

# Comparative Analysis of Executive Dualism Between Mali and China.

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## Abstract

In some countries, the executive branch of government is headed by a single person. In many other countries worldwide, such as Mali and China, it is under the direction of two people. This is known as executive dualism. In rare cases, such as the Swiss Federal Council, the executive is entrusted to a group of people.

This article comprehensively analyzes the dual executive system, examining its current practice in Mali and China, two countries with distinct Constitutional histories and political regimes. This comparative study provides an in-depth analysis of the institutional organization, practical challenges, and prospects of executive dualism in Mali and China. Going beyond a mere empirical and doctrinal comparative analysis of collaboration between the Head of State and the Head of Government, the influence of this collaboration on the functioning of public services is examined. This article also proposes solutions for harmonious functioning between these two executive branch leaders. These include ways of clarifying roles and powers to avoid overlap. The adoption of a constitutional protocol on the actual modalities of this collaboration. The establishment of an independent arbitration body in the event of a misunderstanding between a Prime Minister and a Head of State.

**Keywords:** Constitution – Head of State – Executive Dualism – Prime Minister – Mali – China.

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## 1.0. Introduction

Mali and China are both unitary states (\*Mali is a French-speaking country, and the official language of China is Mandarin, so this article uses some French and Chinese references. The author himself translates all references to English or vice versa.). State affairs are administered by a decentralized central government, which is replicated at all administrative levels by local governments in China. In Mali, the State is administered through governors in the regions, prefects in the circles, and sub-prefects in the arrondissements.

Mali operates under a Semi-presidential system, while China is a socialist country with a governance system characterized as "*socialism with Chinese characteristics*" (Jinping, X. 2022). In both countries, the executive branch manages the state's administrative affairs, while the parliament is responsible for passing laws. The National People's Congress (NPC) in China is placed above all other organs of power in the country, and all the state organs are subordinate to it (Article 57 of the Constitution of China). Therefore, the executive branch is constitutionally subordinate to the legislative branch. In Mali, the judicial, executive, and legislative branches of power are constitutionally placed at the same level. They operate according to a system of separation but also of reciprocal dependence. Although the analysis of relations between the organs of power is a relevant and fascinating field of study, it is excluded from the scope of this article. This analysis focuses solely on the executive branch, particularly the influence that the collaboration between a President and a Prime Minister can have on the administration.

Both Mali and China operate a dual executive system. Indeed, the powers and roles concerning implementing laws, diplomacy, and administering state affairs are shared between two persons who lead the State's executive branch. The two, therefore, work closely together daily to make crucial decisions concerning the country. The Head of State of the People's Republic of China (PRC) holds primarily ceremonial powers, while the Premier leads the State Council in daily governance (Lawrence, S. V. & Martin, M. F. 2013). Mali's President is not merely symbolic. He is politically and daily involved in managing the State's affairs. The daily management of the State in China is entrusted to the State Council. It operates under the democratic centralism principle, and the full responsibility of the Premier. In Mali, the Prime Minister may lead the government, but the President appoints him, and he is accountable to the President. In China, the NPC appoints the Premier on the nomination of the Head of State. Therefore, the Premier is responsible to the NPC. Since 1949, both have always belonged to the same political party. In Mali, they often come from different parties.

The interest of such a study lies in the fact that it compares two countries with different constitutional histories. Despite differing political regimes, both countries share the dual executive system. In terms of comparative law, this will provide an in-depth understanding of the practice of the executive branch in both countries. Beyond that, the analysis will undoubtedly lead to lessons and best practices from which both political regimes can draw inspiration in their day-to-day exercise of the dual executive system.

Our starting point is that, over the last half-century, China has been characterized by political and institutional stability, which has positively impacted its economic development and internal security. At the same time, Mali has been characterized by chronic political and institutional instability, which is still felt in its economic development and internal security (Wing, S. D. 2013). This analysis assumes that such a comparison could strengthen Mali's executive branch's pursuit of institutional stability and enhance the complementarity between the two executive figures.

This study is based exclusively on the dual executive system. It will adopt a comparative methodology, including a comparative doctrinal analysis. Thus, in addition to Mali and China's Constitutions and legislative texts, the most relevant academic literature and doctrines relating to this theme will be selected and exploited. It will also adopt an empirical approach by comparing institutional practices in the two countries.

