually being members of the commission, state-level administrations exerted a strong influence on the negotiations through the secretariat and through their interventions, and were able to push through many of their demands (DE 01, 02, 04, 05, 06). The informal involvement of ‘meso’-level state governments created an informal space for maneuver, as national and regional interest groups as well as the federal government needed communicative corridors with state governments to ensure the viability of their policy propositions. In the later process this informal setup became an opportunity structure for state governments to lend broad political legitimacy and bargaining power to commission members and the federal government (see section 4.3).

In Canada, the task force had a stronger focus on affected regions. The reason can be found in a mandate tailored to regional needs which excluded many issues of national relevance. Therefore, a JT was interpreted as a local challenge, and thus the work concentrated on the regional communities that are dependent on coal-related jobs or tax revenues. Consequently, the task force was not charged with producing legitimacy at the national level, and could thus focus its efforts locally. Task force members mentioned that, in the local context, they had to clarify that they would not represent the federal government, but rather that they could be advocates for local concerns, “the bearers of

possibility” (CA 04). A commissioner recalled a typical conversation:

“A lot of people said, ‘Why are you doing it [authors’ note: i.e., the coal phase-out]? Don’t do it, let’s phase it out longer’ and we said ‘No, that’s not why we’re here, to negotiate changes to what the federal government has decided. We’re here to listen to you, how this is going to impact you, and what we can do to help’. They go ‘You work for the government’ and we said ‘No, we’re here to listen to you, to take your message back to the government’” (CA 02)

The commissioners thus considered themselves as direct messengers of citizens’ concerns to the federal government, which corresponds to the representation dimension of inclusiveness (Scharpf, 1993). Commission members thus derive their legitimacy from their ability to support affected communities in the capacity of labor unions, community development experts, etc. This regionalist focus is reflected in the selection of commission members. Among the 11 members of the JT task force, at least five were based in one of the coal-dependent provinces while one of them was a municipal representative of a coal region and at the same time a minority representative of Indigenous communities. The provincial governments of the affected regions, however, were not represented on the task force, but were consulted. The Canadian provinces differ in their receptiveness to the planned coal exit, and thus the necessity to plan for a JT. The formal non-involvement of the intermediate governance level is comparable to the German case.

Among the regional stakeholders, the Canadian Labour Congress (CLC) was responsible for agenda-setting and had lobbied strongly for the implementation of such a task force. Due to this effort, the majority of task force members were from the labor movement. Interestingly, none of the interviewees perceived the predominance of trade union representatives as a bias, as it would be in the German tripartite system. According to all interviewees, this is because of the cooperation between task force members functioned very well. One commission member expressed that, in the ideal case, workers’ representatives and community development experts should have been granted equal representation (CA 04). The nine task force members and two chairs comprised: 6 members from the labor movement (representing different affected groups of workers); 1 county councilor; 1 former CEO of a public energy utility; 1 environmentalist; 1 sustainable development expert; and 1 workforce development expert. The task force’s terms of reference included certain criteria such as gender balance and First Nations involvement, which makes the appointment process more transparent than in the German case.

Overall, the Canadian approach was to create high input legitimacy by appointing stakeholders who were either rooted in the coal regions or had a strong record of working with communities and affected workers. In Germany, by contrast, the focus was on representing a broad range of interest groups at the national level, complemented by a few selectively chosen local representatives. Hence, both commissions aimed to ensure legitimacy at different levels, which is mainly based on the assumption that affected interest groups are best represented by either regional people or organizations with a strong local backing (Canadian case), or by national bodies that can indirectly represent, mobilize, and appease regional sub-groups (German case). The regional and national foci were additionally supported in both cases by formally excluding intermediate-tier provincial or state governments from commission membership.

4.2. Processing input from citizens and experts: implementation and work phase

The work phases of the commissions provide further insights how commission members dealt with pressure from various societal and political scales to justify the commission output and their involvement in it. Which concerns and ideas were taken up, and which were not? How was the process organized in order to facilitate negotiation of a broad

range of issues under time pressure? The analysis focuses on aspects of public engagement, expert input, facilitation, and transparency. Inclusiveness and openness to consultation with the public, for instance through processes in which citizens can give input to a commission's work and make their voices heard, are critical elements of throughput legitimacy (Easton, 1965; Schmidt, 2013). We find that this option prevails in interactions with affected citizens at the local level, whereas other options such as expert hearings are dominant at a national level.

