

County, Municipal and Provincial Transition Bodies: Mandates, Transparency, Sunsets and Replacement Timetables

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Series: Local Government, Civil Service & Public Administration — research papers accompanying [the Local Government, Civil Service & Public Administration working blueprint](#). **Paper LG-04.**

1. The question

When the existing local apparatus of the PRC (Mainland) loses its authority, someone must still sign water contracts, open schools, pay staff and keep records at county, municipal and provincial level. If free local elections cannot be held immediately, temporary bodies will fill the gap. The question for this paper is narrow: how should such county, municipal and provincial transition bodies be constituted, what may they do, how must they report, when must they end, and on what timetable must elected councils replace them?

Two failure modes frame the design. The first is a vacuum: services stop, or armed or informal actors fill the space. The second is entrenchment: a "temporary" body that never faces voters, or that a higher authority dissolves and refills at will. Both have happened in real transitions.

2. The blueprint position

The Local Government, Civil Service and Public Administration blueprint (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/>) holds that transition bodies at county, municipal and provincial level should draw their legitimacy chiefly from verifiable local procedures rather than appointment by a distant group or a prominent national figure. Where elections cannot yet be held, temporary plural representation may be needed, but each such body requires a defined mandate, transparency rules, a sunset date and a timetable for replacement by free local elections once minimum conditions are met.

The companion blueprint on constitutional transition architecture (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/constitutional-transition-institutional-architecture/>) adds general rules this paper applies locally: interim powers must state their delegation source, mission, powers, reporting duties, sunset and handover obligations; authority attaches to missions, not persons; and temporary powers lapse automatically unless lawfully renewed on a fresh basis.

This paper does not restate the competence allocation in LG-01, the route to elections in LG-03, or the handover protocol in LG-06. It designs the temporary bodies themselves.

3. Evidence and comparative options

Option A — Negotiated plural councils with event-based exits (South Africa, 1993–2000). The Local Government Transition Act 209 of 1993 (https://www.saflii.org/za/legis/num_act/lgta1993311/) divided local transition into a pre-interim phase, from commencement until transitional council elections, and an interim phase lasting until a competent legislature enacted final arrangements. Local negotiating forums

had to be split evenly between existing local bodies and sectors previously excluded from elections, and decisions needed two-thirds of both components. Forums had 90 days to submit agreements, with mediation if they failed. The government's summary of the Act (<https://www.gov.za/documents/local-government-transition-act>) confirms it provided for appointed transitional councils, provincial committees and demarcation boards, came into force on 2 February 1994, and was repealed in 2008. A retrospective (<https://www.thejournalist.org.za/the-craft/local-government-in-south-africa/>) describes three phases: negotiating forums, elected transitional councils from November 1995 (with seats still reserved on a racial basis), and fully inclusive elections on 5 December 2000. Lesson: parity-plus-supermajority bought broad buy-in, but the absence of a fixed calendar sunset meant the endpoint depended on later legislation.

Option B — Recognition of existing councils with a hard election deadline (Iraq, 2004). Coalition Provisional Authority Order 71 (https://govinfo.library.unt.edu/cpa-iraq/regulations/20040406_CPAORD_71_Local_Governmental_Powers.pdf) let sitting governorate and local councils continue in office, filled vacancies by a two-thirds council vote through an open process, allowed removal only for cause, and fixed a deadline: governorate council elections no later than 31 January 2005, alongside national elections. Lesson: a dated, legally binding election deadline is a strong anti-entrenchment device, but a body whose initial membership was selected without verifiable local procedures inherits that legitimacy deficit.

Option C — Bottom-up electoral sequencing (US zone of Germany, 1945–46). A September 1945 telegram from the US Political Adviser (<https://history.state.gov/historicaldocuments/frus1945v03/d711>) reported a plan for municipal (Gemeinde) council elections in January, rural district elections in March and urban district elections in May 1946, with each exact date set by the local military government commander. In December 1945 the same official argued against postponement (<https://history.state.gov/historicaldocuments/frus1945v03/d754>): small-community elections let voters judge individuals rather than parties, and dropping the date would signal weakness, even though German officials sought delay. Lesson: start elections at the smallest unit, move up level by level, and treat announced dates as commitments.

Option D — Appointed "special delegations" (Tunisia, 2011–2018 and 2023). After 2011 the national government dissolved municipal councils and installed special delegations pending elections; the elections slipped twice from 2016 and were held only on 6 May 2018, and the delegations were seen as reflecting the transition's partisan problems (<https://www.belfercenter.org/publication/tunisias-first-post-uprisings-local-elections-are-sunday-can-they-bolster-citizens>). In 2023 the president again dissolved the elected councils shortly before their mandates expired and replaced them with delegations of civil servants supervised by regional governors (<https://www.africanews.com/2023/03/10/tunisian-president-dissolves-municipal-councils-months-before-elections/>). Lesson: appointed caretaker bodies without a binding exit can last for years, and the same instrument can later be used to roll back elected local government.

