

Comparative Study of the Designation of the Head of State in Mali and China

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Abstract

The legal framework established by the Constitution creates rights for citizens to vote and run for office in the elections of the Head of State in both Mali and China. In both countries, the selection of a citizen as Head of State occurs through an election. This process is direct in Mali and indirect in China. These elections are held every five years in both nations. They draw special attention because of their significant impact on social peace, institutional stability, and each country's executive branch's legitimacy.

This article offers a comprehensive analysis of the legal, institutional, and procedural mechanisms involved in this process. Firstly, it provides a clear understanding of the legal framework. Secondly, it assesses the involvement of institutional actors and the mechanisms used to oversee the electoral process. Lastly, examining the election's effects reveals that choosing the country's most symbolic figure significantly impacts the nation's future. Additionally, the findings of this study highlight the causes of some post-election crises and their effects on institutional stability and the legitimacy of the executive branch in Mali.

Keywords: Constitution – Election – Law – Designation – Head of State – Comparative – Mali – China.

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1.0. Introduction

People are destined to make decisions and choices simply because they are human. One such choice is fulfilling one's civic duty by voting in an election. However, how this choice is made sets it apart from the others. Indeed, in an election, this choice is made through a vote. Suffrage is expressed by casting a ballot. This vote aims to select among several options or to show approval or rejection of a proposal. It can be direct or indirect. While the Head of State is not elected in some countries, in others, such as Mali and China, they are chosen through elections. Mali elects its President through direct universal suffrage, whereas the Head of State is elected through indirect universal suffrage in China.

Mali and China are republics (**Mali is a French-speaking country, and the official language of China is Mandarin, so this article uses some French and Chinese references. Therefore, the author himself translates all references to English or vice versa*). The office of the Head of State is not hereditary. The constitutional system provides for a peaceful transfer of power following elections. The choice of leaders is thus determined by votes cast by all persons entitled to vote. The conditions for acquiring or losing this fundamental right depend on the laws and the electoral system. The expression of this suffrage takes on a particular dimension given the critical role and the very conception of the people vis-à-vis the function of the Head of State. In both countries, any citizen who meets the conditions may stand as a candidate in presidential elections. Political parties are involved in this process of designation. However, the organization, security, and even supervision is ensured by institutional actors. Thus, the National People's Congress (NPC) and the NPC Standing Committee are responsible for organizing and supervising the entire process of electing the Head of State under the Constitution and the Electoral Law. In Mali, the Independent Election Management Authority (IEMA) mainly carries out this work. This body is assisted in its work by the Ministry of Territorial Administration and Decentralization (MTAD) and the Constitutional Court.

Mali and China have different constitutional histories and systems of governance. Beyond enriching the literature on comparative constitutional law, this study compares a West African semi-presidential system with a system of governance characterized as socialism with Chinese characteristics. Therefore, the interest in such an analysis is that comparing two distinct systems on the same theme offers a better understanding of how different political realities are expressed around the same subject. The value of this analysis also stems from the fact that comparing these two systems on similar themes helps clarify how very different political structures revolve around core issues: the expression of popular sovereignty, the legitimacy of executive power, and the stability of state institutions. It also provides an opportunity to assess the effectiveness of electoral standards relative to practices, to highlight the guarantees specific to each system, and to identify elements that could improve the electoral process.

Indeed, in both systems, the election of the Head of State is a crucial moment for internal peace and good cooperation among the various political parties. Our starting point is that Mali has experienced four coups d'état against democratically elected Presidents following political and institutional crises since 1960. These constitutional breakdowns have most often led to periods of transition and institutional instability. Some of these coups, notably in 2020, occurred after post-electoral crises. Meanwhile, since 1949, China has been characterized by a certain continuity in its system of governance. This analysis, therefore, highlights the sources of post-electoral crises linked to presidential elections and their impact on institutions in Mali.

To this end, this article adopts a comparative approach. It will therefore review the most relevant academic literature and doctrinal studies on the process of designating the Head of State in Mali and China. Beyond this doctrinal review, the study will also include an empirical analysis of the roles and influences of institutional actors and bodies in designating the Head of State. Additionally, it will conduct an in-depth examination of the legal, institutional, and procedural mechanisms governing this designation.

The process leading to the election of a citizen as Head of State in Mali and China is the focus of national and international attention. In a global context, where democratic legitimacy and institutional stability heavily rely on how the Head of State is designated, how do this designation's legal, institutional, and procedural mechanisms affect the peaceful devolution of power in Mali and China? Additionally, to what extent do these designation systems reflect the constitutional principles of popular sovereignty and institutional stability?

The democratic legitimacy of any method of designating the Head of State depends, first and foremost, on a sound legal framework for the electoral process (2). This is followed by the proper organization, supervision, and security of the elections (3), and finally, the establishment of electoral mechanisms adapted to the country's political, constitutional, and institutional realities (4).

2.0. The Legal Framework of the Electoral Process

In their governance systems, the Head of State is a key figure in Mali and China. People have high expectations for this role. The importance of the functions and powers assigned to the Head of State by the Constitution emphasizes this person's central role in the country's governance. This individual significantly influences the nation's conduct during their term. Therefore, this person's designation draws a lot of attention, not only from citizens but also from other countries. The peaceful conduct of this role mainly depends on its solid legal framework.