One option for building legitimacy at the local level is to organize direct involvement of citizens. Both commissions organized community visits to the affected mining regions. In Germany, the commission engaged in three one-day tours to the coal regions. These visits had a strict agenda and provided relatively limited possibilities for citizens to introduce their perspectives to the process. Therefore, a commission member criticized the visits for not providing added value or reflecting local perspectives in a transparent manner (DE 05). Rather, the prevailing perception was that state governments and interest groups used the regional visits strategically to influence the work of the commission. Other commissioners, however, argued that these visits were helpful for putting the commission's work into context (DE 07, 09). In the regions, commission members were confronted with protests. Yet, although this suggests that public inputs would have been diverse and controversial, the commission did not consider town hall meetings or other forms of public engagement.

In Canada, the task force engaged in a very intensive way with locally affected workers and communities, as mentioned in the final report:

“Across Alberta, Saskatchewan, New Brunswick and Nova Scotia, we visited fifteen affected communities, held eight public engagement sessions, toured five generating stations, two mines, one port, and met with as many employers of coal workers and businesses that rely on the coal industry as possible.” (Just Transition Task Force, 2019a, p. 4, p. 4)

For the community visits undertaken by the Canadian task force, smaller groups of task force members met with affected citizens and workers. One commission member reported that broadening the focus from coal workers to their families and entire communities was not initially considered logical, but that representatives from the labor movement were open to this broader understanding of JT (CA 04). The public engagement sessions were mentioned as *the* focal part of the commission's work by all members. The earlier decision of the federal government to announce a coal phase-out had not been accompanied by any consultation or direct interaction with affected communities. Consequently, the community visits were the very first opportunity for coal workers and communities to make their concerns heard, and in many cases also to voice their anger. In some instances, the atmosphere at town hall meetings was tense: “They were angry as hell, and in some cases rightly so”, a commissioner reported (CA 01). Communities had prepared intensively for the meetings, which in many cases were attended by hundreds of people, including workers and their families (CA 04). Commissioners also reported that task force members dedicated considerable time – often three to four hours – to each meeting. During these community visits, conflicts between international, national, and local imperatives were addressed – a further indication that the coal phase-out is an occasion to (re-)negotiate spatial priorities. One interviewee stated: “I think it's a hard pill to swallow that you're the town that's going to get nuked on behalf of international climate policy” (CA 04). Overall, the opportunities for participation provided strong contextualization of the respective needs and opportunities. The Canadian commission thus clearly focused on inclusiveness and openness in the sense of hearing and personally witnessing a heterogeneous range of insights and concerns at the regional level.

Both of the stakeholder commissions furthermore organized expert hearings in order to strive for greater input and output legitimacy. In the

German coal commission, more than 60 expert hearings with representatives from federal and state ministries, businesses, trade unions, science, and civil society took place during the working period. It is apparent from this number of hearings that the organizers were more concerned about input from scientific experts or organized interest groups than that from citizens in affected communities. Although a host of experts were invited, commissioners criticized that there was no proper recording of inputs; the protocol only recorded the final decisions that were made (DE 01). Thus, the harvesting process was unsatisfactory when measured against the criteria of transparency and accountability. The processing of input from citizens and experts was altogether largely undocumented, so that ongoing protests against the commission or its recommendations could not be met with a display of procedural fairness and broad dialogue. As an exception, the protests against the destruction of the Hambach forest, an important symbol of the climate movement, have shaped debates within the commission (Grothus & Setton, 2020). For the interaction of scaling and legitimacy, this also fosters a rather vague mapping of legitimacy claims. The various inputs were not listened to as an expression of clearly defined and spatially situated issues, which would require specific local, regional, or national responses. There was clearly a stark tension between the commission's broad multi-scalar mandate on the one hand, and the lack of scalar specificity in processing the various inputs on the other.

