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The Formation of Local Self-government During the System Transformation Period in Poland and the Former GDR: A Comparative Study¹

Abstract: This paper presents changes that have occurred at the local level in Poland and new German federal states during the process of the post-communist system transformation. The stages of rebuilding the local self-government and its structures are analyzed. The experiences of Poland and Eastern Germany – two states where the system transformation took different courses – were compared. At the same time, both countries have different constitutional orders of the unitary state and federal state, and this context are interesting fields for a comparative analysis. This paper also confronts the two methods of institution building – the importing of well-established institutions and developing them in the evolutionary way, where in both cases path a dependency can be well observed. In Germany this is considered a special case (*Sonderfall*) of institutional transformation, in which the key role was played by the transference of institutions, personnel and financial means. This was also done much quicker and in a more structured and comprehensive way than in Poland. In the case of Poland, the creation of local self-government structures or shaping the political actors was a grassroots and evolutionary process. This article points out the most important factors that had a crucial significance in the course and results of the transformation and explains different ways of developing the system of democratic local self-government.

Keywords: *Poland, Germany, post-communist transformation, local self-government*

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Introduction

This paper deals with the reestablishment of local self-government in Poland and the former German Democratic Republic, perceived as a part of the system transformation process after 1989, which have taken different courses in both countries. In the case of Germany it has occurred only in the part of the territory and was an element of the German reunification process. The GDR ceased to exist and was transformed into new federal states that formally joined the Federal Republic of Germany. This was connected to a transfer of institutions, legal regulations and personnel, and very large financial means were designated for this purpose. The objective of this process was to adjust and integrate new parts into the shaped and efficiently functioning state structure of West Germany.

In the case of Poland, the transformation has occurred according to the Western European pattern, while some elements of the Second Polish Republic from the inter-war period were also used. As a result, this lasted for a much longer period of time and was less dynamic.

This also concerns the turning point itself, which thanks to the Round Table negotiations was tranquil and based on a compromise between the communist authorities and elites of the opposition that were active from the mid-1970s. In the former GDR, the fall of the Berlin Wall, which was preceded by many weeks of mass demonstrations and outbreaks, turned out to be its symbol. Those were organized despite the fact that the opposition groups were much less active there than in Poland. Talks between the communist and opposition forces took place in the final phase of the protests in the same form of Round Table that was used in Poland. It should be underlined that in both cases the process was peaceful.

The building of self-government and local transformations remained in the shadow of the main events taking place in Berlin and Warsaw. However, it had a key significance for the whole process, both due to the need for a broad modernization of cities, villages, and regions as well as the removal of communist party members and their local activists from power and creation of new local political elites.

There are numerous studies of Polish and German researchers (e.g. Oliver Scheytt, 1991; Hellmut Wollmann, 1991, 2001, 2002, 2003a, 2003b; Norbert Honka, 2012; Jerzy Regulski, 2002; Beata Słobodzian, 2006) that analyze the developments in each case. As the transformation of the state system from authoritarian to democratic, and that of the economic model from central planning to market economy, took different courses, a comparative analysis is especially valuable.

That is why this work aims to show the similarities and differences between the discussed cases, as well as the analysis of the role played by the restitution of the local self-government in the democratization process, using the comparative method. Challenges and problems that appeared on the path towards the reconstruction of local authority structures, as well as factors that influenced the assumption of certain solutions, are presented.

As a result, the following questions are answered: how was the local self-government recreated in both countries? What were the main changes, concepts, factors and challenges

in shaping new structures of local self-government, so that it could efficiently govern at the local level and initiate the modernization process? How was the importing of institutions conducted and what were the similarities and differences in federal and unitary constitutions in democratizing the local structures.

The Reinstatement of Local Self-government and Creation of Its Structures

The work on the new local self-government system took different courses in both countries. In Poland, the opposition circles discussed this issue in the early 1980s, inspired by, among others, professor Jerzy Regulski from the University of Łódź. During the Round Table negotiations, the issue of local self-government was discussed but remained overshadowed by other issues, such as the organization of partially democratic elections, creating the president's office and political pluralism. After the elections of 4 June 1989, the initiative in work on the act on local self-government was taken over by the Senate, and was soon handed over to the Sejm, where the work on the new act was continued in the local self-government committee (Lutrzykowski, 2009, p. 22–23; Honka, 2012, p. 129; Regulski, 2002, p. 21). In Germany, it was dealt with by the Governmental Committee for the Preparation and Implementation of the Administrative Reform established by the government under Hans Modrow² after the peaceful revolution of 1989. The double subordination and democratic centralism rules were cancelled, and the new draft act was discussed among experts (Jarosz, 2012, p. 267).