Our findings show that in countries with a dual executive system, complementarity between the two leaders of dualism can improve the efficiency of public services. However, their misunderstandings in collaboration can have the opposite effect on the administration. So, what could be at the root of these misunderstandings? How can these challenges and their adverse impacts on public services be mitigated? What mechanism should be implemented to rapidly and effectively resolve a collaboration misunderstanding between the Head of State and the Head of Government?

These misunderstandings can stem from the very institutional organization of the dual executive system (2). However, despite good institutional organization of the dual executive system within the State, problems may arise when dualism is put into practice by the personalities responsible for its operation (3). Mechanisms must, therefore, be put in place to ensure that the dual executive system functions smoothly (4).

## **2.0. The Institutional Organization of Dualism in Mali and China**

Whether a Prime Minister and a President are present simultaneously may be considered a matter of national sovereignty. It depends on the popular will expressed through the constitutional system put in place and, therefore, on the political regime chosen. Above all, it stems from the ideology and institutional practices the political system promotes. Since the People's Republic of China's proclamation, there has always been this desire for dualism at the top of the executive branches of power. However, with the abolition of the president's office, executive power was embodied by a single person during that period. Since its independence, Mali has experienced alternating periods of monism, when the Prime Minister alone represented the top executive branches of state power, then by the President alone, and periods of dualism, with both at the top (Baudais, V. 2015). Today, both countries constitutionally institutionalize a dual executive system structured through two key elements: (1) a formal division of roles and powers between the Premier and the President, and (2) institutional mechanisms to ensure collaborative governance.

### **2.1. The Division of Roles and Powers**

The Presidents of Mali and China share certain powers. They enact laws and direct the country's diplomatic activities. They are both Heads of State. They are also the country's armed forces chiefs. However, the relationship between the Head of State and the Head of Government in administering state matters differs in both countries. This is mainly because of the place the Constitution gives to the Head of State. In Mali, the President is administratively more committed than in China, whose role is primarily to promulgate laws passed by the NPC and the NPC-Standing Committee. He also plays a predominant role in representing the PRC on the international stage, especially as regards the ratification of treaties and the appointment of ambassadors and special representatives. Finally, he also chairs the Central Military Commission, which gives him command of all of China's armed forces.

The President also holds all these powers in Mali's governance. But his powers are much more extensive when it comes to the daily administration of the country. People elect him alone as the symbol of the nation's unity. His primary duty is to defend the country's general interest against the partisan interests of different organizations, political or not. Conversely, the Prime Minister is generally considered a political party representative. Thus, he implements the policy that the President has determined for the country.

As the Head of Government, the direction of government action is the Premier's responsibility in Mali and China. However, while Mali's Prime Minister oversees state administration, his authority is narrower than that of China's Premier, who holds broader constitutional powers. The Government operates under the full responsibility of the Premier in China. It operates under the President of Mali's direct oversight and authority. Vice-premiers, ministers, the general auditor, the general secretary, the chief of commissions, and state councilors are held accountable directly to the Premier, who, in turn, reports to the NPC. The Government is answerable to the President in Mali, who is, in turn, held responsible by Parliament. The Premier has the final say on all important State Council matters in China. Mali's Council of Ministers discusses and decides all matters of State under the chairmanship of the President and convenes all the ministers. Although the Prime Minister is present, the ultimate authority rests with the President. When the President is absent or unable to perform his duties, he may appoint the Prime Minister to serve as the Chairman of the Council of Ministers, provided that the agenda for this delegation is clearly defined. Same with the Defense Council and the National Defense Committee (Articles 76 and 77 of the Constitution of Mali).

The Premier proposes to the NPC, the NPC-Standing Committee (when the NPC is out of session), the revocation or nomination of the vice premiers, secretary general, ministers, chiefs of commissions, the general auditor, and state councilors. After the NPC or the NPC-Standing Committee approves by a decision, the Head of State signs the decision of appointment or dismissal. The President appoints other ministers after he consults the Prime Minister in Mali. His opinion does not necessarily influence his choices. Moreover, he can terminate their functions with or without consulting the Prime Minister. The President has no constitutional obligation to consult the parliament before appointing or dismissing government members, including the Prime Minister. He does not need his approval either.

The Premier signs all administrative orders, decrees, orders, and decisions of the State Council (Article 9 of the Organic Law of the State Council of China). In Mali, decrees and orders are issued by the Council of Ministers. The President signs them, and the ministers concerned countersign them, as does the Prime Minister. The Prime Minister may issue regulations to enforce laws or ensure the smooth running of public services. Still, these must be countersigned by the ministers concerned and the President before they can be enforced.