One of the main characteristics of any democratic state is the existence of political parties and their participation in exercising and transferring power. This contributes to the country's institutional stability and international credibility. Thus, in systems where the Head of State must be elected, the participation of political parties in the electoral process is imperative. Although often called into question, especially in certain West African countries such as Mali, political parties remain essential to democratizing power (Yago, I. 2019). The preamble to the Constitution of China emphasizes the historical role that the Communist Party of China (CPC) has played in the foundation and development of the new China. Furthermore, Article 2 of Law n° 05-047/AN of August 18, 2005, on the Charter of Political Parties in Mali, presents them as organizations of citizens united by an ideal, taking

the form of a social project, for the realization of which they participate in political life through democratic channels. Then, what is these political parties' role in the Head of State designation in Mali and China? Constitutional, legislative, and regulatory norms codify political parties' roles in both countries (1). The same applies to the conditions for candidates' and voters' participation in the electoral process (2).

2.1. The Legal Framework for Political Parties

The Constitution mainly defines and affirms the legality of political parties in Mali. Similarly, the Chinese Constitution recognizes the legal status of the CPC and eight other democratic political parties. The fundamental principles guiding their formation, funding, and operation are outlined in Mali's Political Party Charter. In China, coordination between the eight democratic parties and the CPC is described in the Chinese People's Political Consultative Conference (CPPCC) Constitution. This document oversees mutual democratic oversight and the participation of other democratic political parties in state affairs under the leadership of the CPC (Constitution of the CPPCC, 2023).

Throughout its constitutional history, Mali has been governed by various political parties. However, these periods have often been interrupted by constitutional crises caused by coups d'état. The subsequent transition periods have frequently brought military leaders, political party heads, and even independent figures to power. The Ministry of Territorial Administration and Decentralization (MTAD) lists over two hundred legally recognized political parties in Mali on its website, including sixty-six formed between 2020 and 2024 only (Maliweb.net/Siaka Diamoutene, 2024). Since 1949, China has recognized the CPC as the country's leading political party. It also recognizes eight other political parties.

Before colonization, the territory now known as Mali was home to several empires and kingdoms (Martin, J. P. 2023). Like Mali, the governance system of China was imperial until the 1911 revolution (Kaiyuan, Z. 2021). Starting in 1894, various organizations began to form. These organizations were mainly political groups that served as precursors to political parties. One of the most significant of these, led by Dr. Sun Yat-sen, later became the "*Kuomintang*". The first official political parties in Mali appeared after World War II. Several political parties were created after the foundation of the "*Republic of China*" (Paulès, X. 2023). The CPC and other democratic political parties currently active in China were founded during this period, i.e., between 1921 and 1948 (Dongxian, J. 2024). After the foundation of the People's Republic of China (PRC), inspired by the 1946 conference, a new conference was organized in 1949 with the various political parties under the leadership of the CPC. This conference was pivotal in establishing the Chinese People's Political Consultative Conference (CPPCC). The CPPCC's primary role is maintaining and promoting harmonious relations between the ruling party and the other eight democratic parties. Likewise, democratic oversight through the CPPCC primarily concentrates on enforcing the Constitution, laws, and the work of government agencies and their staff.

Mali's constitutional development concerning political parties is closely tied to its colonial history. Therefore, the French law of July 1, 1901, on freedom of association, was extended to the French colonies after World War II. This law granted colonies the right to vote and the freedom to establish associations and political parties. As a result, Mali saw the emergence of its first political parties (Morgenthau, R.S. 1964). This legal framework for political parties in Mali was strengthened by Ordinance n° 2-CTSP of April 5, 1991, and Ordinance n°91-075/PCTSP of October 10, 1991, which was later replaced by Law n°05-047/AN of August 18, 2005, establishing the legal basis for political parties in the Republic of Mali. This legal framework provides the foundation for organizing political party activities in Mali. The existing systems demonstrate that party activities in both countries operate within a legal framework.

Political parties in both countries are legal entities. They have their own funds and resources for their activities. These funds come from membership fees, voluntary contributions, or joint subscriptions by party members. They may also include income from party assets and activities. Donations and bequests can also provide funds. However, donations, bequests, and gifts cannot exceed fifty percent of the party's overall resources in Mali. Additionally, they cannot receive donations or bequests from commercial, industrial, or service companies.

In China, staff members of political party organizations are considered public servants. According to the State Council decree on the Law of April 27, 2005, regarding public servants, leaders of central and local committees, and employees of political party organizations are classified as civil servants. The details in Annex I of this decree, especially in Articles 4 and 10, clarify that the CPC and the eight democratic political parties are involved (Law of the PRC on Civil Servants, Implementation Program, 2006). Additionally, the eight other democratic parties, beyond managing internal administration, coordinate with the CPC at national and local levels as one of their primary functions. This coordination is viewed as a vital mechanism of multiparty cooperation. As a result, their activities differ from those of other social organizations' social and cultural activities, thereby institutionalizing their status as civil servants.