In both cases, the objective was to create a system of local self-government based on the provisions of the European Charter of Local Self-government and the independence of self-government bodies, without hierarchical dependencies between various levels of local self-government. Western European experiences, including West German, were used. Especially in case of the GDR it is interesting that there was a reluctance to use the self-government models existing in the FRG and a willingness to create a separate system for the new federal states (Vogelsang et al., 1991, p. 211; Petzold, 1990, p. 72–74).

In both countries, the local self-government was reinstated in 1990 – in Poland with the act of 8 March 1990 on local self-government (Dz.U. 1990 nr 16, poz. 95), and in the GDR with the act of 17 May 1990 on the self-government of municipalities and counties, called the Communal Constitution (Gbl. I Nr. 28, p. 255). It is worth noting that the Eastern German self-government structures were created before the reunification of Germany and were seen as a way to democratize the country, as the peaceful revolution also had a widespread local dimension. According to the provisions of the Reunification Treaty (BGBl. 1990 II p. 889; Scheytt, Otto, 1991, p. 17–19, 22–24), the Communal Constitution was to remain in

² The government of Hans Modrow was created on 13.11.1989 after the dismissal of longstanding prime minister Willi Stoph.

force as the temporary regulations until the moment of final regulation of those issues at the individual state level.

As a result of these reforms very similar self-government systems were created, despite different systemic solutions – the Polish unitary and the already being founded German federal state. The municipality (*gmina* in Poland and *Gemeinde* in Germany) became the basic territorial division unit, which was given a clear catalogue of tasks and competences, among which were own tasks and ones assigned by the state. On this level the most basic public services were provided, like basic education, healthcare, water supply, sewage removal, waste management, the local infrastructure (streets, squares, bridges), local transport, environmental protection, culture, sport, recreational sites and green areas (Zaporowski, 2002, p. 64; Bretzinger, Büchner-Uhder, 1991, p. 125–133).

In Poland, the municipal council (*rada gminy*) was considered the highest municipal authority, while in Germany it was the municipal representation (*Gemeindevertretung*). The names have only cultural and functional meanings, and in practice both bodies have an identical character and function. They were elected in free elections and through the real representation of the inhabitants of a municipality, and were this way an expression of democratization. Their term of office was set for four years and they had legislative and control functions towards the executive bodies. The chairman of a council or representation was a president (*przewodniczący, Präsident*), and this post was separated from the mayoral post. The list of tasks was also almost identical and contained: deciding on the directions of executive bodies and municipality administration operations, planning and passing the budget, the supervision of the mayor and administration including acknowledgement for the mayor for budget performance, establishing local taxes and fees, the creation and liquidation of organizational units and companies as well as joining them and the creation of and amendments to the spatial development plans (H. Izdebski, 2009, p. 229–230; Bretzinger, Büchner-Uhder, 1991, p. 125–133).

In both cases committees were created, among which was the obligatory audit committee. The distinction between decisive and advisory committees, as well as the Main Committee (*Hauptausschuss*) in Germany were significantly different to the Polish case. This body included the mayor, the presidium of the municipality representation and the representatives of its factions. The committee aim was to coordinate the works of other committees as well as fulfill the function of a discussion forum between the mayor and members of the legislative body. It was also a form of connection between both bodies. The committee also had some decision-making competences (Bretzinger, Büchner-Uhder, 1991, p. 125–133).

The executive bodies were developed in a different way. In Poland these functions were fulfilled by a collegial body – the board of municipality (*zarząd gminy*) including four to seven persons (later, the minimum number was reduced to three, and the maximum to five), at the head of which was, depending on the municipality size, a vogt, a mayor or a city president (*wójt, burmistrz, prezydent miasta*). The title of “mayor” was reserved for towns, and “president” for cities. In the GDR the executive was the mayor (*Bürgermeister*)

and in larger cities the lord mayor (*Oberbürgermeister*) – a single-person body who had deputies. However, they did not form a collegial body. Such a possibility was allowed (not obligatorily) in cities with populations exceeding 100 thousand. In Poland and the GDR the term of office of the executive body lasted four years and was elected by the municipal council/representation. Also in this case, the competence of the bodies was very similar and included: the preparation and execution of municipality council/representation resolutions, managing municipal property and administration, executing budget or outside representation of the municipality (Hausschild, 1991, p. 228–229; Leoński, 1994, p. 58–63; Bretzinger, Büchner-Uhder, 1991, p. 125–133).