All draft laws in Mali, other than those initiated by the parliamentarians, are adopted after deliberation in the minister's council meetings. Then, they are presented to the National Assembly for vote and adoption. After that, they are finally promulgated by the President. Although he does not have veto rights, he does have the right to revise (Article 59 of the Constitution of Mali). Draft laws are also passed at plenary sessions of the State Council in China, but under the leadership and chairmanship of the Premier. He submits the bills to the NPC or the NPC-Standing Committee for voting and adoption. Finally, the Head of State promulgates laws without veto power, as the NPC holds exclusive legislative authority (Jihong, M. 2009). The Premier is responsible for executing the laws in both countries.

The organization of the Central Government is replicated at all administrative levels in the PRC. They are called Local People's Governments. Each lower-level government is subject to the control and supervision of the government directly above it. Each higher-level government can annul or revise administrative decisions and acts that are ill-founded or contrary to the laws and Constitution of the lower level. The same applies to the Premier, who supervises and controls governments and their leaders at all levels (Sun, C. *et al.* 2020). Governors, Prefects, Sub-Prefects, and their advisors represent the Malian Central Government in the Regions, Circles, and Arrondissements. The Council of Ministers appoints them. They are proposed, directed, and responsible to the Minister in charge of Decentralization, who is answerable to the President.

## 2.2. The Institutional Mechanisms

A country's Constitution determines its regime and political orientation. The PRC is a socialist State governed by socialism with Chinese characteristics. Its governance is established on a people's democratic dictatorship, which manifests itself in the proletariat's considerable influence on power. For this reason, the country's foremost constitutional institution is the NPC. It comprises 3,000 deputies representing China's 1.4 billion people. The NPC elects the PRC's Head of State and vice president, who assists him in his work. The latter has no powers of his own. His role merges with that of the Head of State. Reference is therefore made to both whenever the expression "Head of State" is mentioned throughout this work.

Mali has a Semi-presidential system. Its first institution is the President of the Republic of Mali. He is the sole embodiment of this institution, which depicts the supreme power of the State. The country's constitutional history has seen only one attempt to institutionalize the post of Vice President (Article 7 of the 2020 Transition Charter of Mali). Particular misunderstandings in the collaboration between the two ended when the vice

president overthrew the President by a coup d'état. From the outset, creating the vice president's office was unlikely to work in practice. The President makes decisions about every aspect of the country, manages it through its various crises, and is accountable to the people, who can directly sanction him during elections. He is elected by citizens in direct universal suffrage elections (Fall, I. M. 2012). His term of office is five years. The PRC's Head of State is elected by indirect suffrage by NPC deputies for the same term of office. Contrary to the President of Mali, the Constitution establishes the Head of State of the PRC as a personality not directly involved in managing internal state affairs.

The function of the Head of State in both countries differs from that of the Head of Government. In China, all state powers belong to the NPC. The State Council is responsible for the NPC's daily management of state affairs. It is the state's supreme administrative body and executive organ. The Premier oversees the country's day-to-day operations under the NPC's supervision and control. He is constitutionally responsible to the NPC. The Vice Premiers, a general secretary, ministers, chiefs of commissions, a general auditor, and state councilors assist him in his work. The activity of the executive branch of the State should, therefore, be primarily confined to the State Council. The Head of State should remain in a symbolic and ceremonial position. Thus, the office of the Head of State seems to have been reduced to its minimum role. Under constitutional reforms, the presidency was temporarily abolished in China from 1975 to 1982, reflecting debates over institutional design. The main reason for this return seems to be the country's need for a personality to take care of diplomacy and to represent the country abroad. Thus, the Premier deals with domestic affairs daily, while the Head of State oversees foreign affairs. However, nowadays, with his position as leader of the Communist Party of China (CPC) and the chairperson of the Central Military Commission (CMC). He plays a significant role in managing state affairs. So, like his Malian counterpart, he can be considered a key figure in developing the country's national and international policies.

The dual executive system is also explained by the concern for representativeness and legitimacy at the apex of executive power. In Mali, the executive branch comprises the President, the Independent Administrative Authorities, the Army, the Administration, and the Government. But the President and the Head of Government unquestionably lead the executive branch of power. The Prime Minister, together with other ministers, forms the Government. The President has popular legitimacy. The people directly elect him. He may come from a political party. But he can also be a providential man, independent of any political party, who derives his popularity from specific historical events (Baudais, V. 2015).