Employees of political party establishments in Mali do not have civil servant status. However, political parties receive financial assistance from the Malian government, which is included in the country's budget at 0.25% tax revenue. Of the annual amount allocated to party financing, 15% is reserved for parties participating in the last general and municipal elections. Forty percent is distributed among the parties proportional to the number of their deputies, and 35% is allocated based on the number of municipal councilors. The remaining 10% of the funds is finally distributed to political parties in proportion to the number of women elected as deputies or municipal councilors.

According to Article 39 of the Malian Constitution, “*political parties contribute to the expression of suffrage*”. Similar principles are outlined in Article 37 of the Charter of Political Parties. They are therefore treated equally and have the same conditions based on the same criteria to participate in the power struggle. All political parties are thus entitled to govern the country. Article 1 of the Chinese Constitution designates the leadership of the CPC as the defining feature of the country's governance system. The 1949 Political Consultative Conference played a crucial role in shaping China's political party system's evolution. Today, a system of multiparty cooperation and political consultation under the CPC's leadership is characteristic of the country's political party landscape. This cooperation is facilitated through the CPPCC, which includes CPC, the eight democratic political parties, other social organizations, and prominent independent figures. Mali does not have a similar institutionalized organization for multiparty cooperation and consultation. However, the President of the Republic may consult other political parties during national crises, urgent situations, or when making decisions that could alter the functioning of the country's institutions (Law n°00-047/AN. 2000 – Law n°15-007/AN. 2015).

Moreover, other parties in Mali and China monitor the ruling party and the government. In return, the government exercises legal oversight over political parties regarding their compliance with the law in their activities. According to Article 43 of the Charter, political parties have an equal relationship with the State in Mali. Their goal is to help establish the rule of law and strengthen democracy. To achieve this, they are authorized to criticize government actions that they believe are not in the public interest and propose more suitable solutions.

In China, the CPPCC serves as a means for other democratic political parties to oversee the country's governance activities. This oversight includes evaluations, constructive criticism, and proposals regarding applying constitutional, legislative, and regulatory standards, as well as implementing general policies and the activities of administrative institutions and their personnel. In its rules of procedure for front unit CPC activities, the CPC central committee lists some areas where other parties exercise oversight through suggestions, criticisms, and evaluations (The CPC Central Committee, Regulation on the United Front Work of the CPC, 2020). The State Council has also released a white paper on China's political party system (China's Political Party System White Paper, 2007). This White Paper confirms the supervisory role of other parties within the areas specified in the CPPCC Constitution and extends it to include oversight of CPC committee activities and leaders. More recently, the June 2021 White Paper on China's New Type of Party System emphasizes mutual supervision between the CPC and the country's eight other democratic political parties, particularly in cooperation and consultation (Xinhuanet.com/Chen Yehua. 2021). In both countries, mutual supervision among political parties remains a vital contribution to safeguarding the nation's broader interests and the well-being of its citizens.

Political parties largely shape the political landscape in Mali. To reduce disputes and increase transparency, political parties are involved in organizing elections and, more importantly, in monitoring how they are conducted. Indeed, the organization of presidential elections is primarily managed by an Independent Election Management Authority (IEMA). According to Article 7 of the Electoral Law, this independent body at the national level consists of fifteen members, including four representatives from political parties. The IEMA is represented by seven-member coordination committees at the country's regional, district, circle, and commune levels. Political parties have two representatives on each of these coordination groups. Similarly, coordination groups established at Malian embassies and consulates worldwide include five members, two appointed by political parties. Through this representation within the IEMA, political parties can participate in shaping and overseeing the electoral process. Moreover, in coordination with the IEMA, an administrative commission oversees the annual review of the electoral rolls conducted at each municipality and through the country's diplomatic missions. This commission comprises one representative from each political party with local representation. The electoral committee is responsible for preparing and revising this electoral roll, per Article 11 of the Chinese Electoral Law on direct elections. For the election of the Head of State, the list consists of deputies elected to the NPC at the national level. The election is primarily organized by the NPC Standing Committee, which consists mainly of political party members.

The election of the President of the Republic in Mali consistently attracts many candidates. For instance, twenty-seven and twenty-four candidates were in the 2013 and 2018 presidential elections. After completing the formalities to submit and register their candidacy, each candidate must provide the IEMA coordinators at all levels with a list of two delegates and their alternates for each polling station. These delegates monitor the entire election process on behalf of their candidate and have permanent access to the polling stations. According to Article 94 of the Electoral Law, delegates can only be removed from a polling station if they disrupt the voting process or are caught in flagrante delicto in cases justifying arrest. Even then, their substitute must be called immediately. All candidates, if they choose, have the right to be present in person during all voting operations, ballot counting, and vote tallying at the polling station of their choice. The candidate or their delegates may request that their observations, protests, or disputes regarding the election process be mentioned in the minutes of the polling station's voting operations. Immediately after the votes are counted, the president of the polling station will announce the results in the presence of the candidate or their representative.