Instruments of direct democracy were also introduced in both countries. In the case of Germany this was the result of a peaceful revolution that was based on the citizens. As a result, there was a will of the citizens to be able to directly participate in decision making. The possibility for a citizen to demand for a referendum (*Bürgerbegehren*) and local referendum (*Bürgerentscheid*) as well as the citizen legislative initiative (*Bürgerantrag*) and citizen hearing out (*Bürgeranhörung*) were introduced. The other forms of local community involvement included dweller meetings (*Einwohnerversammlung*) and consultations (*Bürgeraussprachen*) (Wollmann, 2003a, p. 35–36). This also influenced the West German local self-government as past experiences of referendum abused by the Nazi regime meant that this instrument was not used (apart from Baden-Württemberg, in a restricted form) (Mirska, 2014a, p. 182–186; Jakubiak, 2012, p. 128–129). Referendums on matters important for the municipality and the dismissal of municipal bodies were also introduced to Polish local self-government. However only the introduction of the act on municipal referendum of 11 October 1991 (Dz.U. 1996, nr 84, poz. 386 ze zm.) enabled the performance and holding off a referendum (Piasecki, 2003, p. 64–65).

One of the challenges in the Eastern Germany was overcoming the excessive territorial fragmentation. During the GDR period there was a move towards creating smaller and more numerous units, which caused dysfunctions. Another reason for attempting to create bigger units was the bad demographic situation and the much weaker potential of the East German municipalities compared to their Western German counterparts. As a result of these numerous tools for merging, and by this strengthening, the municipalities were implemented. Administrative communities (*Verwaltungsgemeinschaft*) and offices (*Verwaltungsamt*) were such measures. Both countries allowed for the possibility of the creation of sub-primary units (Mirska, 2014b, p. 172, 176–180; Augustyniak, 2010, p. 32–38, 134–151).

Further Reforms and Restructuring Territorial Divisions

In both cases, the reinstatement of local self-government was the first step in constructing the new local self-governmental system. It was related to the changes to the territorial division and creation of new levels, and in both countries they were the subject of intense debates. It should be noted here that the self-government structures in Germany from the very be-

gining functioned at two levels – municipality and county (*Kreis*). This was caused by the fact that in the GDR there was a three level territorial division (municipalities, counties and districts), and that a self-government at the municipality and county levels is present in all federal states, so the structure in the new states had to be compatible with this model. The number of counties in *Länder* was to be decreased though in the scope of administrative division reform (Schmidt-Eichstaedt, 1992, p. 1–3). The districts (*Bezirk*) were replaced by the federated states and there was a dispute over whether to create five states (on the basis of the division from before their liquidation by the GDR authorities) or three *Länder* with a larger area and potential equivalent to that of their western counterparts. A variant without Saxony-Anhalt was also considered as this *Land* did not have a long historical tradition – it had existed for only a few years following World War II. Despite this, five states were finally created with the united Berlin excluded from Brandenburg (Blaschke, 1990, p. 45–54).

In Poland the former territorial division was initially kept. There were two level structures – voivodeship (*województwo*) and municipality (*gmina*). Voivodeships were governmental in nature while the municipalities represented their interests at self-government parliament forums (*sejmik samorządowy*) (Jagielski, 1991, p. 24–28; Prutis, 1995, p. 45). The introduction of the county level (*powiat*) was the subject of numerous discussions. Also, the voivodeship structures required reforms – a concept concerning decreasing the number of voivodeships and the creation of large regions was considered. The reform was postponed for four years, though after the change of central government in 1993 the coalition of the Alliance of the Democratic Left and the Polish People’s Party was unwilling to decentralize power and create self-governmental units at the other levels. Debates concerned the number, size and potential of future voivodeships. Extreme solutions included leaving 49 voivodeships and counties out, and a counter-proposition included 12 large regions and the presence of the county. Finally, in 1998 after the president’s veto, a compromise solution was forced that assumed the creation of 16 voivodeships with county at the level just above municipality (with 308 initially, and later 314 counties and 66 cities with county status) (Olszewski, 2007, p. 124–128; Słobodzian, 2006, p. 112–113, 126–127, 132; Kulesza, 1999, p. 11–13). It is worth noticing that the city pilot program commenced in 1994, giving additional tasks to the largest cities, which was the introduction to the creation of the county (Program pilotażowy, 1995, p. 67; Koc, 2010, p. 146–148). Thanks to this, the self-governmental system in Poland achieved its final form in 1999.

