

# Local Legitimacy First: From Temporary Plural Representation to Free Local Elections

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## 1. The question

During a democratic transition, local government cannot wait for national elections or for perfect security and administrative conditions before it exercises real authority. Essential services—health, education, water, power, transport, public safety, records and local fiscal operations—must continue without interruption. Yet any local body that claims authority before free elections faces an immediate legitimacy problem: appointment by a distant national actor or by a single faction risks reproducing the very centralism or capture the transition is meant to end. The core design question is therefore precise. What form of temporary local authority can carry genuine, plural local legitimacy before free elections are feasible; how is that authority kept strictly temporary; and what concrete, dated mechanism moves the system from temporary plural bodies to the first free local elections?

## 2. The blueprint's current position

The blueprint page "Local Government, Civil Service & Public Administration" states the position clearly under the heading "Local legitimacy and local elections":

"County, municipal and provincial transition bodies should derive legitimacy primarily from verifiable local procedures rather than appointment by a distant organization or prominent national figure. Temporary plural representation may be necessary where elections cannot yet be held, but each body should have a mandate, transparency rules, a sunset and a timetable for replacement by free local elections as soon as minimum conditions exist."

The page further situates this within a layered-government approach that rejects both a power vacuum and immediate administrative centralization. It insists that legitimacy flows from local procedures, that temporary bodies are acceptable only as a bridge, and that each such body must carry an explicit mandate, transparency

obligations, a sunset, and a replacement timetable. The page does not prescribe the exact composition rules, selection mechanism, or numerical sunset dates; those details are left for research companions such as this paper and the sibling papers on transition bodies and layered government.

### **3. Evidence and comparative options**

Comparative experience shows that the sequencing of interim local representation and first free local elections is decisive for whether temporary arrangements remain temporary and whether local legitimacy is built or eroded.

In Chile, the Pinochet regime had appointed all mayors after 1973. After the 1988 plebiscite and the 1989–90 national transition, municipal elections were not held until 28 June 1992. During the intervening period appointed mayors continued in office. Empirical work using the universe of dictatorship-appointed mayors and the quasi-random features of the 1992 electoral rules shows that these mayors enjoyed a substantial vote premium (approximately 9 percentage points overall, larger for sitting incumbents) and that those who won in 1992 continued to deliver electoral advantages to parties associated with the old regime in subsequent contests. Continuity of single-faction appointed authority, even under a democratic national government, produced measurable elite persistence at the local level. (Sources: [Lost in transition? The persistence of dictatorship mayors](#); [Chile — Regional and Local Government, Library of Congress Country Studies](#).)

South Africa's Local Government Transition Act 209 of 1993 created an explicit two-stage process. In the pre-interim phase, local negotiating forums (statutory multi-stakeholder bodies) produced appointed transitional councils whose composition reflected negotiated plural representation across previously racially divided structures. These transitional councils governed until the first non-racial local elections, held between November 1995 and mid-1996. The Act fixed the electoral window, required provincial committees to oversee the process, and provided for demarcation and seat allocation rules that prevented any single pre-transition faction from dominating. The design kept the temporary bodies time-bound and plural; the elections themselves then replaced them. (Source: [Local Government Transition Act 209 of 1993](#).)

Poland restored local self-government by legislation in March 1990 and held the first free local elections on 27 May 1990—less than three months later. Turnout was modest (approximately 42 percent), yet the elections produced a near-complete replacement of the old communist local structures by Solidarity-linked and independent lists. The short interval between legal restoration and the ballot, combined with the absence of prolonged appointed interim bodies, limited

opportunities for entrenchment. (Sources: [The birth of local democracy in Poland](#); [1990 Polish local elections](#).)

Bulgaria's 1990 round-table process dissolved the old people's councils and created temporary executive committees at regional and local levels. The explicit rule was that no single party could hold a majority on these committees; their primary mandated tasks were continuity of services and preparation of free local elections. The temporary bodies remained in place for roughly one year; the first democratic local elections were held in October 1991 together with parliamentary elections. The plural composition rule and the clear preparatory mandate reduced the risk that the temporary layer would become permanent.

The pattern across these cases is consistent. Prolonged single-faction or centrally appointed local authority (Chile) correlates with elite continuity and delayed democratization of the local tier. Explicitly plural, multi-stakeholder temporary bodies with statutory sunsets and a fixed electoral timetable (South Africa, Bulgaria) or very short intervals to free elections (Poland) correlate with cleaner replacement and stronger subsequent local legitimacy. Failures arise when the temporary body lacks a hard sunset, when selection is controlled by a single national actor, or when the election date can be postponed without transparent, limited justification.

#### **4. Recommended design**

The following numbered provisions translate the blueprint's principles into operational rules for county, municipal and provincial transition bodies.

1. Composition of temporary plural local bodies. Each county, municipal or provincial transition body shall be a plural council of odd number between 7 and 21 members (scaled to population and geographic complexity). No single political party, civic organization, professional association or former administrative faction may hold more than one-third of the seats. Seats shall be allocated across at least four categories: (a) local civic and professional associations with verifiable membership and continuous activity in the locality for at least two years; (b) independent local professionals (educators, health workers, engineers, accountants, lawyers) nominated by peer associations; (c) representatives of recognized local community or neighborhood organizations; (d) a minority of seats reserved for continuity of essential-service expertise drawn from the existing professional civil service, subject to individual integrity screening.

