



Japan Local Government Centre, London

Monthly Report October 2011 (Germany) – Structural reform of the counties in Mecklenburg-West Pomerania

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From the start of the new millennium, the *Land* government in Mecklenburg-West Pomerania has intensified its efforts to modernise political and administrative structures, triggered by the dramatic forecasting of decreasing population figures and the dire outlook of public finances. The government aimed to maximise the impact by implementing wide-ranging, comprehensive and integrated structural reforms, which should combine mergers at local authority-level with changes in the distribution of functions, supported by different other reform approaches. The core of the reforms was an increase in scale in the basic local authority units as well as the second tier, the counties¹.

The ultimate aim was to strengthen local self-government by concentrating resources, rationalising of functions and increasing the effectiveness of decision-making. At the level of principal councils, the principle of voluntary mergers was preferred, which also applied to the administrative associations of small local authorities, called 'Amt' in this part of Germany. However the government reserved the right to enact legislation after a period of voluntary mergers, if the interior ministry deemed it necessary. In contrast, the existing twelve counties should be merged by means of a law into five large counties (called 'regional counties') and should include the six larger cities, which had so far enjoyed unitary status, ie executing the functions of counties in their own right.

The voluntary mergers of first-tier local authorities were based on the proposals published in 2002 by the commission charged with developing a model for sustainable local authorities. The aim was to have a minimum size of 500 people in small local authorities (which would normally cluster together to form an administrative association), a minimum size of 5,000 people in municipalities, and a minimum size of 6000 people (with ideally 8,000) for the administrative associations, which in turn should have no more than 10 members. On the basis of this, many voluntary mergers took place, leading to a reorganisation of mainly the administrative associations, leading to an average population figure of 11,073 at the end of 2004.

¹ The German 'Kreis' is rendered as 'county' to emphasise its larger scale and nature as a second tier of local government, encompassing first tier principal councils within its boundaries, and not as 'district' to avoid confusion with English districts.

The new, larger counties which were envisaged in the same proposal would have had populations between 245,042 in the envisaged county of South-Western Pomerania and 500,217 in the new Western Pomerania, propelling them to the top of the list of the biggest counties in Germany in population, and indeed the geographically largest, with the new North-West Pomerania county spanning 3,182 square kilometres, and new West-Mecklenburg 6,997 square kilometres. Furthermore it was planned to downgrade the unitary cities and make them part of the new counties, albeit with giving them a new status and enable them to retain some of their powers. Based on the structural reform of the counties a new distribution of competences and functions between all levels of administration was planned as well, designated as 'functional reform'.

Reforms based on this concept, which were agreed by the *Land* parliament in May 2006, came to a halt in summer 2007, when the constitutional court for the *Land* Mecklenburg-West Pomerania pronounced the reforms unconstitutional. The reasons given for this judgement were the absence of alternative, more 'moderate' reform approaches in the deliberation process, and that not enough weight was given to the democratic participation rights of citizens in the self-governing process. The main point of criticism lay in the one-sided emphasis on economic and spatial planning concepts, which led to a premature adoption of the large-scale 'regional counties' without presenting any alternatives, which amounts to a procedural error. Because the structural reform was closely linked to the functional reform that was to follow, most parts of this reform programme were also declared void. However, the court acknowledged the fundamental need for administrative reform and left the door open for a new attempt.

By the end of 2007 the *Land* government had already agreed a new reform concept. Under this, the area per county was not to exceed 4,000 square kilometres, and population figures not to fall lower than 175,000. The smaller independent cities would still be considered for integration into the counties, while the two largest cities Rostock and Schwerin would remain unitary. On the basis of this reform concept, an extensive consultation process regarding different alternatives took place. As final result, the *Land* government adopted in its reform bill from February 2009 a merger of the existing twelve counties into six. Only Rostock and Schwerin would retain their unitary status, while the smaller unitary cities would become part of the counties, but with a new designation as 'large county cities'. The land parliament ratified the bill on 7 July 2010, with the addition of some smaller changes, resulting from consultations with local authorities and stakeholder in the standing committee for internal affairs.