The final regulations in Germany were accepted in 1993–1994 when the Communal Constitution of the GDR was replaced by state-level solutions, as an outcome of the federal structure. Since that time there has been no single local self-governmental system and differences could be noted between various *Länder*. This was done in order to adjust the local structures to the solutions adopted nationwide, as every federated state in Germany had a great deal of freedom in this field, as well as in the way the changes were implemented, e.g. local elections being conducted in every state separately, whereas in Poland it was done on one day nationwide. This was followed by territorial reforms and a significant reduction

of the number of counties (from 191 to 87), as well as functional reforms which aimed at the new redistribution of tasks and competences for the entities and tiers (Schmidt-Eichstaedt, 1993, p. 4–6; Wollmann, 2001, p. 46, Mirska, 2014b, p. 176–179). The creation of self-government in new states took place with a lot of help from the Western German local governments in the scope of the so-called administrative support (*Verwaltungshilfe*). This was connected to institutional transfer and material and personnel support for the created self-governments, with an aim to ensure the same high standards of work of new administrations, but also to help the clerks from the East to deal with new regulations, procedures and legal system. Western German officials (*Leihbeamter*) temporarily worked in the Eastern German administrations. The institution of a partnership between the local governments in the east and west was used. This way, eastern local authorities accepted and copied many solutions from their western partners, which explains the adoption of certain polities. During the conference of state ministers for internal affairs in June 1990, it was agreed which western states would support which eastern counterparts. This division is shown in chart 1. After the reunification, the number of partnerships increased rapidly and over 35 thousand clerks from the old *Länder* took part in the process of administrative support (Scheytt, Otto, 1991, p. 17–19, 22–24; Rosen, 1993, p. 436; Grunow, 1995, p. 291–292; Scheytt, 1991, p. 10–13, Wollmann, 2001, p. 37–38).

Chart 1. Partnerships of federal states in the administrative support process

Old Länder	New Länder
Schleswig-Holstein, Hamburg, Bremen, North Rhine-Westphalia	Mecklenburg-Vorpommern (Schwerin, Rostock, Neubrandenburg districts)
Hamburg	Dresden (city and region)
Lower Saxony	Saxony-Anhalt (Magdeburg, Halle, partly Schwerin, Erfurt districts)
North Rhine-Westphalia, Saarland	Brandenburg (Cottbus, Potsdam, Frankfurt Oder)
Hesse, Rhineland-Palatinate, Bavaria	Thuringia
West Berlin	East Berlin and surrounding districts
Baden-Württemberg, Bavaria	Saxony (Chemnitz, Dresden, Leipzig)
North Rhine-Westphalia	The City of Leipzig and surrounding area

Source: Scheytt, 1991, p. 10–13.

In most states, the basic rules for self-government functioning were kept unchanged. A new self-government act was passed in every *Land*³. In Mecklenburg-Vorpommern and

³ Mecklenburg-Vorpommern: *Kommunalverfassung für das Land Mecklenburg-Vorpommern, (Kommunalverfassung – KV M-V) vom 13.07.2011*, GVBl. M-V, 2011, p. 777; Thuringia: *Thüringer Gemeinde- und Landkreisordnung, (Thüringer Kommunalordnung – ThürKO) in der Fassung der Bekanntmachung vom 28.01.2003*, GVBl, 2003, p. 41; Saxony: *Sächsische Gemeindeordnung in der Fassung der Bekanntmachung vom 9.03.2018*, SächsGVBl, p. 62; *Sächsische Landkreisordnung in der Fassung der Bekanntmachung vom*