In Canada, the task force focused instead on local stakeholders, in order to tap into their applied knowledge. The commission met, inter alia, with provincial governments, municipalities, the coal industry and other businesses, labor representatives, and academics. In addition to organized and professionalized stakeholders, it also engaged with key community actors, as one commission member describes:

“One part of our process was that before every community visit [...] the secretariat had a list of people that we needed to meet with. But in addition to that, we as taskforce members were invited to add anyone else that we felt was necessary to meet with, and so the list of interviewees and presenters in each community as a result of that was quite robust and quite diverse, which was very helpful. So we didn't just hear from the local union shop stewards; We heard from the local First Nations, we heard from the mayors, and we heard from the school teachers” (CA 04).

Next to public engagement and expert consultation, adequate facilitation of meetings is a key quality for ensuring high legitimacy, particularly regarding the throughput dimension. In the case of the German coal commission, the quality of chairing is viewed rather critically. In an attempt to increase regional acceptance, two former prime ministers from federal states with lignite coal dependence were chosen as chairs. However, their biased, overly pro-coal stance reportedly created conflicts within the commission (DE 02, 04, 05, background talks). In addition, a former federal minister and a professor of energy economics co-chaired the commission. Overall, according to commission members the chairs did not manage to ease the scalar as well as issue-based conflicts within the commission.

In Canada, the facilitation of both internal and external sessions, including the town hall meetings, was carried out by the two co-chairs and other members of the task force, some of whom were trained facilitators. The facilitation was not criticized as in the German case. One commission member concluded that: “Good chairing, good facilitation, good information, and enough time to be able to actually have the discussions both formally and informally was the recipe” (CA 04).

As the German commission involved stakeholders from different backgrounds, their unequal resources influenced the negotiation process. While many of the national-level actors are accustomed to high-level political discussions, the regional actors had only limited preliminary experience of such settings (Grothus & Setton, 2020). Furthermore, while the national players were often supported by large teams, regional players had barely any staff. In addition, national

players were paid by their respective organization, whereas the lack of any remuneration for the commission work was a problem particularly for local citizen representatives. Such asymmetries in stakeholder capacities were specific to the German case rather than the Canadian.

The two commissions differ in terms of the transparency of their work (throughput legitimacy). In the German case, the commission's working procedures were repeatedly criticized as being insufficiently transparent. At the outset, disputes occurred regarding procedural rules. The appointment of experts and preparation of the community visit program were described as problematic. The small-group negotiations during the very last night of the commission's work are also revealing. At this stage, a smaller group of around ten commission members met with the chairs to broker a final deal. Even members of this group had no idea on which basis members had been selected (DE 01). Commission members were also critical that negotiating in smaller topic-specific subgroups to overcome deadlock was introduced rather late, despite having previously been suggested at an early stage but rejected by the chairs (DE 01, 05). Furthermore, a lack of inclusiveness and openness was criticized, which revealed itself for instance in unequal access to both information and the secretariat (DE 01). Despite reports about last-minute changes to the draft resolution, the final vote was presented as a 'take-it-or-leave-it' decision under considerable time pressure (DE 01). The work of the secretariat has been described as "catastrophic," even in terms of logistical issues (DE 01). Overall, we find a range of problematic issues regarding the efficacy (throughput legitimacy) of the German coal commission.

Criticism of the German commission's lack of transparency, which is one element of throughput legitimacy, stands in stark contrast to the Canadian example, where we found no strong claims of such. The Canadian terms of reference were predetermined by the federal ministry, and the interviewed task force members characterized the mutual discussions as "very amiable" (CA 01, 04). This also related to the narrow scope of the Canadian task force, which focused squarely on local issues so that very little conflict occurred between national and local demands.

Overall, we conclude that the Canadian JT task force focused on direct citizen involvement such as town hall meetings, as well as on transparent working procedures to legitimize its work. This corresponds to the largely regional mandate and the principal task of supporting transitioning communities. In the German coal commission, which started off with a broad multi-scalar mandate and a largely national set of commission members, the most laborious process of maintaining throughput legitimacy can be seen in the expert hearings. Although they have been a major part of the legitimation strategy, commission members expressed considerable criticism of a lack of transparency and deficient facilitation and working procedures. Both expert voices and affected communities were heard, but not thoroughly documented, with the result that the throughput legitimacy of the commission remained contested.

