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## Action on climate change mitigation in German and Chinese cities – A search for emerging patterns of accountability

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### ABSTRACT

The article explores emerging patterns of accountability in German and Chinese low-carbon urban development. It draws on multi-level vertical and horizontal governance perspectives and identifies the current status of institutional innovations in order to steer action on climate change mitigation in urban environments. To underpin the relevance of the research, it is shown that factual responsibilities as well as political mandates, require enhanced and accountable action on climate change mitigation at city level. Drawing on political documents, scientific literature, as well as institutional arrangements developed under the international regime of climate governance, four components of accountable governance are identified and applied to the case studies of Germany and China, with a focus on the cities of Hamburg and Shenzhen.

### 1. Introduction

Global warming is one of the most pressing environmental and societal challenges of our times. Globally, scientists and politicians agree that meeting these challenges requires great transformation processes compared to business as usual (Schellnhuber et al., 2011). Bridging the disciplines of legal sciences and urban studies, this article explores accountable modes of governance of cities' carbon footprints in Germany and China, in order to activate the transformative forces within cities. The research builds on Ostrom's assumption that complex societal problems with unknown solutions are best addressed by a variety of actors and overlapping policies at local, national, and international levels (Ostrom, 2012), and aims to contribute to the growing field of studies concerned with polycentric climate governance (Jordan et al., 2015; Chan, Choy, & Yung, 2013). Empirical research in Europe demonstrated a wide variety of target setting and strategic climate actions at city level (Heidrich et al., 2016; Reckien et al., 2014). However, it also identified a lack of mechanisms that ensure that targets are met (Bulkeley et al., 2011; Sippel, 2011) and – in terms of Bache et al. – an “accountability vacuum within an increasingly complex architecture of multi-level governance” (Bache, Bartle, Flinders, & Marsden, 2015).

The present research conceptualizes cities as actors in vertical and horizontal, legally-binding, politically mandated, or voluntary networks and hierarchies of climate governance. It aims to trace the current state of accountability requirements in such networks and hierarchies in the jurisdictions of China and Germany as well as cities' responses to and dealing with such requirements. In order to establish the relevance of the research, the article, firstly, argues that factual

responsibilities as well as political mandates require enhanced and accountable climate change mitigation action at city level (2). Secondly, drawing on political documents, scientific literature and institutional arrangements developed under the international regime of climate governance, four components of accountable governance are identified to serve as a basis for the case studies (3). Centrally, the article compares the current institutions for strategically steering action on climate change mitigation in Chinese and German cities and identifies patterns of accountability (4). Finally, conclusions are drawn and a need for further research identified (5).

### 2. Factual and political responsibilities

Urban infrastructures and lifestyles leave global footprints (Brenner & Schmid, 2011; Rees & Wackernagel, 1996). In 2005, approximately 75% of global energy flows were consumed in cities (Swilling, Robinson, Marvin, & Hodson, 2013). Nowadays, about half of the world's population lives in cities and this number is expected to rise to 66% by 2050 (UN DESA, 2015). With a growing urban population, the share of energy consumption in cities will continue to rise. The research is built on the presumption that cities are not only part of the problem but also part of the solution (Creutzig, Baiocchi, Bierkandt, Pichler, & Seto, 2015; Kennedy et al., 2012, 2014).

The crucial role of cities for global sustainability is increasingly recognized by states and fully embraced in key documents of the global governance agenda such as the 2030 Agenda for Sustainable Development (SDG 11) and the 2016 ‘New Urban Agenda’ (see e.g. paras 9 and 15c) both adopted by Germany as well as China. Cities are

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not assigned rights and obligations under the Paris Agreement. However, states recognize “the importance of the engagements of all levels of government” in the preamble.

In addition to these international political mandates adopted by states and the respective national urban policies, cities themselves are increasingly engaging in international networks, developing voluntary pledges to reduce greenhouse gas emissions and working towards greater urban sustainability. For example, ICLEI – Local Governments for Sustainability, C40 Cities Climate Leadership Group and the Global Covenant of Mayors for Climate and Energy are three global networks which support cities in taking measurable action on climate change.

### 3. Conceptual approaches to accountability

#### 3.1. Political commitments

Under SDG 16, states signed up to “[...] [b]uild effective, accountable and inclusive institutions at all levels.” According to the respective sub-targets, they agreed to “[p]romote the rule of law at the national and international levels [...]” (16.3), “develop effective, accountable and transparent institutions at all levels” (16.6), and “ensure responsive, inclusive, participatory and representative decision-making at all levels” (16.7). Similarly, in the New Urban Agenda, states underlined the political goal of accountable governance in various sections. For example, states agreed to “encourage appropriate regulatory frameworks and support to local governments in partnering with communities, civil society and the private sector to develop and manage basic services and infrastructure, ensuring that the public interest is preserved and concise goals, responsibilities and accountability mechanisms are clearly defined” (para. 91).