2. Selection rules. Selection shall be conducted by a Local Transition Selection Panel composed of three members drawn from the locality (one nominated by local civic associations, one by local professional associations, one by lot from a

pool of long-term local residents with clean records) and two non-voting observers from an independent national election-administration body. The Panel publishes open calls for nominations, verifies eligibility against published criteria, and ranks candidates within each category by transparent scoring of local rootedness, professional competence and absence of disqualifying conduct. Final composition is published with full nomination records and scoring sheets. No national political figure or distant organization may appoint or veto members.

3. Hard sunset and trigger for first free local elections. Every temporary plural body is established with a statutory sunset of not more than 18 months from the date of its first sitting. The sunset date is published at formation. Free local elections must be held on a date not later than the sunset date, provided that minimum conditions (basic personal security for candidates and voters, published voter rolls, independent election administration, and open campaign rights) have been certified by the independent local election administration body. Certification must be issued or refused with public reasons not later than 90 days before the sunset.

4. Independent local election administration. A Local Election Administration Office, staffed by career professionals drawn from existing civil-service election cadres and supervised by a three-person supervisory board with local majority, shall be constituted simultaneously with the temporary body. It alone manages voter registration, candidate registration, polling, counting and results certification. Its decisions are subject to expedited judicial review.

5. Eligibility and disqualification. Candidates for temporary bodies and for the subsequent free elections must be adult residents of the locality for a continuous period of at least two years (or longer for senior positions). Automatic disqualification applies to persons convicted of violent crimes, corruption, or systematic human-rights violations under final judgment, and to persons who held senior coercive or political office in the previous regime during a defined look-back period, subject to individualized review for lower-level functionaries. The temporary body itself may not alter these rules.

6. Slippage of the election date. Only the independent Local Election Administration Office, with the concurrence of a majority of the temporary body and public written justification demonstrating that one or more minimum conditions remain unmet, may postpone the election date. Any single postponement may not exceed 90 days; cumulative postponements may not exceed 180 days. After the cumulative limit the temporary body dissolves automatically and essential-service continuity passes to the professional civil-service cascade

defined in the continuity provisions of the blueprint until elections can be held under emergency rules supervised by the independent national election body.

7. Safeguards against entrenchment. Members of temporary bodies are ineligible to stand in the first free local elections for the same body. Temporary bodies may not adopt permanent structural legislation, may not alienate public assets, and may not create new permanent staff positions beyond those required for essential-service continuity. All decisions, budgets and contracts are published in real time. Any attempt to extend the body's own mandate beyond the statutory rules is void and constitutes grounds for immediate dissolution by the independent election body or by judicial order.

## **5. Open questions and risks**

The principal risk is that "temporary" becomes permanent. Comparative evidence shows this occurs when selection is controlled by a single national actor, when the sunset is soft, or when the temporary body acquires patronage resources. The design above counters these vectors with plural composition rules, a hard numerical sunset, ineligibility of temporary members for the first elected term, and automatic dissolution triggers. Residual risk remains if security conditions prevent certification of minimum election conditions for prolonged periods; the cumulative 180-day limit and the civil-service continuity cascade are intended to close that gap, but they require parallel work on security and logistics.

A second risk is legitimacy gaps in the selection method itself. Any non-electoral selection process will be contested by those excluded. The open-nomination, multi-category, scored and fully transparent process reduces but does not eliminate this problem. Local rootedness criteria may disadvantage recent returnees or diaspora professionals; professional-association nomination may favor established networks. These trade-offs should be monitored and adjusted after the first cycle of free elections.

A third risk is capture of the Local Transition Selection Panel or the Local Election Administration Office. The mixed local-majority composition, public scoring and expedited judicial review are partial safeguards; ultimate protection lies in the short duration of the temporary phase and the hard replacement timetable.

## **6. Cross-links**

This paper is a research companion to the blueprint page "[Local Government, Civil Service & Public Administration](#)". It is designed to be read together with the sibling paper LG-04, "[County, Municipal and Provincial Transition Bodies: Mandates, Tran](#)

[sparency, Sunsets and Replacement Timetables](#)", LG-02 "Layered Government in Transition", and LG-12 "Who Decides Who Governs What?".

## 7. Sources

- The blueprint page: [Local Government, Civil Service & Public Administration](#) — position quoted in Section 2.
- Lost in transition? The persistence of dictatorship mayors — [journal article \(ScienceDirect, S0304387821000481\)](#); [working-paper PDF](#).
- Chile — Regional and Local Government, Library of Congress Country Studies: <https://countrystudies.us/chile/99.htm>
- Local Government Transition Act 209 of 1993 (South Africa): [SAFLII PDF](#); [South African Government act page](#).
- Local government transition in five Eastern seaboard South African towns (Taylor & Francis journal article).
- The birth of local democracy in Poland: <https://polishhistory.pl/the-birth-of-local-democracy-in-poland/>
- 1990 Polish local elections: [https://en.wikipedia.org/wiki/1990\\_Polish\\_local\\_elections](https://en.wikipedia.org/wiki/1990_Polish_local_elections)
- Bulgaria's temporary local government structures (Rights & Democracy / RTI report); IRI reporting on the Bulgaria 1991 elections.