Table of the new county structures in Mecklenburg-West Pomerania

New counties	Old counties / unitary cities	County seat	Population 2020	Area in km sq.
North-West Mecklenburg	North-West Mecklenburg, Wismar city	Wismar	158,375	2,118
Ludwigslust-Parchim	Ludwigslust county, Parchim county	Parchim	201,901	4,751
Mecklenburg Lake District	Parts of Demmin county, Mecklenburg Strelitz county, Müritzt county, Neubrandenburg city	Neubrandenburg	221,387	5,028
Rostock	Bad Doberan county, Güstrow county	Güstrow	198,446	3,421
West-Pomerania-Rügen	Rügen island, North-West Pomerania Stralsund city	Stralsund	214,408	3,190
West- Pomerania-Greifswald	East- West Pomerania, Uecker-Randow county, parts of Demmin county, Greifswald city	Greifswald	250,051	4,369

With this new county structure, population forecasts indicate that the envisaged population levels would be reached, and not fall below the desired size by 2020. However compromise was needed regarding the area of the three counties to the south of the *Land*. The upper limit for area size had to be increased especially in the new Mecklenburg Lake District county, due to the location of existing settlements. The Land government justified the decision with reference to the wishes of communities and the administrative associations of the small-scale authorities to which association they wanted to belong, and the preference for merging whole counties instead of breaking them up. Elected members having to travel long distances in order to fulfil the democratic mandate in the proposed 'regional counties' was seen as a problem, but under the new proposals the discussion had largely subsided. No recent research had demonstrated a connection between the geographical size of counties and voluntary engagement in an elected or other capacity. Instead, current assumptions build on the possibility of strengthening local self-government. Fundamental to this becoming a reality is the increase in resources and competences counties will have as well as the expected larger pool of well-qualified candidates as a consequence of the structural reform.

If deficits regarding democratic participation should arise, support could be provided in the form of remunerated support staff and transport provision. However compared to the abandoned concept of the 'regional counties', the increase in population figures as well as in area for the new counties is markedly smaller. The new reform concept represents a compromise between the maximum in possible concentration, the necessity for reform and the spatial conditions in Mecklenburg-West Pomerania. In consequence, the approval rate for the new concept was considerably higher. While nearly all existing counties were vehemently against the first reform concept, only five counties and two out of the unitary cities marked for downgrading mounted a court case at the constitutional court against the second reform concept.

Given the widely acknowledged need for reform, this shows that the majority of affected local authorities felt able to come to terms with the agreed 'reform

compromise'. The constitutional court in its second time of dealing with the issue while looking at the second attempt of a structural reform law followed mainly the arguments of the *Land* government and confirmed that the merger of counties could go ahead as planned. The court did not recognise any failures in the procedure used to arrive at the reform model. Indeed the process of developing the reform concept, the discussion and deliberation of the different reform options as well as the consultation process in parliament were praised as 'exemplary'. The court emphasised that the legislative has a wider role in making predictions and establishing concepts: parliament's role is not limited to balancing the budget, but is tasked as of right with wide-ranging development powers and setting out the political direction.