4.3. Convincing through results? Output and implementation

This subsection explores the legitimation strategies of both commissions during the final stage and after each commission's work was completed. The most striking strategies we found involve the satisfaction of sectoral and multi-level requirements through funding schemes, social safety measures, strategy-making, and follow-up processes, such as participation formats. Other strategies of defending the commissions' outcomes have been more discursive, for instance when addressing the beneficiaries in the affected communities. It is remarkable that in both cases the commissions were able to develop a compromise that received relatively broad acceptance immediately following its publication. While the compromise in Germany was fragile from the beginning and is increasingly called into question (Praetorius et al., 2020), the less controversial output of the Canadian JT task force still enjoys broad support. In that sense, both commissions tried to convince not only by listening to and processing various inputs, but also by producing

persuasive recommendations.

The Canadian task force tried to show problem-solving capacity by providing a list of ten recommendations to the government, based on seven principles for a JT. The main priorities include a JT plan that is implemented by one lead ministry; locally organized transition centers; pension bridging and a comprehensive program for retraining and educating workers; the request for additional funding; and the embedding of JT in planning, legislation, and long-term research. In addition to the final report, a "What we heard" report was published, in which task force members collected impressions from the community visits, while only providing very broad recommendations and principles for the further policy process (Just Transition Task Force, 2019b).

The recommendations of the German coal commission, by contrast, are very specific and relate to national, regional, and local concerns. They were laid down in a detailed 100-page document that describes the preliminary situation and the recommended measures for the energy sector, for creating new employment opportunities, as well as the objectives for the affected regions and for the energy system as a whole. Key points include the regulatory phase-out of power generation from coal by 2038 at the latest, and the allocation of €40 billion of federal funding dedicated to structural change in the mining regions. Social safety measures for workers, such as adaptation payments for older workers, are determined in the coal exit law.⁵ Power plant operators will receive compensation,⁶ while guarantees for industries are included to ensure stable electricity prices and reliable supply. An overview of the final recommendations of both commissions can also be found in their respective final reports (Just Transition Task Force, 2019a; Kommission Wachstum Strukturwandel und Beschäftigung, 2019) and in Table 2. In addition, Table 5 (annex) associates essential legitimation strategies discussed in this section with the scale at which they are primarily aimed.

One apparent strategy in responding to the diverse, multi-scalar expectations placed on the commission was to attempt to satisfy all stakeholders and potential veto players by meeting their respective individual interests. Responding to the diverse expectations at the local, state, and federal level, however, has been a main conciliatory challenge for the German coal commission. Here, we return to our earlier argument that the target audience in its horizontal and vertical dimension – predetermined by the comprehensiveness of the mandate – may explain the choice of justification strategies. Many of the stakeholder interests could be met through financial support, e.g., through compensation, infrastructure funding, or transitional payments. The environmental side, however, demanded an ambitious exit strategy that cannot be achieved through financial means. In our interviews, stakeholder representatives emphasized how they lobbied for and succeeded in meeting their most urgent objectives. Trade unions mention the exclusion of compulsory redundancies, providing a social safety net for workers, and further participation rights in the transition process as their main successes (DE 09, 10, 13), while industry representatives refer to reliability of supply, compensation for power plant operators, and the guarantee of stable electricity prices (DE 03, 07, 08). Environmentalists find it more difficult to qualify the commission as a success because most non-environmental groups detracted from the main environmental objective, an early coal phase-out, in the final negotiations. The resulting rather unambitious phase-out trajectory has then been further diluted in the subsequent legislative process.

Overall, the phase-out date and shutdown strategy has been one of the most divisive issues among commission members. As a partial

⁵ <https://www.bundesregierung.de/breg-en/news/kohleausstiegsgesetz-1717014>.

⁶ While compensation for lignite power plant operators has been negotiated between coal industry and government and will amount to 4.35 billion euros, compensation for hard-coal power plant closures will be determined via auctions.