In China, it is essential to distinguish between direct and indirect voting (Election Law, 2020, Article 3). The election of the Head of State and other national leaders is part of indirect elections. According to Article 43 of the Election Law, scrutineers and counters are appointed to count the votes after voting ends. They may be appointed either by voters (in direct elections) or by deputies of the NPC (in indirect polls). Their primary responsibility is to verify the number of people who voted versus the total votes cast. After counting, a report is prepared and signed by the scrutineers. No close relative of a candidate can serve as a scrutineer or counter. The supervision and organization of the electoral process are carried out by members of Parliament, under the guidance of the NPC Standing Committee and the presidium. Since the NPC and its Standing Committee mainly consist of members of political parties, it can be concluded that political parties are involved in organizing and overseeing the election of the Head of State. However, in this structure, the party with the most members in the organizational and supervisory bodies may exert significant influence over the process (Jacobs, J.B. 1991).

2.2. The Rules Governing Candidacies and Voters

The procedures for running as a candidate and voting in the election of the Head of State are fundamental democratic elements for any nation governed by the rule of law. They must uphold and reflect the principles of equality established in the country's fundamental laws. The election of the Head of State occurs every five years in Mali and China. In both countries, the nomination of presidential candidates typically happens naturally through the involvement of political parties. However, the election of the Chinese Head of State is initiated by nominations from the Presidium of the NPC, preceded by democratic consultations within and outside the party to reach a consensus. The option exists for independent candidates not affiliated with a party to run for office. For example, the President of the Republic, elected in Mali's 2002 and 2007 presidential elections, was an

independent candidate (Baudais, V. 2015). Meanwhile, the concept of independent candidates, as seen in Mali, is virtually nonexistent in China.

According to Article 47 of the Malian Constitution, all citizens who hold only Malian nationality by birth and are between thirty-five and seventy-five years old when applying can run for President of Mali. Similar eligibility criteria are outlined in Article 79 of the Chinese Constitution, which permits any Chinese citizen who has turned forty-five to run for Head of State in China. The Chinese Constitution does not specify specific requirements regarding the candidate's nationality, as in Mali. However, as in Mali, candidates must be voters and eligible to vote. Therefore, all candidates must have full civil and political rights and demonstrate good character and integrity when filing their candidacy.

According to Article 18 of the law on the organization of the NPC, during the NPC plenary session, where the Head of State and Vice President of China are to be elected, the presidium proposes various candidates after consulting all the delegations present and based on the majority opinion of the deputies. The candidate who won the last election is a member of the CPC and was pre-selected by his party to run as a candidate in the election. This pre-selection process begins with the party congress, which meets every five years and gathers all the delegates (who can number up to two thousand three hundred) from the party's local organizations. Per Article 20 of the CPC Constitution, one of the Congress's tasks is to elect the Party's Central Committee for a five-year term. This committee comprises about two hundred full members and one hundred seventy alternate members. The central committee's plenary session then elects the Politburo (twenty-five members) and the Politburo Standing Committee (seven members). The plenary also elects the party's General Secretary, who must be one of the seven members of the Politburo Standing Committee (Constitution of the CPC, 2022). The presidium proposed this General Secretary as a candidate. He was elected Head of State of China by the NPC.

The Council of Ministers in Mali issued the decree to convene voters. After this decree is published, candidates for the presidential election have until the fortieth day before the election to submit their candidacy. Like with the CPC, each political party nominates its candidate following its internal procedures, according to its statutes and regulations. The application is duplicated and includes all documents related to the candidate's identity, nationality, good character, etc., and the color chosen for printing the ballot. Each candidacy declaration must be signed by at least ten members of the National Assembly or five municipal councilors in each region and in the Bamako district. An elected official may only support one candidate at a time. Candidacies are established *intuitu personae* and sent to the Constitutional Court, which issues a receipt. The candidacy file only becomes valid when, within two days of the declaration, the candidate or their party, on their behalf, pays a deposit of twenty-five million CFA francs to the national treasury. This condition does not apply to China's candidacies. The Constitutional Court then compiles and publishes the list of candidates. Any disputes related to registration or validation of a candidacy must be brought to the Constitutional Court itself no later than seventy-two hours after the list of candidates is published. The Malian Constitutional Court shall promptly rule on disputes or complaints, and its decision is final. Once the final list of candidates is approved, the election campaign period begins.

As part of their campaign for votes under Article 39 of the Malian Constitution, candidates are given a period before election day to campaign. This period begins on the twenty-first day before the vote and ends on the eve of election day. It is overseen by the IEMA and its local coordinators, with assistance from the Constitutional Court and the High Authority for Communication (HAC). This is a crucial moment in the electoral process in Mali. It is governed by legal texts including the Constitution, the Electoral law, and a code of good conduct for political parties (Bamada.net/Mémé Sanogo, 2018). This period is the best time for candidates and political parties to raise awareness of their platforms and political views. It also allows candidates to campaign for votes and debate key political issues of the country. Many rallies, motorcades, public debates, and meetings are organized nationwide and even among Malians living abroad. They print and display campaign materials. They can use state media such as radio, television, and print outlets for their campaigns. To ensure fairness among candidates, a National Committee for Equal Access to State Media (NCEASM) has been established to guarantee all candidates and political parties' equal access to state media, preventing any candidate from being disadvantaged. IEMA coordinators are responsible for organizing and reserving specific locations in each

municipality, embassy, and consulate so that all candidates or political parties can display election posters. However, offensive or defamatory statements are strictly prohibited.