Saxony-Anhalt, the positions of the mayor and chairman of the council were left separate, in Brandenburg the mayor is a member of the council but not its chairman. If the mayor in these states is in office as a form of community service then they are also the chairman of the council. In Thuringia and Saxony the mayor fulfills both functions. In small municipalities the mayor works in a form of community service⁴. Also, the collectivity of executive bodies was liquidated. The term of office for the councils was established for five years in all the states. However, they are not combined with the terms of mayors who stay in office for six years in Thuringia, seven years in Saxony and Saxony-Anhalt, and eight years in Brandenburg. The local self-government act of Mecklenburg-Vorpommern states a term of office of seven to nine years and this issue is further specified in the municipality statute. The rules on direct democracy were left in place. Numerous actions aimed at the consolidation or unification of municipalities were undertaken. Offices (*Amt*) in Brandenburg and Mecklenburg-Vorpommern, administrative cooperatives (*Verwaltungsgemeinschaft*) in Thuringia and in Saxony-Anhalt (from 2014 joint municipalities, *Verbandsgemeinde*) were established this way. The unification of municipalities was promoted in Saxony and task units were created in the form of associations or administrative cooperatives (*Verwaltungsverband/Verwaltungsgemeinschaft*) (Bullmann, Schwanengel, 1995, p. 216–217; Dittmann, Rösler, 1994, p. 117–119; Schmidt-Eichstaedt, 1993, p. 3).

The introduction of direct elections for executive bodies was an important element of the local self-government reforms. In Germany they were introduced at the level of states over several years according to the patterns taken from the south German self-governmental system. The heads of counties also are elected directly. This solution was introduced in Poland in 2002. Since that time, vogts (the head of municipality), mayors and city presidents at municipality level have been elected in direct elections. The executive body in the form of municipality or city board was liquidated and the number of municipality and city council members decreased. In both countries, the reform significantly strengthened the position of the executive body in relation to the legislative bodies. This is expressed by the fact that the only possibility of dismissing the executive body is by organizing a local referendum on the matter. Practice shows that vogts, mayors and city presidents are very rarely dismissed this way, although it is possible (Janus, 2009, p. 208–209; Podgórski, 2002, p. 5).

9.03.2018 (SächsGVBl, p. 99); Brandenburg: *Kommunalverfassung des Landes Brandenburg (BbgKVerf) vom 18.12.2007*, GVBl.I/07, No. 19, p. 286; Saxony-Anhalt: *Kommunalverfassungsgesetz des Landes Sachsen-Anhalt (Kommunalverfassungsgesetz – KVG LSA) vom 17. Juni 2014*, GVBl. LSA, 2014, p. 288.

⁴ Municipality councils also have different names in Mecklenburg-Vorpommern and Brandenburg where they are municipality representations (*Gemeindevertretung*), the Hanseatic cities use the name *Bürgerschaft*, cities in Brandenburg use municipal deputies assemblies (*Stadtverordnetenversammlung*) and Saxony, Saxony-Anhalt and Thuringia use municipal or city councils (*Gemeinde- or Stadtrat*).

Counties function as the second tier of local self-government in both countries (in Germany since the times of the GDR and in Poland since 1999). They have a self-governmental nature and are to perform tasks the realization of which exceeds the abilities of municipalities. In Germany the county is at the same time the lowest level of governmental administration. In Poland it has a very limited form (not officially recognized), while the *starosta* (the head of county) is the chief of county inspection services, the police and the fire department.

The county councils (*Kreistag* and *rada powiatu*) are in both cases the legislative bodies of the county that fulfill legislative and control functions. In Poland, executive functions are fulfilled by the county board led by the *starosta* elected by the county council, while in new German states the head of the county (*Landrat*) is a single-person body elected in direct elections. In some states a county committee (*Kreisausschuss*) also functions, which is a body acting as the forum for dialogue between county bodies, fulfilling a role similar to that of the municipality's main committee. It may have decision-making competences. In both countries the counties have similar structures and functions; however, German counties have a larger population and as a result their position and potential are better. The present tasks and competences of municipalities and counties in both cases are summarized and compared in chart 2 below (Koc, 2013, p. 145–161; Leoński, 1991, p. 20–21; Jagoda, 2007, p. 226–228).