success, climate advocates highlight that for the first time there is a specific phase-out plan, which could conceivably be accelerated. However, this cannot hide the disappointment of a late phase-out date, particularly in comparison with more ambitious commitments by other countries. Differences in negotiating strategies and experience can partially explain why certain actor groups achieved greater success in realizing their goals. The highly specific recommendations represent a delicate set of local, regional, and national concerns and respective measures. While this attracted much public attention at all levels and required considerable engagement from the participating groups, the entire package remains vulnerable to efforts of delegitimization. Ultimately, the strategy of satisfying different stakeholders mainly through funding schemes helped to overcome deadlock based on veto positions, yet it comes at a high price. While many local voices can claim a lack of recognition and regional governments were not formally involved, the inadequate climate policy ambition at the national level remains an obvious drawback. Given that the final recommendations are not aligned with the Paris Agreement, and that German taxpayers will have to support various special interests of certain industries and societal groups, there is considerable doubt about whether the commission has successfully achieved “promotion of the common good” – which Scharpf (1970) formulates as a requirement for securing output legitimacy (DE 04, 07). In the near future, that means that more ambitious governments, businesses, or protest groups can try to overrule the commission’s recommendations and consecutive decisions, while less ambitious groups have a broad basis to campaign against the coal phase-out in general.

In Canada, financial compensations played a less prominent role. Our investigation of the Canadian task force reveals that avoidance of conflicts concerning the phase-out plan helped to focus on local JT concerns. The task force did not have to consider such a broad range of issues and sectoral demands, as key decisions on the phase-out had already been taken by the central government. Consequently, the task force’s work was not dominated by conflicts between the political levels, and struggles did not occur concerning financial compensation and support programs. In accordance with its mandate, and given the majority of trade union representatives in the commission, the suggested measures focus strongly on a fair transition and social security for coal power workers and their communities. None of the Canadian interviewees mentioned the kinds of ‘horse trading’ reported by their German counterparts. Rather, a majority of trade unionists and industry representatives were convinced that painful cutbacks in the coal industry were necessary from the perspective of meeting climate policy commitments (CA 01, 02). A comparison of the costs of coal phase-out policies shows not only that discussions about compensation were more salient in the German commission, but also that satisfying the various interests and juggling the administrative requirements on various scales resulted in inflated costs of the phase-out. Nacke, Jewell, and Cherp (2020) show that the compensation costs – calculated per GW or per affected coal worker – are considerably higher in Germany than in Canada or other countries that have developed phase-out plans.

Given the funding recommendations to meet national and local expectations, our analysis shows that the two commissions differed in the extent of autonomy vis-à-vis their respective federal governments. In Canada, the task force was able to work relatively independently of the federal government. Consequently, it could formulate its demands without strongly anticipating issues of feasibility and implementation. In Germany, the prime ministers of affected states repeatedly intervened, demanding considerable funding for the transition. While the commission negotiations formally emerged between local and national representatives, we see an interesting aspect of scaling here: The intermediate (state-level) tier of government exerted strong influence, acting somewhat as an unofficial lobby group to pressurize a commission that mainly consisted of corporatist actors (unions, employers, environmentalists). As a result, the German federal government had to intervene – specifically with large financial resources – in order to appease the

state governments.

In both cases, attempts to ensure that the commissions are perceived as legitimate can furthermore be found in discursive strategies following the completion of each commission’s work. Commission members largely explain and defend the results publicly and demand swift and consistent implementation of the recommendations. In the Canadian case we are not aware of any controversies among the task force members regarding its outputs or the implementation of the agreed pathway. Former task force members showcase their work at different occasions, for instance at international climate negotiations. The second-term Trudeau government announced in early 2020 that a “Just Transition Act” would be one of its first major projects in the environmental field during its new term (iPolitics, 2020). The less diverse scalar- and issue-specific audiences in Canada may have been beneficial in securing long-term support for the task force’s recommendations. In Germany, most of the commission members demanded that the recommendations laid down in the final report should be implemented “one to one” in order to avoid cherry picking (e.g., DE 02, 08, 09, 10). In line with expectations from previous research on expert commissions (Siefken, 2006), this did not happen, as the German federal government selectively implemented the recommendations. It is remarkable that the compromise was initially largely defended by nearly all commission members after the commission had concluded its mandate. In recent months, however, eight of the previous commission members – mainly environmentalists and scientists – have renounced the implementation of the compromise (Praetorius et al., 2020),⁷ arguing that further dilution through the federal government has led them to withdraw their support for the “minimal compromise” (Grothus & Setton, 2020). In July 2020, the *Act to Reduce and End Coal-Fired Power Generation* and the *Structural Development Act* was passed by the German Parliament and the Federal Council (German Bundesrat)⁸. Given that opposition to the coal compromise – particularly from more critical environmental groups outside the commission including *Fridays for Future*, *Ende Gelände*, and *Extinction Rebellion* – has existed from the beginning and has recently increased, it seems that the commission’s goal of pacifying a major societal conflict was not entirely successful.