The Prime Minister is appointed by the President without the intervention of Parliament. However, when a political organization other than that of the President holds the predominant proportion of parliamentarians, this political party's leader is generally consulted on appointing government members. So, the Prime Minister can be from the political party that earned the most seats in the legislative elections. This reflects a political convention rather than a constitutional requirement. However, this compromise is also explained by the fact that the executive needs to be able to count on a parliamentary majority, or risk seeing all its bills rejected and even the Finance Act blocked by a hostile parliamentary majority. Another form of political convention is this choice among one of the ethnic minorities in the north of the country. However, the Prime Minister can also belong to the same political group as the elected President.

In China, the premier is appointed for five years, but the NPC has constitutional authority to dismiss him if necessary. In Mali, no term is determined; the President can remove him anytime (Article 57 of the Constitution of Mali). According to the Constitution of the Third Republic (1992-2023), when the Prime Minister had to resign, the entire Government automatically resigned. Since it was the Head of the Government who formed the Government, it was his team. If he had to resign, he did so with his whole team so that the new Head of Government could form his team. However, he is nominated by the President in the same capacity and under the same conditions as the other ministers, according to the new Constitution of 2023. In principle, the resignation or discharge of the Prime Minister should not affect the other ministers.

The dual executive system is institutionalized in Mali and China. The Constitution and laws establish each actor's roles and powers. But what about its implementation?

### **3.0. The Practice of Dualism in Mali and China**

Legal texts are formulated and enforced by individuals, for individuals. Meticulously crafted frameworks will remain mere documents without the right people to use them correctly. The dual executive system, despite a formal division of roles and powers between the Premier and the President, and institutional mechanisms to ensure collaborative governance. The effectiveness of public services hinges on the collaboration — or conflict — between the dual executive leaders (Favoreu, L. 1988). The position does not give importance to the individual; the individual agency shapes the role's impact, not vice versa. So, dualism is only what its actors

want it to be. Thus, the functioning of the dual executive system can be confronted with challenges (1) that have significant democratic stakes (2).

### 3.1. The Dualism's Challenges

Article 3 of the Chinese Constitution states that the institutions of China should function under the Principle of Democratic Centralism. A similar statement is not made in the Malian Constitution. However, the administration in Mali, which has a unique Central Government, also operates according to the same principle. Decision-making power is centralized. The lower echelon must comply with the higher echelon's decisions, orientations, and visions. But the very nature of a politician is to have political visions for the country's future. So, the Head of Government and State have their own visions. The question is which one comes first.

A country's governance relationships always have a double hierarchy: Administrative and Political hierarchies. Coordination is streamlined when the Head of Government and Head of State belong to the same political party. However, if the Prime Minister holds more significant political influence (e.g., through party leadership), administrative subordination to the President may conflict with political hierarchy. In Mali, the President often runs the country with a Prime Minister from another political party. In China, however, they are always from the same party.

Although the Premier and the Head of State are from the same political party in China, their relationship should be examined from two angles. Administratively, the Premier is autonomous in his day-to-day management of the country as Head of the State Council. This is the supreme executive organ of the country. China's Head of State nominates the Premier, but only the NPC holds constitutional authority to dismiss him. However, China's Premier is constitutionally accountable to the NPC but de facto answerable to the Head of State, who, as Communist Party of China General Secretary, dominates the Politburo Standing Committee (Joseph, W. A. 2024). Currently, the Premier is also a member of this Standing Committee. Because it's the country's ruling party, this standing committee adopts the most important decisions concerning the country's management under the leadership and the chairmanship of the party's General Secretary (Head of State of the PRC). The political risk is too high for the Premier to make decisions that contradict those of the Party's Politburo Standing Committee (Fan, P. *et al.* 2020).

When they're not from the same political party. Even though we are not in a cohabitation situation, as in France, where the President cannot “*demand the resignation of the head of government*” (Fèvre, E. 2024). However, the challenges are still many and complex. From 1960 to the present day, Mali has always faced security crises, which have often led to the overthrow of the President by coup d'état (Whitehouse, B. 2012). These putsches always usher in periods of transition, which are conducive to instability and political rivalry, particularly between transitional Presidents and Prime Ministers. Also, during these periods, the boundaries between these two personalities' functions, roles, and powers are blurred, which represents a significant challenge to the dual executive system in Mali (Moestrup, S. 1999). For example, after the 1968 coup d'état, during the following transition. The particular misunderstandings within the executive branch even led to the abolition of the post of Prime Minister in 1969 (Baudais, V. 2015). Also, during the 2012 transition, the President and Prime Minister took different approaches to managing state affairs and the security crisis created by terrorist groups occupying 2/3 of the country's territory. The misunderstandings in collaboration between the two personalities seriously affected public services, ending with the Prime Minister's departure. In 2024, the misunderstandings between the two leaders of dualism within the executive were even felt in official speeches and institutional communications, impacting the smooth running of public services and creating confusion among the population.