In addition to these state-level commitments on accountable local governance, cities that joined the Global Covenant of Mayors for Climate and Energy, according to the Charter, agreed to: “develop the institutional political processes that make effective action possible by embedding climate action into municipal processes, structures and policies; move towards transparent standard procedures and methodologies to increase international accountability [...]” and “commit to adopting a comprehensive plan, to be reviewed and monitored, to meet the commitments made [...]”.

#### 3.2. Scholarly reception

None of the political documents cited above defines the term “accountability”. According to Merriam Webster’s dictionary, accountability is defined as “the quality or state of being accountable; especially: an obligation or willingness to accept responsibility or to account for one’s actions” (Merriam Webster, 2016). Much of the scientific literature discusses accountability in the context of the exercise of state authority and the principal-agent paradigm. This builds on the presumption that the exercise and delegation of power should be safeguarded by mechanisms of accountability. For example, Priest and Stanbury, developed an accountability framework consisting of six main elements within the principal-agent paradigm (Stanbury, 2003). This “accountability loop” extends from the delegation of authority by the principal to the agent (first element), provision of instructions (second element), specification of criteria to assess the performance of the agent (third element), information about the agent’s actions (fourth element), assessment of performance (fifth element) to rewarding or sanctioning by the principal depending on the agent’s performance (sixth element). According to Nicolaidis, Geveke, and Den Teuling (2003), accountability is strengthened, when the agent is required to explain and justify his actions to those who have the necessary knowledge to understand and evaluate those actions. Effective delegation requires both, conferring decision-making discretion on the agent, as well as effective accountability mechanisms to prohibit arbitrary actions by the agent. Cohen and Sabel (2004, p. 771) name transparency, reason-giving, and

the standing of those affected as three essential components of accountability in their research on global democracy.

According to Grant and Keohane accountability, requires that “some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of those standards, and to impose sanctions if they determine that those responsibilities have not been met” (Grant & Keohane, 2005). Chan and Pattberg define accountability more broadly as a “more or less coherent set of rules and procedures, delineating who takes part in decision-making, who holds whom responsible for what kind of actions, and by which means” (Chan & Pattberg, 2008). In a recent publication, Gordon (2016) further elaborated on accountability in networked urban climate governance and discussed three distinct politics of accountability. Developing a research framework for accountability and legitimacy in earth system governance, Biermann and Gupta (2011) identified four essential elements of accountability: (1) a normative element defined as a certain standard of behaviour, (2) a relational element linking principal and agent, (3) a decision element in the form of a judgment about whether the standard of behaviour has been met, and (4) a behavioural element that allows deviant behaviour to be sanctioned.

#### 3.3. International climate regime

Beginning with the 1992 United Nations Framework Convention on Climate Change (UNFCCC) States that are Parties to agreements under the climate regime, including Germany and China, put much emphasis on establishing procedures and institutions that ensure accountable climate mitigation and adaptation action. Now that the top-down approach of the Kyoto Protocol has been turned into a bottom-up approach under the Paris Agreement in order to enable global commitments, accountability remains crucial and arguably becomes an even bigger challenge.

In order to reach the 2 °C goal of the Paris Agreement, Parties agreed to undertake and communicate “nationally determined contributions” (NDCs) (Art. 3 PA). Such NDCs do not follow a predefined form, unlike the percentage approach applied under the Kyoto Protocol. Parties are generally free to compose their NDCs. They agreed to provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 (Art. 4 para. 8 PA). NDCs are recorded in a public registry maintained by the secretariat (Art. 4 para. 12 PA). Parties are required to account for their NDCs “promoting” “environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the COP/MOP” (Art. 4 para 13 PA). In such accounting Parties shall consider existing methods and guidance under the UNFCCC (Art. 4 para. 14 PA). At the heart of institutional arrangements ensuring accountable mitigation action under the Paris Agreement are the “transparency framework” (Art. 13 PA) and the “global stocktake” (Art. 14 PA).

The Marrakech Partnership for Global Climate Action (MP) adopted by Parties to the PA at COP 22, aims to catalyse and support climate action by Parties and non-Party stakeholders in the period from 2017 to 2020 (MP, p. 1). Inter alia, it aims to track the progress of non-Party stakeholders via the UNFCCC Non-State Actor Zone for Climate Action (NAZCA) platform and report achievements and options for enhanced action to the COP (MP, p. 3). Non-Party stakeholders who want to participate in the Partnership accept two main duties ensuring the accountability of their contributions. On the one hand, they agree that their commitments are recorded on NAZCA, and on the other hand they agree to regularly provide information on the status of implementation and progress towards those commitments (MP, p. 4).

#### 3.4. Identified components of accountability

Drawing on the political mandates, scientific literature, as well as arrangements under the international climate regime explored above,

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