Chart 2. Selected tasks and competences of municipalities (*gmina* and *Gemeinde*) and counties (*powiat* and *Kreis*)

<i>Gmina</i> (Poland)	<i>Gemeinde</i> (Germany)
<ul style="list-style-type: none"> · Spatial planning · Environmental protection · Road, streets, bridges, squares · Water supply, sewage collection and wastewater treatment · Maintaining tidiness, litter collection and treatment · Energy, heat and gas supply · Local transport · Healthcare · Social assistance · Family support · Public housing · Education (primary) · Culture, sport, tourism · Green areas and cemeteries · Fire protection and security · Cooperation with local communities from other countries 	<ul style="list-style-type: none"> · Harmonic development of a municipality · Environmental protection · Monuments protection · Issues and support of business and industry · Spatial planning · Public transport · Energy supply · Water supply, sewage collection and wastewater treatment · Education (primary) · Culture and infrastructure for spare time activities · Public housing · Healthcare and social assistance · Fire protection · Cooperation with local communities from other countries

<i>Powiat</i> (Poland)	<i>Kreis</i> (Germany)
<ul style="list-style-type: none"> · Education (secondary) · Healthcare · Social assistance · Family support · Support of disabled persons · Public transport and roads · Culture and protection of monuments · Sport, tourism · Geodesy, cartography, cadastre · Real estate · Building administration · Environmental protection · Agriculture, forestry and inland fishery · Order and security · Fire protection · Employment Policy · Consumer rights' protection · Defence 	<ul style="list-style-type: none"> · Supra-local tasks and those that exceed the capacities of the municipalities · Support of economic, ecological, social and cultural development · Building of institutions, which create the social, cultural, sport and economic welfare of inhabitants · Counties can overtake the tasks and institutions from municipalities in agreement with them · Support and supplement municipalities in fulfilling their tasks and equalizing the burdens carried by municipalities · Supra-local tasks in public transport, healthcare, social assistance, and litter collection, while not harming the interests of other entities (Thuringia)

Source: *Kommunalverfassung für das Land Mecklenburg-Vorpommern, (Kommunalverfassung – KV M-V) vom 13.07.2011, GVBl. M-V 2011, p. 777; Thüringer Gemeinde- und Landkreisordeung, (Thüringer Kommunalordnung – ThürKO) in der Fassung der Bekanntmachung vom 28.01.2003, GVBl. 2003, p. 41; Sächsische Gemeindeordnung in der Fassung der Bekanntmachung vom 9.03.2018, Sächs GVBl. p. 62; Sächsische Landkreisordeung in der Fassung der Bekanntmachung vom 9.03.2018 (Sächs GVBl. p. 99); Kommunalverfassung des Landes Brandenburg (BbgKVerf) vom 18.12.2007, GVBl.I/07, No. 19, p. 286; Kommunalverfassungsgesetz des Landes Sachsen-Anhalt (Kommunalverfassungsgesetz – KVG LSA) vom 17. Juni 2014, GVBl. LSA 2014, p. 288; Ustawa o samorządzie gminnym, Dz.U. 1990 Nr 16, poz. 95; Ustawa o samorządzie powiatowym, Dz.U. 1998 Nr 91, poz. 578.*

As the regional level was also a part of numerous debates and is considered a part of the self-governmental system in Poland, it is worth to compare the regional structures in both countries, as their establishment was also an important issue and challenge within the transformation process. The Polish voivodeship has a dual character, wherein governmental administration and self-government structures function side by side. The government is represented by the voivode who is the head of the voivodeship administration and joint bodies, and also fulfills a supervisory role over self-governmental bodies. They are nominated by the government and end their term of office along with it (Bukowski et al., 2011, p. 78–81, 195–203, 237–244). The voivodeship self-government is mainly responsible for generating the regional development. The voivodeship assembly (*sejmik województwa*) is the legislative body, and elects the executive body in the form of the voivodeship board (*zarząd województwa*). The marshal of the voivodeship (*marszałek województwa*) is the head of the board. The term of office lasts four years (Zieliński, 2004, p. 85–90, 91–99).

The position of the German regions is much stronger than the Polish ones. *Länder* are parts of federations – they have their own constitutions and some competences are subjected exclusively to them (e.g. education and the local self-government system). This results in different regulations in various states. At the central level they have their representation

in the form of the Federal Council (*Bundesrat*), which is the upper house of the German parliament (Tkaczyński, 1999, p. 49, 64–65). The state assembly (*Landtag*) is the legislative body, and it elects the state government led by the prime minister (*Ministerpräsident*). The term of office is five years. Its catalogue of competences is wider than the Polish one, and states may also collect own taxes. It is worth noticing that they are not considered among the self-government structures due to their separate status and significant position in the public authority system.