Under Article 30 of the Chinese Electoral Law, the entity responsible for organizing and overseeing elections in China is tasked with presenting candidates to voters or delegates based on the type of election. They may hold meetings where the presidium provides information about the candidates for delegates. Candidates can introduce themselves and respond to questions. During these meetings, political parties and organizations that recommend candidates can also present them to deputies of the National People's Congress. All such presentations must be completed before the election date. Aside from these meetings, the electoral system does not provide other forms of election campaigning (ShiTao, W. 2017).

Following the election campaigns, the voting period begins. Who is eligible to vote is determined by law. Article 45 of the Malian Constitution states the principle that the President of the Republic is elected by direct universal suffrage. Additionally, Article 38 of the Constitution confirms this principle and grants voting rights to all Malian citizens with civil and political rights. However, according to Article 40 of the Malian Electoral Law, this right is limited to eighteen or older citizens. The same rule is found in Article 4 of the Chinese Electoral Law, which states that any Chinese citizen aged eighteen or older with political rights is eligible to vote. Therefore, in principle, no considerations related to ethnicity, race, gender, profession, religious belief, education, financial status, or length of residence should prevent a citizen from being eligible to vote in either country.

However, Article 27 of the Chinese Electoral Law, like the Malian Electoral Law, requires that voters enjoy civil rights and meet age requirements. A third condition may also be added: not being a person with mental disorders or an adult who is legally incompetent. Article 41 of the Malian Electoral Law also excludes any person convicted of a crime from the right to vote. The same applies to persons convicted of theft, fraud, breach of trust, forgery and use of forged documents, corruption, and influence peddling, provided that the sentence exceeds one month of imprisonment. It is irrelevant whether the sentence is suspended. The right to vote is also denied to anyone convicted of other offenses carrying a sentence of more than three months' imprisonment, whether suspended or not. However, Article 44 provides an exception for crimes of negligence, except in cases where there is a concomitant offense of fleeing the scene. The same applies to persons deprived of voting rights by court decision, persons convicted in absentia, and bankrupt individuals who have not been rehabilitated.

The principle of “*one voter, one vote*” is established in the electoral systems of both countries according to Articles 5 (China) and 99 (Mali) of their Electoral laws. However, those eligible to vote in the Chinese presidential election do not encounter major obstacles that could prevent their participation. In contrast, the Malian electorate encounters some difficulties. Firstly, unequal access to polling stations is an important issue. Security crises in certain regions, worsened by terrorist groups, often prevent voters in those areas from participating in elections. Secondly, internally displaced persons and refugees in other countries due to insecurity in their localities also face barriers. Finally, another challenge is that some political parties report errors in the voter registry during elections, despite efforts and a legal framework to create a reliable system. These discrepancies often lead to allegations of electoral fraud raised by certain political parties before the Constitutional Court. Overall, the challenges faced by Mali's electorate highlight ongoing tension between the constitutional principles of direct universal suffrage and the local realities of security and logistical obstacles.

3.0. The Institutional Actors and Mechanisms for Monitoring the Electoral Process

The proper organization and legitimacy of a presidential election process do not rely solely on the participation and involvement of political parties. It also requires a range of institutional actors responsible for organizing, supervising, and securing it. Whether judicial, administrative, or security-related, these actors play a vital role in ensuring presidential elections' fairness, transparency, and credibility. But how do they interact in these two countries? The election of the Head of State in Mali and China is organized, supervised (1), and secured (2) according to a structure specific to each constitutional system.

3.1. The Organization and Supervision

The constitutional legality established between all citizens and the eligibility criteria for the office of Head of State permit, *de jure*, all qualified citizens to one day run for the position of Head of State in Mali and China. The elected official's national and even international legitimacy largely depends on how the elections are organized and overseen. Mali has experienced political and institutional crises, sometimes with roots in criticism from certain political actors directed at bodies responsible for organizing and supervising elections (Sanogo, N. 2025).

According to Article 62(4) of the Chinese Constitution, the NPC is responsible for electing the Head of State and the Vice President of China through indirect suffrage. Therefore, the electoral process's organization legally falls to the NPC and the NPC Standing Committee. One of the most essential functions of the latter is its role in organizing the election of the Head of State. Indeed, its role is crucial in implementing the preparations for the election. The NPC Standing Committee handles all preparations for the electoral process and ensures it runs smoothly. However, while the primary responsibility for organizing the Head of State's election lies with the NPC Standing Committee, the Presidium oversees the entire electoral process. The Head of State, Vice President, Premier, and other Chinese leaders are elected during the NPC's inaugural session (Traore Daouda, D.Y. & ShiTao, W. 2025). Even before this session, which is usually held in March, the NPC Standing Committee's council of presidents meets to prepare for it. During this meeting, a draft list of deputies likely to be included in the presidium is created. Then, upon the chair of the NPC Standing Committee's presentation, this list is discussed and adopted at a preparatory session to elect the presidium, which consists of between one hundred and fifty and one hundred eighty members. This preparatory session also establishes the main session's agenda and the upcoming elections. Finally, the presidium elects the permanent presidents responsible for convening and chairing presidium meetings. It also elects some of its members as executive presidents of NPC meetings and designates one of these as the president of the plenary session during which the Head of State will be elected. According to Article 14(6) of the law on the organization of the NPC, the presidium proposes draft measures for elections, including those for the Head of State and Vice President. The presidium also oversees all activities during the plenary session, including the elections. Through its supervision, the presidium ensures the smooth operation of the electoral process and adherence to the rules. The NPC Standing Committee assists it with this work.