The challenges posed by dualism within the executive branch have become a significant issue in the smooth running of public services during major crises. However, more than a question of efficiency, this dual executive system is also becoming a democratic issue for the country.

### 3.2. The Democratic Issues

Nowadays, in countries with a dual executive system, the observation is that “*the dual executive system is hierarchical from within and dominant from without*” (Momo, C. F. & Éric-Adol T. G. 2020). Undeniably, the executive power in Mali, in its relations with the other institutions, is highly dominant. The President has the constitutional authority to dissolve the Parliament. China's Head of State lacks the authority to dissolve the NPC, which holds exclusive power over appointing and removing senior officials and keeping them under its control and supervision. Parliament also controls the government in Mali. Deputies may ask ministers oral or written questions. They are obliged to reply. However, parliamentarians do not have the constitutional authority to dismiss them. Only the President holds this power. Both countries share the authority to initiate legislation

between the executive and parliament. The executive in Mali also shares the initiative for constitutional revision with parliament.

The executive's predominance is also felt in the judiciary. The President chairs the High Council of Justice (Article 64 of the Constitution of Mali). He appoints the President of the Supreme Court and the Procurator-General and can remove them at any time. The Justice Ministry recruits and trains magistrates. The Constitutional Court, known for its absolute independence and power to control laws, public authorities, and their actions, is not spared by the executive's predominance. The President's dissolution of the Constitutional Court (CC) in 2020 is a case in point. The NPC appoints the President of the Supreme People's Court and the Procurator-General, nominated by the CPC leadership. They are in office for five-year terms, as are the two leaders of the executive branch. In China, the constitutional predominance of the NPC over the executive is a fact. However, when the ruling party (CPC) has a parliamentary majority in the NPC, as with the current legislature, the Head of State is the General Secretary of the CPC. This undeniably gives him a particular advantage in governing the country.

Internally, a certain hierarchy (*de jure or de facto*) seems to have been established within the executive branch in Mali and China. A certain subordination of the Head of Government to the Head of State has been established over time. However, this is not only due to legal or institutional provisions. It is not only due to the discipline that can exist within political parties. This is also due to people's conceptions or perceptions of the office of Head of State. The people expect a lot from him. In the popular conception, he is not just a simple civil servant. He "... embodies the unity of the country, ..., ensures the state's continuity" (Article 43 of the Constitution of Mali). The people also expect him to "*guide, teach, protect*" (Conac, G. 1983). However, in a democratic State, this predominance of the presidential function over the Head of Government and other institutions can sometimes be perceived internally and externally as an obstacle to the democratic functioning of the country's institutions. Yet, maintaining public confidence in the system of government is vital. The same applies to the country's international partners and observers. So, keeping the dual executive system is becoming a major democratic challenge for the country.

During the major crises that the nation may go through, such as economic crises, natural disasters, the COVID-19 crisis, etc. For Mali, it's also possible to add the multidimensional institutional and security crisis it has been going through since 2012. When the country is looking for an emergency solution, the executive branch appears to be the compass of the entire nation. All other considerations disappear, and the *Salus populi suprema lex* concept applies fully. Complementarity between the two leaders of the executive becomes indispensable for smoothly running public services. It is essential to maintain the people's confidence in the fight against and rapid resolution of these crises. The opposite case, as observed during the crisis of 2012 in Mali, can give the people some reasons to doubt the smooth running of democracy in the country. When people lose confidence in the system of governance, this inevitably leads to institutional and political crises.

Implementing a dual executive system can be challenging. Therefore, it is necessary to find the right perspectives to keep it running smoothly.

#### **4.0. The Prospects for the Harmonious Functioning of Dualism in Mali and China**

Although the perfect balance between powers, with strict separation between the executive, legislative, and judicial branches, is not easy to achieve in any country, it seems to be the pursuit of an ideal that has never been achieved (Fokou, É. 2020). Therefore, every political regime must create and maintain harmonious functioning between institutions. This is an essential component for ensuring the efficacy of public services. Thus, Mali and China must maintain harmonious relationships between the dual executive system leaders in both regimes. Clarifying competencies to avoid deadlocks (1) and implementing measures to handle misunderstandings within the executive branch (2) are essential.