ROC (Taiwan) reference points. The Ministry of the Interior records that county and city local autonomy was introduced in 1950, with first direct magistrate and mayor elections from October 1950 (https://ws.moi.gov.tw/001/Upload/400/RelFile/0/31/2022MOI_web/2021ebook_en/files/basic-html/page25.html). The same source notes that Fuchien Province remained under appointed battlefield administration until November 1992, with its first elected magistrate chosen in 1993 — a reminder that "temporary" appointment can outlast its rationale by decades. The current Local Government Act (<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0040003>) shows mature rules for interim office: when a chief executive's post falls vacant, a higher authority appoints an acting head, relatives of the former holder are barred, and a by-election must be completed within three months unless two years or less of the term remain (Art. 82). Article 83, by contrast, allows elections to be postponed for extraordinary reasons with no fixed maximum, extending incumbents' terms — a gap a transition design should not copy.

Normative baseline. The European Charter of Local Self-Government (https://ccre-cemr.org/wp-content/uploads/2024/03/charter_localselfgovernment_en.pdf), opened for signature in 1985, requires local councils elected by free, secret, equal, direct and universal suffrage (Art. 3(2)) and confines higher-

level supervision to legality review under law, proportionate to the interest protected (Art. 8).

4. Recommended design

1. **Lawful creation only.** A transition body may be constituted only under a published instrument naming its legal source, territory, level (county, municipal or provincial) and mission. Control of offices, networks or security forces confers no authority.
2. **Verifiable local composition.** Membership is formed by a published local procedure: nomination by registered local civic, professional, faith, labour and community organisations and by lawful continuing institutions, with no single group holding a majority. Decisions on the body's rules require a two-thirds vote including at least half of each nominating component, on the South African parity model.
3. **Eligibility and conflicts.** Members file public declarations of assets, prior offices and party roles. Persons under credible investigation for serious abuses are excluded pending the process in LG-08; relatives of an outgoing office-holder may not serve as that office's acting head.
4. **Enumerated caretaker mandate.** The body may maintain essential services, adopt continuation budgets, protect records, prepare elections and conclude only time-limited contracts. It may not change boundaries, alienate public land or assets, issue long-term debt, adopt permanent legislation, or dismiss civil servants other than for individual cause.
5. **Transparency by default.** Agendas are published 72 hours ahead; meetings are open unless a narrow security exception is recorded with reasons; minutes, votes, budgets and contracts are posted within seven days; the body feeds the pending-matters register and service clocks in LG-11.
6. **Fixed sunset.** Every mandate expires on a calendar date no later than 12 months after constitution, or on the day elected councils take office, whichever comes first. Expiry is automatic.
7. **Single, conditional renewal.** One renewal of up to six months is permitted only by the representative layer, on a public finding that specified minimum election conditions are unmet, and is subject to judicial review. No further renewal; on lapse, the LG-06 fallback custodian assumes caretaker functions only.
8. **Binding replacement timetable.** Each instrument contains an election calendar: municipal and township elections first, county elections next, provincial elections last, in the bottom-up order shown in Germany in 1946, with dates published at creation and an independent election body certifying readiness.
9. **No dissolution by superior fiat.** A transition body may be removed only for cause by a reasoned, reviewable decision; a higher level may review legality but may not dissolve and refill a body at will, nor replace elected councils with appointed delegations.
10. **Handover and audit.** On expiry, the body transfers records, accounts and pending matters to its successor under LG-06, and an independent audit of its term is published within 90 days.

5. Open questions and risks

- **Minimum election conditions.** Who defines and certifies "conditions met," and how to stop that test becoming a pretext for delay, is unresolved; LG-03 should set the criteria.
- **Nomination capture.** Where independent civil society is thin, the nomination pool may be dominated by former official networks or the best-organised faction.
- **Provincial scale.** A province can hold tens of millions of residents; a nominated plural body may be too thin a mandate, arguing for an earlier provincial election or a narrower caretaker role.
- **Uneven conditions.** Some areas will be ready for elections long before others; staggered timetables risk perceptions of favouritism.
- **Evidentiary limits.** Comparative cases differ sharply in context; the South African, Iraqi and German bodies operated under negotiated settlements or occupation authority, which this design does not assume. The Tunisian sources are secondary and journalistic.
- **Renewal pressure.** A crisis may make a single renewal look insufficient; the design accepts that risk as the price of credible sunsets.

6. Cross-links

- Hub: Local Government, Civil Service and Public Administration — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/>
- Constitutional transition and institutional architecture — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/constitutional-transition-institutional-architecture/>
- Constitution, Law and Justice — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/seven-law-transition-package/>
- LG-01 Allocating Powers — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-01-allocating-powers-national-local/>
- LG-05 Essential Services — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-05-essential-services-continuity/>
- LG-07 Professional Civil Service — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-07-professional-civil-service/>
- LG-11 Administrative Accountability — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-11-administrative-accountability/>
- Forthcoming companions: LG-02 (layered government), LG-03 (local elections), LG-06 (handover protocol), LG-08 (individual accountability), LG-12 (competence disputes).
- Transition Readiness — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/transition-readiness-methodology/>
- Roadmap, KPIs and Review Gates — <https://freechina.live/governance-public-policy/third-republic-governance-blueprints/roadmap-kpi-review-gates/>

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