In Mali, the organization and supervision of presidential elections are assigned to the IEMA, as outlined in Articles 4 and 5 of the Electoral Law. The Ministry of Territorial Administration and Decentralization (MTAD) assists it with this responsibility. Under the Electoral Law, they are responsible for ensuring that the entire electoral process runs smoothly. The IEMA organizes, manages, and broadly supervises all electoral operations, while the ministry handles technical and material aspects. As a result, the IEMA is responsible for preparing, updating, and maintaining the electoral register. It also supervises the creation and revision of electoral lists by appropriate administrative bodies. Additionally, overseeing election campaigns is part of its responsibilities. Working alongside the IEMA, the ministry is responsible for creating, locating, and assigning jurisdiction to polling stations. It is also tasked with providing electoral equipment and documents under the same conditions. After voting concludes, the IEMA organizes and supervises ballot counting, vote tallying, centralization, proclamation, and publication of provisional results. In cooperation with the state representatives, the IEMA is responsible for submitting reports and supporting documents to the Constitutional Court. It also manages the issuance of proxy voting cards. As an independent authority, the IEMA acts as a guardian, ensuring that political parties strictly adhere to the rules of free democratic competition. It is assisted in its supervisory duties by the MTAD. According to Article 4 of the Electoral Law, if the IEMA detects violations that could disrupt the electoral process, it may refer the issue to the judicial authorities.

In addition to the IEMA, candidates in Mali's presidential election, whether through their political parties or as independents, are also encouraged to actively monitor the election. Through their delegates, they can oversee all voting processes, transportation, tabulation of results, and the announcement of results at each polling station. Candidates and their representatives can report any irregularities to the appropriate authorities. They can also submit an electoral dispute by filing a complaint with the Constitutional Court.

The Malian Constitutional Court plays a crucial role in overseeing the presidential election. In this regard, it differs from the Supreme Court of Mali. Although the country's fourth institution and the highest court in judicial and administrative matters, the Supreme Court of Mali does not possess constitutional powers concerning supervising or resolving electoral disputes in presidential elections. The Constitutional Court, the top court in constitutional issues, holds these responsibilities. Established in Mali in its current form by the 1992 Constitution, the Malian Constitutional Court was maintained after the constitutional revision in the 2023 Constitution. Therefore, Article 36 of the Malian Constitution currently designates the Constitutional Court as the fifth institution of the country. It consists of nine members elected for a non-renewable seven-year term. According to Article 144 of Mali's Constitution, the Constitutional Court is responsible for determining the constitutionality of laws. It is the regulatory body for institutions' functioning and public authorities' activities. Additionally, it acts as the guarantor of civil liberties and fundamental rights. Beyond these powers, Article 149 of the Malian Constitution requires the Constitutional Court to: "*oversee the regularity of the election of the President of the Republic.*" Consequently, during presidential elections, in addition to the District of Bamako, the Malian Constitutional Court dispatches delegates to all administrative regions of the country to supervise. Like the IEMA, it is regarded as a key body in monitoring the presidential elections to ensure that political actors adhere to competition rules throughout the electoral process.

Alongside these institutional actors, all non-governmental organizations (NGOs) and civil society groups can observe the presidential election. After receiving an accreditation letter from the IEMA, these groups gain observer status for the electoral process. For example, the NGO Network for Support of the Electoral Process in Mali (*Réseau APEM*), which now comprises more than fifty national associations and NGOs, deployed two thousand one hundred observers for each round of the 2013 presidential election. The same election was monitored by four thousand two hundred twenty-three domestic and one thousand six hundred sixty-seven international observers (European Union, Election Observation Mission in Mali, 2013). Many international observers attended Mali's recent presidential elections. The United Nations was represented through the United Nations Multidimensional Integrated Stabilization Mission in Mali (UNMISMA). In addition to the UN, major international organizations with observers in Mali during the election included the European Union (EU), the International Francophonie Organization, the African Union (AU), the Economic Community of West African States (ECOWAS), and the West African Economic and Monetary Union (WAEMU).

3.2. The Security Process

A country usually attracts global attention during an electoral process. Election periods allow a government to rebuild or enhance its credibility and legitimacy internationally. Gaining this electoral credibility and legitimacy mainly depends on having robust national security systems. This security goes beyond defense and law enforcement; it includes normative security through election laws and regulations. Such legal frameworks help prevent disruptions and penalize those who break electoral rules.

The challenges of securing the physical integrity of the electoral process in Mali are complex. For over ten years, the country has been engaged in a continuous fight against terrorist groups that threaten its internal stability daily through targeted assassinations, mass killings, kidnappings, bombings, and other acts of violence. Some of these armed groups, some of which remain unidentified, have disrupted roads with ambushes, mines, improvised explosive devices, and more (Toungara, A. *et al.* 2024). This presents a significant challenge for transporting election materials from Bamako to various polling stations nationwide. The same issues occur after the election when results from ballot boxes and reports from polling stations are moved to centralized locations for further transport to the headquarters of the IEMA and the Constitutional Court in Bamako. In China, the presidential election takes place in the Great Hall of the People in Beijing (人民大会堂), near Tiananmen Square. This also leads to increased security in the capital during the NPC plenary session. During the election of the Head of State, Beijing is placed under strict security by the defense and security forces. The area around the Great Hall is then secured with special measures to ensure the elections proceed smoothly.