##### **4.1. The Clarification of Competencies**

China and Mali's Constitutions divide the powers of the executive branch of the State between the Head of Government and the Head of State. There is a distinction between China's Head of State powers and those of the Premier of the State Council. The Premier can exercise his constitutional powers in full. In the daily administration of the country, he needs neither authorization from the Head of State nor confirmation from the NPC. However, it should be remembered that he is accountable to the NPC and politically bound to the leader of his party. The Head of State usually needs parliamentary confirmation to exercise some of his powers (e.g., the NPC has the constitutional right to reject his choices of appointment).

Article 71(2) of Mali's Constitution states that, apart from the acts of the President set out in: Articles 57 (Power of appointment of the Head and other government members), 60 (Power to submit to referendum any bill or

issue of national interest), 65 (The power to grant pardons and propose amnesty laws), 69 (Parliamentary dissolution power), and 70 (the extraordinary authority wielded by the President in circumstances involving grave and imminent threats to the nation). All other acts must be countersigned by the Prime Minister or the ministers concerned. These five are the sovereign powers of the President. The Prime Minister is in charge of conducting the nation's policy. To this end, he has access to the administration but cannot make appointments because this is among the powers of the President to appoint civil and military posts. In addition to proposing ministers and committee chairpersons to the NPC for appointment, the Premier of the State Council also has the power to appoint civil servants within the Central Administration.

At the domestic level, the President's powers in Mali and China mainly concern the appointment of the Head and the members of the Government. The NPC validates China's Head of State proposals for this appointment. The Head of Government proposes other government members for their appointment. The President of Mali has sovereign authority over these appointments. The awarding of state decorations is also the prerogative of the Head of State in both countries, etc. They won't all be mentioned here, so as not to overload this article. It's possible to find them in the two Constitutions it's refer to. Instead, we shall focus on a few examples of the distribution of powers where clarification seems pertinent.

China's Head of State, the NPC Standing Committee, and the Premier possess the authority to proclaim a state of emergency (Articles 67(21), 80, and 89(16) of the Constitution of China). Then, who has priority in declaring a state of emergency in the country? Despite the opposition of the other institutions, can one of them declare a state of emergency? It can be assumed that the NPC-Standing Committee's supreme constitutional powers, sovereignty, and popular legitimacy mean that its decisions have ascendancy over the executive's. However, clarifying such a situation between the two leaders of the executive branch in a legal text would be better.

In Mali, the President and the Prime Minister decree the state of emergency in the Minister's Council. The Constitution and the law establishing the state of emergency (Law N°87-049/AN-RM. 1987) are silent on the procedure to be followed in the event of disagreement between the two executive leaders on whether or not to proclaim a state of emergency. As the chairman of the Council of Ministers, the President is presumed to have the casting vote. However, if a state of emergency is adopted, the Prime Minister should countersign it. He is also responsible for its implementation. The State Council's Premier also supervises the implementation of the state of emergency in China.

Regarding foreign relations, the Head of State leads the country's diplomatic policy in Mali and China. Mali's Prime Minister must inform the President of any negotiations that may lead to the signature of an agreement with other countries that do not require ratification (Article 181 of the Constitution of Mali). Can this information be considered an authorization request? If the answer is yes, this again raises the question of the democratic implications of sharing power within the Executive branch. But what if the answer is no? What would happen if the President did not wish to pursue the negotiations? Should the Prime Minister abandon them or continue despite the opposition? However, it can be supposed that the President's predominance within the executive branch and his chairmanship of the Council of Ministers will give him the necessary powers to sway the decision as he wishes. However, the Prime Minister can also insist on his position, especially when the two are not from the same political party. This can affect the credibility of the country's international communication. A constitutional clarification would, therefore, seem appropriate.

The Head of State of China is the country's representative abroad. He receives and accredits special representatives and ambassadors from other countries. He ratifies treaties based on NPC Standing Committee decisions, while the Premier executes administrative duties. Nonetheless, the Constitution confers a certain degree of authority in foreign affairs upon the Premier. This authority encompasses entering into treaties and agreements with foreign nations. Good organization between the two executive leaders is essential to achieve unified leadership in establishing agreements and treaties with other countries.

Insufficient clarification may lead to conflicting collaboration within the executive branch, which can quickly influence the smooth running of public services. Therefore, it is imperative to implement measures to handle misunderstandings.