In the context of post-communist transformation in the former GDR, it should be stressed that during it, within its territory, new states were created that in turn became a part of another country. Thanks to this, not only was Eastern Germany democratized but also the form of government was changed from unitary to federal. Poland has remained a unitary and uniform state. During the debates on the creation of voivodeships there were fears of the “landization” of the state that could lead to the excessive independence of the regions from the centre, or even to secession if the new regions were to become too big and too strong.

Conclusions

Both countries have longstanding self-government traditions. Local self-governments were removed during the communist period and their institutional continuity was broken. For these reasons their reconstruction was in both cases an important element of post-communist transformation. This did not create completely new entities and structures, as the available institutional infrastructure as well as a large part of the personnel from the GDR and the Polish People’s Republic were used. The path dependency can be clearly observed here (Ekiert, 2001, p. 28, 31; Rustow, 1970). However, rules, relations and the manner of functioning were changed completely while the following were defined anew:

- vertical authority relations in the political-administrative system – local authority bodies were no longer a part of state administration and became independent self-government bodies;
- dependencies in the local authority system – representative bodies play a real supervision and initiating role, and were no longer a façade, as they were in communist times;
- relations between local self-government units and local economy – the function of performing plans and managing local industrial plants was removed; the new role of self-government is to provide proper conditions for the development of private companies and businesses; self-government also undertakes business activities in the scope of public utility services according with free market rules;
- dependencies between the administration and social-political partners – before 1989 the local administration had been oriented on the performance of guidelines and orders of the communist party and governmental bodies; following the system

transformation, it operates only in order to solve the problems of local communities, considering their interests;

- relations between the administration and citizens – in communist times there was a “paternalistic” approach towards citizens, while following the transformation the development of local administration has been directed towards citizens and participation;
- the operation of administration in the scope of the law – in communist times the local authorities performed the resolutions of the communist party and bodies that were higher in the hierarchy, while following the system transformation they have operated independently in the scope of the legal and institutional framework set by the state;
- the assessment of work and competences of employees – in communist times the loyalty towards the system and proper ideological direction were important, while following the transformation the professional competence of administration workers plays the key role (Wollmann, 1991, p. 238–240).

All the above resulted in a transfer from real socialism administration or the real-socialist personnel administration to the classic European administration model (König, 1991, p. 5–6). This way, local self-government also became an area of operation for political actors active at this level (Jarosz, 2015, p. 50–57).

Finally, it should be noted that the mode of self-government bodies creation and the transformation of the local administration of the communist authorities did not have a significant influence on the creation of an efficiently operating system of local self-government units. The decisions were made at different levels (the *Land* level in Germany and centrally in Poland), but the results of these actions are still very similar in the most significant issues. The central way of creating a self-government system in Poland caused the creation of the uniform system in the whole country. In Germany, by contrast, there are differences between the forms of self-government in individual states (for example, the term of office).

External factors which in the former GDR had a decisive influence on a different course of the creation process of the self-government units, the development of political actors or modernization activities meant that this happened in a much quicker, more dynamic and comprehensive way than in Poland. For this reason, this process is considered a special case (*Sonderfall*) of institutional transformation, in which the key role was played by the transfer of institutions, personnel and financial means. It is worth noticing that some solutions, such as the means of direct democracy, were a novelty in the scope of Germany as a whole. In the case of Poland, the perspective of joining the European Union was the main external factor causing the necessity of adapting structures to its requirements. The creation of local self-government structures or shaping the political actors was a grassroots and evolutionary process (Wollmann, 2002, p. 153–154, 157, 175).

After the successful transformation, new methods of management in local governments, based on New Public Management, or governance concepts have been sought. German experi-

ences in these matters are far richer than the Polish ones as those methods were used there much earlier, and the local Eastern elites had a point of reference and the patterns to follow. This may be an inspiration for the further development of the Polish self-government, as well as a set of good practices and numerous experiences that are worth using in Poland (Lorentz, Wegrich, 1998, p. 35–37; Wollmann, 2003b, p. 97–100; Swianiewicz, 2003, p. 298–299).

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