To address these challenges, Mali organizes the physical security of its presidential election through Decision No. 2018-273/MSPC-SG of March 8, 2018, and Order No. 2018-0851/MSPC-SG of March 27, 2018. These two

documents place the entire electoral security system under the authority of the Ministry of Security and Civil Protection (MSCP). The Ministry of Defense and Veterans Affairs (MDVA) supports this effort. The Crisis and Disaster Coordination and Management Center (CDCMC) conducts national coordination among the armed forces to ensure adequate security. Established in 2018, this center serves as the operational arm of the Interministerial Committee for Crisis and Disaster Management (ICCDM). It operates under the authority of the Prime Minister and oversees the overall response of all armed forces involved in maintaining electoral security nationwide.

Thus, for each presidential election, the Election Security Commission (ESC), under the authority of the Minister of Security, collaborates with the Joint Operations Center (JOC) to develop a comprehensive operational plan for the entire country to ensure election security. This plan is implemented nationwide by a coordination center established within the Directorate General of the National Police (DGNP) and overseen by the Director General of the National Police. At the regional level, authority is delegated to the Regional Governor, who manages through a regional command post led by the Regional Director of the National Police (RDNP). A local command post, coordinated by the Legion Commander and the National Gendarmerie Group Commander, is set up in rural municipalities. It includes representatives from all services involved in the electoral security system.

Regarding the normative security of electing the Head of State in Mali and China, during the electoral period, although the Penal Code's provisions are strictly enforced to maintain security and public order, the Electoral Laws of both countries (Articles 124-144 for Mali and 58-59 for China) also include several specific offenses that could disrupt the smooth conduct of the electoral process. Institutional actors play a crucial role in ensuring normative security. This security also involves managing electoral disputes.

According to Article 145 of the Malian Electoral Law, the Minister of Security plays a key role in maintaining this legal safety. Therefore, defense and security forces members must obey the law and arrest anyone who commits an act likely to disrupt the electoral process. Any citizen may also report to the appropriate authorities any offenses they know of that could interfere with the electoral process. The IEMA may also report violations to the relevant judicial and/or security authorities. In China, the defense and security forces and citizens must follow the law and report any acts likely to disrupt the elections to the competent authorities. Thus, according to Article 59 of the Chinese Electoral Law, once facts or acts that could compromise the election are identified, the body overseeing the election shall conduct an investigation and handle these facts according to the law. Suppose this body finds that a legal review is necessary concerning the facts it knows or has been reported. In that case, it will refer the matter to the appropriate judicial authority.

Effective electoral security also relies on properly managing electoral disputes. According to Article 49 of the Malian Constitution, all disputes related to the election of the President of the Republic fall under the jurisdiction of the Constitutional Court. It reviews the legality and handles complaints following its internal procedures (Law n°97-010, 1997 – Law n°02-011, 2002). These include disputes from challenges to candidate registration or validity, questions about the legitimacy of the entire electoral process, or other complaints related to the presidential election. Depending on the nature of the complaint, the Constitutional Court can be called upon by political parties, candidates, poll officials, delegates, the State's representative, and others. The decisions made by the Constitutional Court are final. In China, under Article 29 of the Electoral Law, complaints regarding the electoral roll or voter cards should be directed: for direct elections, to the electoral committee overseeing the election at the relevant level; for indirect elections, to the presidium of the NPC at the same level. If the individual is dissatisfied, they may appeal to the appropriate people's court, and its decision will be final.

4.0. The Mechanisms of the Electoral Process

The methods for selecting the Head of State reflect a country's political choices. In Mali and China, the Head of State represents the nation's sovereignty, stability, and unity. His legitimacy is therefore vital in maintaining social peace. Although the electoral process may appear purely technical, it is deeply based on legal principles and differs across various constitutional systems. It affects how power is perceived and the public's trust in

institutions (Le Pourhiet, A.M. *et al.* 2012). Whether the Head of State is chosen through direct voting, as in Mali, or through indirect voting, as in China, the fairness and transparency of the process are essential. A properly conducted election boosts citizens' confidence in their elected leader. So, how do these methods (1) influence the results of an election (2)?

4.1. The Electoral Modalities

The voting process during presidential elections is a key indicator of how a country chooses its top leader. In Mali and China, voting is private and individual, conducted by secret ballot. According to Article 152 of the Malian Electoral Law, voting uses a two-round majority system. However, in both countries, candidates can be elected in the first round if they receive the majority of votes. If no candidate achieves this, in China, a new election is immediately organized, while in Mali, a second round is held two weeks later between the top two candidates from the first round. The candidate with the most votes in the second round wins.