#### **4.2. The Implementation of Measures**

In any country, regardless of its political system, there are two kinds of collaboration between institutions and/or political actors. Harmonious collaboration can make the administration efficient. Conflictual collaboration harms the operation of public services. All countries have faced institutional dysfunction at some historical juncture, causing the people and even political actors to doubt the political regime. This has most often ended in coups d'état and political transitions in Mali, the most recent of which took place in 2021 (Issaev, L. & Korotayev, A.

2022). These difficulties may stem from collaboration between the legislative and the executive branches or from collaboration between the Head of Government and the Head of State in countries that have opted for a dual executive system (Sall, A. 1997). Therefore, it is essential to put in place mechanisms to prevent difficulties. However, in the event of misunderstandings, there should also be mechanisms for resolving them. Consequently, it is advisable to set up an institutional collaboration framework (1) and agree on formal dispute-resolution mechanisms in the event of deadlock (2).

#### **4.2.1. The Institutional Collaboration Framework**

Difficulties in collaboration between the Head of Government and the Head of State can come from several factors. If they do not belong to the same political party, different political parties may influence the two executive leaders. Personal animosities stemming from prior political rivalries may further strain their cooperation. Often, it's two opponents who, politically speaking, have nothing in common who collaborate within the executive. So, even if there is the Constitution and other legal texts that regulate the functions and relationships between them, creating an official document clarifying and specifying how they should work together is necessary.

This document must not be drafted by incumbent executive leaders in office. They must not be involved to avoid being the person who is acting as both judge and party. A commission must draw up the document. This commission will be set up by the Speaker of Parliament and approved by a 2/3 majority vote of the deputies. It must include a representative of all officially recognized political parties not subject to any sanction in the country. The commission's chairperson is to be chosen by the members following a vote. The document must still be voted on by the deputies and approved by a majority. It should only be possible to amend the document under the same conditions. It must clarify the circumstances in which public services can operate solely based on a sovereign decision by the Head of Government or the Head of State. It should also mention the circumstances in which a decision involving the opinion of both is indispensable. How this collegial decision is taken should also be specified. How collaboration and decision-making are to occur in the event of a significant crisis in the country must be clarified. Above all, the document must establish a formal dispute resolution mechanism and an arbitration body to intervene in significant disputes.

#### **4.2.2. The Formal Dispute-Resolution Mechanisms**

The misunderstandings between the Head of Government and the Head of State should not be resolved exclusively by the Prime Minister's resignation (voluntary or not). It is often said that prevention is preferable to cure. Providing crisis-resolution mechanisms within the executive in an official document is already half the solution to future misunderstandings. The two executive leaders already know that if they violate this document or exceed the limits of their respective roles and powers, there is a means of recourse. The means of settlement may be judicial or non-judicial. It involves finding or designating an institution or person in the country who can intervene in significant misunderstandings between the two leaders of the dual executive system affecting the administration. This institution or personality must at least symbolize the country's national unity, if not the unanimity of the political players.

In constitutional monarchies, the figure of the King or Queen can play a significant role in this situation. In France, the Constitution gives this role to the President. However, the French President's arbitration role may seem to create a conflict of interest since it makes him both judge and party (Article 5 of the Constitution of France). In Germany, the Federal President is an arbitrator between the Federal institutions. He also plays the same role between political parties. He is politically and administratively uncommitted. He is constitutionally placed above the executive and legislative branches (Fèvre, E. 2024). He is, therefore, in a position to play this role between the political parties and the institutions.

In Mali, the Constitutional Court (CC) is constitutionally assigned this role. The Constitution establishes it as a *"regulatory body for institutions' functioning and public authorities' activities"* (Article 144(2) of the Constitution of Mali). This institution can play this role well. However, its weakness in managing misunderstandings within the executive branch is mainly due to two factors. Firstly, its powers and legal bases are focused on constantly seeking and maintaining the balance of powers between the legislative, judicial, and executive branches and ensuring the credibility and legitimacy of the various elections (Keita, M. 2016). Including in its legal basis an official document on collaboration between the two leaders of the executive branch. It can act as an arbiter between them. The second factor is that some institutional actors see the decisions of the Constitutional Court (CC) as mere moral decisions, primarily to reinforce or reduce the legitimacy of an institution or legal act. Giving a more binding character to its decisions will make them more effective.

The Ombudsman of the Republic can also play this role, although his functions are mainly oriented towards mediation between the administration and users of public services. The document may also designate this institution to mediate between the executive branch leaders in case of misunderstandings that could affect the smooth running of public services.