Overall, the iterative legitimation process as depicted in Fig. 1 indicates that affected publics can judge commissions based on the legislative outcomes that result from stakeholder negotiations. Of course, the implementation process is not a closed system, and therefore the time between the completion of the commissions’ work and eventual political implementation opens up new options for multi-scalar and multi-sectoral interference.

5. Discussion: inter-country comparison and regional implications

The analysis above reveals various attempts to (re-)negotiate the spectrum and scale of the issues and people that are involved in the decision-making process to phase out coal usage and organize a just transition. Both the German and Canadian commissions focus on regional issues such as industrial decline, job loss, environmental damages, public health and the displacement of settlements near the open-pit mines. However, these regions are not monolithic. Scaling conflicts include the question of who should speak for the region. Nested scalar hierarchies are contested when those at presumed subordinate levels, such as local politicians, challenge superordinate levels, as “hierarchies of scale do not necessarily need to be ordered in spatially extensive

⁷ Main criticisms of this group concern, i.a., deviations in phase-out dates and capacities, the planned commissioning of a new coal power plant (“Datteln IV”), plans to devastate further villages for opencast mining, and unnecessarily high compensation for power plant operators.

⁸ <https://www.bundesregierung.de/breg-en/news/kohleausstiegs-gesetz-1717014>.

terms from the global to the local, but can take different forms depending on the social relations in question" (Bulkeley, 2005). Rivalries also occur when particular regions or representatives have a seat at the table while others who might also face structural challenges are sidelined. Within the affected regions, the boundaries of historically fluid territorial bonds are renegotiated.

5.1. Scalar dynamics of borrowing legitimacy

In order to discuss both commissions and inform the normative judgement about the coal phase-out processes we use two distinctions. First, multi-stakeholder commissions can serve different functions, among them issue-oriented or symbolic ones (Siefken, 2019). As a second distinction, we claim that the German and the Canadian commission rooted their legitimation strategies on entirely different scalar logics. The bigger picture is that both commissions borrowed their legitimacy from political expectations that have a specific scalar profile, thus motivating more input- or more output-oriented legitimation strategies.

The German coal commission had a very broad mandate that sought to overcome deadlocks in national policy and regional conflict at the same time. This scalar complexity played out as a bottom-up loan of legitimacy. That is, regional conflicts and the need to clarify economic, social, and ecological prospects for affected communities formed the background against which the coal commission at the national level tried to base its legitimacy. This path fostered the creation of a broad national stakeholder constellation and resulted in mostly top-down recommendations that are likely to have an enduring, albeit non-binding, effect on future policies and regional communities. The German commission thus focused on output, trying to appease all relevant stakeholder groups with a comprehensive list of policies and projects, based on suggestions from the affected states. This list was complimented with strategies regarding the implementation and further involvement of local perspectives. Most policy makers and economic actors in the coal regions note those measures positively – for instance, when a regional actor from the region of Lusatia said: "We wouldn't have thought that Lusatia would ever get such a chance again" (DE 02). Despite the broad output, which was communicated as a cross-sectoral compromise, some recommendations and project proposals trigger new controversies. Therefore, the narrowly defined compromise is unlikely to appease the regional conflict for and against lignite coal. A renewed demand for input and throughput legitimacy is likely to accompany the implementation process, thus re-opening the very controversies that underpin the commission's recommendations.