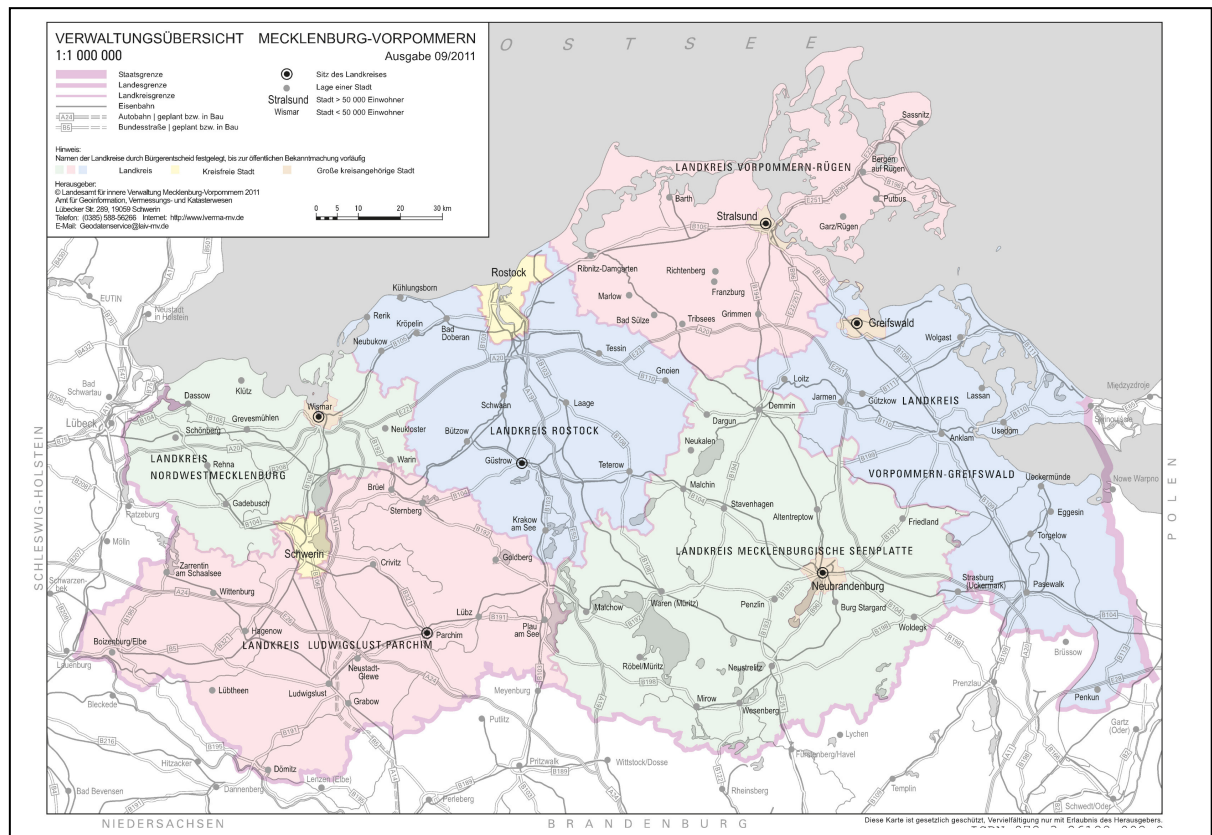
In its judgement, the court made clear that geographical size of 5,000 square km and more did not have a demonstrable negative influence on the viability of counties, nor on citizen engagement in the democratic process, as relevant empirical data does not exist. The constitution of Mecklenburg-Western Pomerania does not provide any legal grounds on which demands to limit the size of counties can be made – despite a number of local government experts who are postulating the opposite. If in the past there had been such stipulations made, they clearly 'do not reflect actual developments and are therefore out of date'. Truly engaged locally elected members will never be impeded by the need to travel longer distances in fulfilling their mandates, as these activities are always very time-intensive. Geographical distance is not of such great importance when looking at issues of local identity and realising government close to the citizen, but rather a question of good communications and the competences which the counties have.

However government needs to look at methods and mechanisms to support the elected members in executing their mandate. Possible ways of providing such support would be additional allowances for the additional time and effort spent, and practical and technical support for decision making. However by professionalising the activities of elected members in this way, care has to be taken not to change the nature of local self-government as guaranteed by constitutional law. The legal challenge of the unitary cities was rebuffed by the constitutional court with similar arguments, to which was added the need for reforms to be comprehensive and the lower degree of protection the constitution affords unitary cities.

With this positive verdict of the constitutional court, the reforms were implemented on the day of the elections, which included elections for the *Land* parliament, local elections to municipal councils and the new county councils on 4th September 2011. At the same time the electors were able to choose the name for their new county. In this naming referendum, pragmatic considerations concerned with the wider resonance of the chosen names dominated. The recognition value of the historic Hanseatic-League cities Rostock and Greifswald led to the adoption of the new county names of Rostock county and West-Pomerania Greifswald. The names of Mecklenburg Lake District, North-West Mecklenburg and Ludwigslust-Parchim also mirror well-known names. However the citizens of the Hanseatic League city Wismar

will have to get used to the new name of North-West Mecklenburg, where their city does not get a look in.

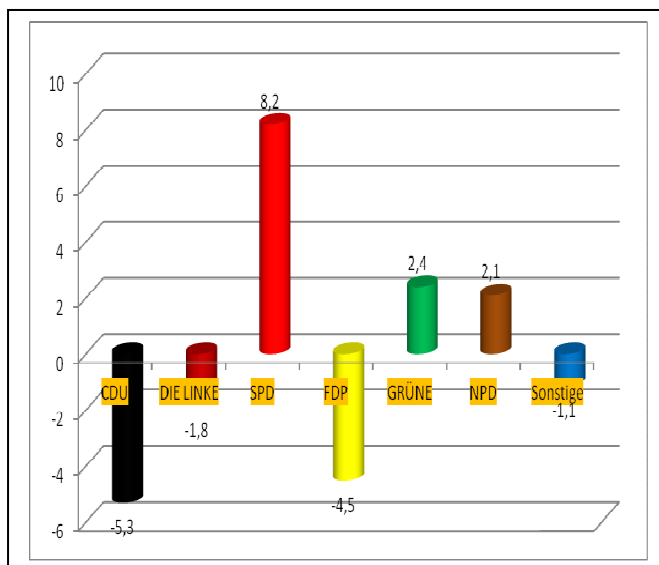
Map of the new county structure in Mecklenburg-West Pomerania