### 5.0. Conclusion

The institutional and constitutional organization of the dual executive system in Mali and China takes two different forms. Mali's Semi-presidential system separates the legislative, judicial, and executive branches of power. However, these branches are interdependent and operate under the supervision of the President. China's National People's Congress (NPC) holds constitutional supremacy, while executive authority is delegated to the State Council under the Premier. He is in charge of the daily management of the entire administration. The Head of State is constitutionally much more removed from the day-to-day management of state affairs. However, he is the General Secretary of the Communist Party of China. In comparison, his Malian counterpart is directly and daily involved in the management of state affairs and decision-making. To this end, he shares some roles and powers for managing state affairs with the Prime Minister, who is answerable to him. On the other hand, the State Council of China operates under the full responsibility of the Premier, who holds ultimate authority in all decisions.

Putting the dual executive system into practice can face challenges in both cases. These challenges can influence the way public services operate. However, these challenges can be avoided or overcome. The first step is to clarify everyone's roles and powers in key decision-making. Secondly, an official document for collaboration between the Prime Minister and the Head of State must be drawn up and adopted. Finally, an independent institution or personality must be set up to act as arbitrator in the event of any misunderstandings affecting the management of the State. In this way, the dual executive system will be able to function more effectively in decision-making, especially at times of significant crisis, without the risk of confusion or negative influence on the operation of public services. Governance in Mali and China, with a dual executive system, strengthens their democratic credibility. Therefore, it must be maintained and strengthened by all possible means.

**Figure: Comparison of the dual executive system: Mali vs China**

- **The author designed this figure.**
- **All articles in this figure are from the Constitution of Mali and China.**
- **Legend:**
  - NPC: National People's Congress.
  - PRC: People's Republic of China.
  - CPC: Communist Party of China.

Criteria	Mali	China
Political Regime	Semi-Presidential.	A socialist country with a governance system characterized as " <i>socialism with Chinese characteristics</i> ". (Article 1).
The Dual Executive System	President + Prime Minister.	President + Premier.
Head of State	President of the Republic. (Articles 43-74).	President of the PRC, assisted by a Vice President. (Articles 79-84)
Election of the Head of State	Direct Universal Suffrage. (Article 45).	Indirect Suffrage (Deputies of NPC). (Article 62.4)
Presidential Terms of Office	Five Years. (Article 45).	Five Years. (Articles 60 and 79)
Accountability of the Head of State	Accountable to the Parliament. (Article 73).	Responsible to the NPC. (Article 3).
Impeachment Procedure	Yes, by the Parliament. (Article 73)	Yes, by the NPC. (Article 63).
The authority of the Promulgation of Laws	The President. (Article 59).	The Head of State. (Article 80).
Competencies of the	Defense, Diplomacy, and government	The President is the Head of State, General

Head of State	members' appointments. He shares the day-to-day country management powers with the Prime Minister. (Articles 43, 44, 57, 63, 67, 68 ).	Secretary of the CPC, and Chairman of the Central Military Commission in China.
Authority of the Head of State to disband the Parliament.	Yes. (Article 69).	No.
Head of Government	Prime Minister. (Article 77).	Premier of the State Council, assisted by Vice Premiers. (Article 86).
Appointment of the Head of Government	The President of the Republic appoints the Prime Minister. (Article 57).	The NPC appoints the Premier on the nomination of the Head of State. (Article 62.5).
Appointment of the members of the Government	The President of the Republic appoints them after consulting the Prime Minister. (Article 57.2).	The NPC appoints the members of the State Council based on the Premier's nomination. (Article 62.5).
The Head of Government's Terms of Office	No term is determined, but the President can revoke him at any time. (Article 57).	Five Years. (Article 87). However, the NPC holds constitutional authority to dismiss the Premier if needed. (Article 63).
Accountability of the Head of Government	The Prime Minister is accountable to the President of the Republic. (Article 78).	The Premier is responsible to the NPC. (Article 92).
Administrative authority of the Head of Government	He shares the country's administrative authority with the President, and the government is responsible to the President. (Articles 71, 77, 78).	The State Council operates under the principle of centralism and the full responsibility of the Premier. (Article 3, 86, 88).
Legislative roles of the Head of Government	All draft laws from the executive branch are adopted after discussion in the minister's council meetings, which the President chairs. The ministers' council issues decrees and Orders. The President signs them, and the ministers concerned countersign, as does the Prime Minister. (Article 66, 71.2).	Draft laws are passed at plenary sessions of the State Council under the Premier's chairmanship. He submits the bills to the NPC or the NPC-Standing Committee for voting and adoption. (Article 89). He signs all administrative orders, decrees, orders, and decisions of the State Council.

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