The Canadian model, by contrast, borrowed its legitimacy from national policies in the recent past. In contrast to the German case, a top-down decision of the Canadian government with regard to phasing out coal resulted in a situation in which legitimation had to be produced bottom-up through taking affected communities' concerns back to the government, thus restoring part of the lost trust. This local focus materializes in the recommendations that concentrate strongly on local needs, but also in the rather symbolic transmission of impressions and community voices from the public engagement sessions. The effect for the process design is that commissioners did not negotiate with any of the involved governments. Instead, they were free to focus on regional-level consultations that resulted in a thorough participation and engagement process. The negotiations and community visits cumulated in mostly bottom-up policies with a broad emancipatory style and content. Both process and product of the Canadian commission emphasized aspects of recognition and understanding. This is also illustrated by a trade unionist, who stated: "We all felt very strongly that the report in no small measure was being written for the communities being affected. [...] we wanted the report to at least have some resonance, hopefully for the people that are in the affected communities" (CA 01). The commission furthermore urges the federal government to "meet directly with affected communities to learn about their local priorities and to connect them with federal programs that could support

their goals" (Just Transition Task Force, 2019a, p. 28). As the task force was aware of the wider relevance of its work beyond the coal sector, it also suggests that "the Government of Canada could undertake a subsequent and broader phase of consultation and analysis on JT in Canada with industries beyond coal" (ibid. 2019a, p. 29). In a nutshell, the basic logic of the Canadian commission is based on borrowing legitimacy from the national government, while the commissioners directly responded to the 'natural' voices of affected communities. This is reflected in the participatory content and language of the final report. The downside is that the same report is vague and cannot produce the same policy detail and public pressure as the German counterpart.

It is worthwhile discussing one major drawback of the German case and to caution against a general risk of focusing on policy outputs for affected regions. Certainly, the upside of this logic is that it created considerable, albeit non-binding, pressure for the national government to act upon the recommendations. While the current government has implemented the recommendations selectively, the coal commission will most likely influence the entire phase-out process until 2038 (or earlier). However, it is not far-fetched to describe the case of the German coal commission as an outstanding debt of legitimacy: The wider legitimacy of the decision-making process is borrowed from the regional communities, which take a leap of faith regarding the historical failures to resolve the coal conflict and implied uncertainties. Yet, some of the most pressing issues of justice could not be resolved by the commission's results. The most notable example – which is also the reason why the commission members failed to unanimously vote in support of the final recommendations (DE 12) – is the lack of clear guidelines with regard to the resettlement of villages threatened by opencast mining. A recommendation on whether the expansion of opencast quarries would be immediately halted or continued despite the long-term phase-out plan, was pending when the commission's report was published. As a result of complex bargaining, the commission produced new issues in the fields of climate policy, village displacements, or local government involvement. With regard to the design of the commission process, this shows that the output-orientation that resulted in the alleged compromise goes back to a rationale of exclusion by inclusion. The commission's broader goal was reconciliation, whereas those various issues and audiences, which could jeopardize a clear set of final policy recommendations, were not clarified during the process. This insight, and our analysis in general, can be seen as a cautionary tale for future stakeholder commissions in JT processes: It is critical to clarify beforehand which specific legitimation pressure is intended to be reconciled, how the commission's mandate can be specified, when and how regional communities can respond and contribute to policy ideas, and to clearly map out the process that collects and consolidates the various inputs.

6. Conclusion: negotiating the scale of justice in transition commissions

Fossil-based industries and lifestyles play an important economic, political, and symbolic role in Germany and Canada, both regionally and nationally. Climate change and climate policy responses call into question capitalist and extractivist models of accumulation. However, a broadly legitimated transition away from fossil fuels is confronted with vested interests and the long-term political legacies of fossil industries. In this context, it is far from clear how an ambitious phase-out of fossil fuels can be accomplished, and whether related conflicts can be resolved. Both the Canadian and German governments have chosen stakeholder commissions as the main instrument to gain legitimacy in the contested phasing out of coal. The extent to which they have succeeded in doing so depends crucially on public legitimacy. More specifically, commission members themselves actively evaluate complex questions of justice and legitimacy. Their view on the negotiation process and related compromises shapes the public support of the coal phase out as such.

This article sheds light on attempts to establish legitimacy in multi-

level just transition commissions. We understand these commissions as arenas in which spatially and issue-specific diversified stakeholders meet and are required to (re-)negotiate their priorities. Imperatives of international climate policy trigger changes in national energy planning, which then result in pressure to organize a (more or less) just transition at the local level. The global decarbonization effort needed to comply with the Paris Agreement makes national phase-out plans only the beginning of a series of large-scale transformations. It is critical from the point of view of global climate justice that national governments establish appropriate frameworks and strategies in order to strive for long-term decisions that rely on democratic legitimacy.