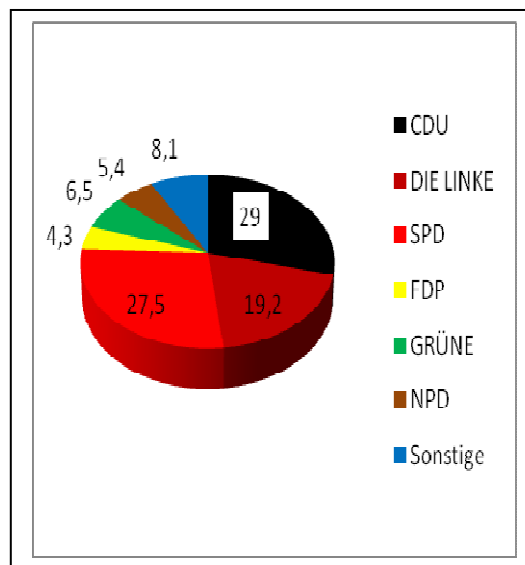
Source: Landesamt für Innere Verwaltung Mecklenburg-Vorpommern, 2011, at <http://www.laiv-mv.de>

The results of the elections for the land parliament as well as the local authorities can, at least in part, be interpreted as demonstrating support for the reform policies of the *Land* government. The Social Democratic Party (SPD), which had been the leading party of government and the driving force behind the reform, increased their share of the vote, while the Christian Democratic Union (CDU) had to concede a small loss overall. However at county level, when aggregating the vote, the CDU comes out top. The slight increase in votes for the right-wing National Democratic Party (NDP) as well as the high proportion of non-voters in sparsely populated and economically deprived areas of the *Land* however remains a concern.

Comparison of local elections 2011 and 2009

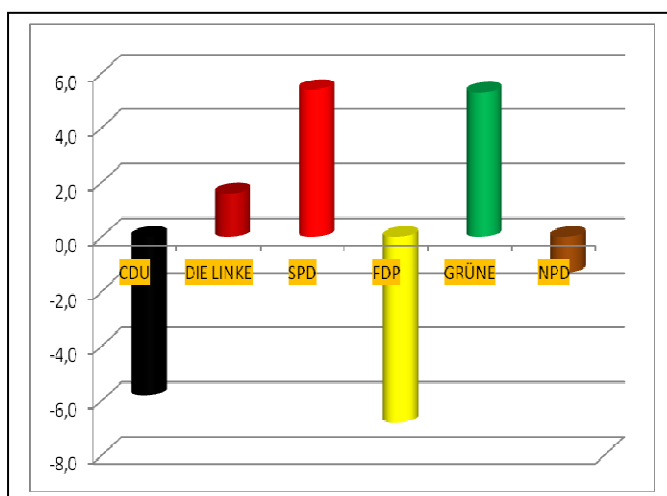


Result local elections 2011

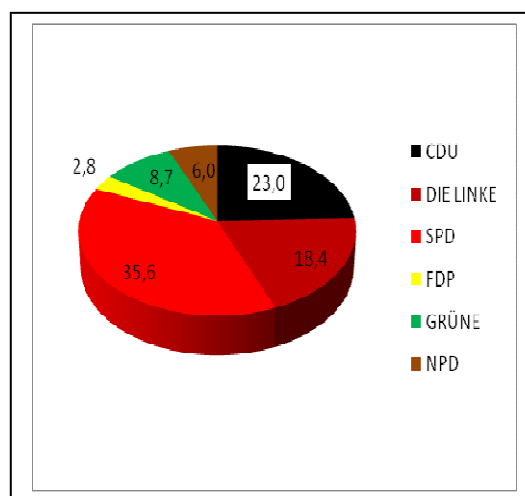


Source: Statistisches Landesamt M-V, 2011, at <http://www.lpb-mv.de>.

Comparison Land parliament elections 2011 and 2006



Result parliamentary elections 2011



Source: Statistisches Landesamt M-V, 2011, at <http://www.lpb-mv.de>.

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