Based on Scharpf's (1970, 1999) and Schmidt's (2013) normative distinction between input, throughput, and output legitimacies, we have discussed strategies employed by Canadian and German commissions to develop transition pathways by, with, and for the people. We conclude that Canadian commission members focused on increasing the legitimacy of the input and throughput dimensions, thus vying for symbolic effects and regional support. The German coal commission was less focused on achieving high throughput legitimacy and regional inclusiveness, which points to the potential shortcomings of stakeholder commissions, such as lack of transparency and responsiveness. By contrast, while the German commission also based its efforts on a narrative of regional transition and structural change, it had a much more encompassing and issue-driven strategy. We have pinpointed the corresponding scalar dynamics as a paradoxical process of borrowing legitimacy: In Germany, bottom-up rhetoric that referred to very concrete regional conflicts led to top-down policies with an emphasis on administrative soundness and political viability. By contrast, top-down legitimacy that the Canadian commission derived from national policies motivated a bottom-up consultation effort leading to emancipatory – in parts radically participatory – policy recommendations.

How to explain these differences? To do justice to the broader climate policy context and the specific coal-related processes, it is important to clarify the normative premises. Particularly, the contrast between 'just transition' and 'climate justice' sets out certain spatial disparities that are closely entwined with political priorities. While the first usually refers to workers and communities at the local level, the latter dominates in debates with a global dimension. If a commission debates issues such as a coal phase-out date, it must also address questions concerning appropriate levels of ambition – with implications for justice at global scales. The recent stakeholder commissions represent institutional prototypes, albeit deficient ones, to tackle this multi-scalar problematic. In our interviews, a state government official, for instance, argued that "it was a no-go that a few small regions, 100,000 or 200,000 people, have to carry the whole burden of the German climate commitments" (DE 06). Judging from the output of the German coal phase-out commission, there seems to be a trade-off between legitimacy at the local level and ambition at the global level. Or, to put it differently, global climate ambition has been traded in for acceptance at the local level. Ultimately, a rather unambitious phase-out strategy was agreed upon, but the interviewed commission members sensed that it was better to have a minimal compromise than no compromise at all. In this light, the Canadian approach of unbundling the JT from the actual coal exit decision is more promising.

One policy factor that differentiates both approaches is the political mandate of multi-stakeholder commissions. For both cases investigated here, the JT for affected workers and communities was a pivotal concern. Further similarities can be found in the preliminary political-economic situation of coal. However, the mandate of the German Commission on Growth, Structural Change, and Employment was much more comprehensive: In addition to developing a JT strategy, it was tasked with resolving major challenges concerning a national coal phase-out date and related energy infrastructure issues. We showed how a comprehensive set of tasks also increases the number of stakeholders, and necessitates expanding the framework in order to introduce processes and outcomes that are perceived as legitimate by all. The struggle

and considerable failure to address multiple dimensions and scales of legitimacy as well as the resulting hesitant compromise are consequences of this overburdening mandate assigned to the German commission. The relationship between mandate and outcome is contingent, but played out as a paradox in the German and Canadian commissions: The broader the mandate, the less ambitious the resulting measures of climate mitigation and public involvement. As the Canadian example shows on the contrary, a narrow mandate can contribute to more specific and ambitious results.

Finally, political economy and financial capacities obviously vary across coal-producing countries such as Australia, Canada, the Czech Republic, or Poland. The German government, after a decade of economic prosperity and far-reaching austerity measures, was able to commit very large financial resources to cushioning the blow of a coal phase-out. However, the strategy of appeasing all relevant national and subnational interest groups through excessive structural aid funds – as seen in the case of Germany – has its limits. Scharpf argued that governance instruments such as commissions "must serve the 'common good' of the respective constituency, and [...] this function must be protected against both the self-interest of governors and the rent-seeking strategies of special interests" (Scharpf, 2003, p. 2). In the case of the German coal commission, the recommendations can also be read as an attempt to buy legitimacy using public money, to the detriment of the 'common good'. Rather distant groups such as those most vulnerable to climate change, or future generations, also have strong and normatively reasonable claims to justice, yet had no say in the context of the commissions.

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Declaration of competing interest

One of the authors presented early recommendations in the course of the expert hearings in the German Commission on Growth, Employment, and Structural Change.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.polgeo.2021.102406>.

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