NPC deputies' voter and parliamentary cards enable them to participate in the election of the Head of State. They receive their ballots from the presidium. In Mali, each candidate listed on the final roster published by the Constitutional Court is entitled to a ballot paper with a numbered stub for each registered voter. The presidential election date in China is determined based on the date of the first inaugural plenary session of the NPC. The presidium decides the time and day of the election. In Mali, the election date is set by the Council of Ministers decree and officially published at least ninety days before the election. According to Article 97 of the Electoral Law, this day must be a Sunday, and voting must take place on that same day, from 8 a.m. to 6 p.m., across the entire country and in diplomatic missions abroad. However, suppose force majeure prevents the proper conduct of the election in a locality. In that case, the vote may be postponed for up to forty-eight hours based on the decision made by the IEMA president, following the IEMA coordinator's proposal for that locality.

According to Article 40 of the Chinese Electoral Law, the principle of the secret ballot is an absolute requirement in indirect elections. Therefore, secret ballot booths are set up for the Head of State election. Voting can only start when at least half of the total NPC members are present. In Mali, voters receive their ballot papers from the designated assistant at the polling station. They enter a booth to cast their vote. Afterward, when they leave the booth, they insert their ballot into the sealed ballot box in the center of the polling station. Voters then sign or place their fingerprint on the register next to their name and photo. They must also dip their finger in indelible ink as a mark of their vote. Finally, the voting process is completed by stamping “*has voted*” on the back of the citizen's biometric voter card.

After the parliamentarians' vote in China, the presidium members, scrutineers, and officials verify the number of voters and ballots cast, record this in the minutes, and sign off. In Mali, too, the ballots are counted immediately after the polls close, but each polling station does so individually. Therefore, at the legally designated time, the polling station president announces the end of voting, finalizes the voter list, and states the total number of voters. The polling station members and delegates sign this. The remaining ballots are counted before opening the ballot box, and their quantity is recorded in the minutes. The signatures on the back of each ballot are verified. The polling station president appoints scrutineers from among the present voters to count the votes under the supervision of candidates or their representatives. One scrutineer takes a ballot, unfolds it, and passes it to another who reads it aloud. The choices on the ballots are recorded by at least two other tellers on tally sheets. After counting, the polling station president announces the results and posts the results receipt at the polling station door. A copy of this receipt is immediately given to each candidate or political party delegate. A report of the results is also prepared in four copies. One copy is sent — in a sealed and stamped envelope — to the results centralization commission, the IEMA representative in the constituency, and the IEMA president. The final copy, the invalid ballots, the counting sheet, the results receipt, and all voting operation reports are sent to the Malian Constitutional Court. These reports, prepared by each polling station, will be used to announce the results.

The announcement of the presidential election results in Mali and China marks the final step in the electoral process, granting the election legal validity. It confirms the official expression of the votes. Therefore, after the NPC deputies have voted and the votes are counted, the presidium verifies that the number of votes cast does not

exceed the number of voters. If it does, the presidium cancels the election results and promptly organizes a new election. However, if, after verification, the presidium determines that the number of votes cast is less than or equal to the number of voters, it validates the election and announces the results. In case of any complaints, the presidium has the authority to rule on them. The results declared by the presidium are final. In Mali, the IEMA consolidates and totals the results from reports of various polling stations and announces provisional results within five days of the election, publishing them by polling station on the IEMA website. Starting from the day the provisional results are published by the IEMA, the Malian Constitutional Court can, either on its own initiative or following a complaint or claim from relevant parties, annul irregular votes, invalidate certain polling stations, or even cancel the entire election in cases of fraud or serious irregularities threatening the integrity of the vote. Based on the provisional results announced by the IEMA, after reviewing the election's legality and examining complaints and claims, the Malian Constitutional Court announces the final results of the presidential election. This ruling has the force of *res judicata* and is legally binding for all (Niangaly, A. 2017). It grants constitutional legitimacy to the elected candidate. The investiture of this elected official as Head of State can only occur after this judicial decision, and the election would not have produced all its intended effects without this investiture.

4.2. The Effects of the Election

The primary purpose of presidential elections in Mali and China is to choose an individual from the country's citizens to serve as the new Head of State. After being elected, the citizen can then exercise their presidential authority. However, in both countries, the new Head of State's assumption of office involves taking an oath during a formal ceremony, commonly known as the “*Investiture Ceremony in Mali*” and the “*Oath-taking ceremony in China*.” This ceremony marks the final step in the electoral process and holds important legal and symbolic significance. It officially begins the term of the elected or re-elected Head of State following constitutional procedures. It serves as a transition between terms and is essential for legitimizing presidential power. This ceremony maintains a tradition of republican continuity, political legitimacy, and the affirmation of national sovereignty. It follows a formal process primarily outlined by the Constitution, Laws, and established institutional practices (Paour, R. 2023).

Thus, Article 27 of the Chinese Constitution requires all government employees to publicly swear allegiance to the Constitution upon taking office. This constitutional requirement was formalized in a 2018 decision of the NPC Standing Committee on the constitutional oath system. Point three of this decision states that the Head of State and the Vice President of China must take the oath of allegiance to the Constitution after their election. The Presidium organizes the public oath-taking ceremony for the Head of State, which is usually held during the same session of the NPC at which the Head of State was elected. Taking an oath is also a constitutional requirement for the elected President of the Republic to assume office in Mali. Without this formal act, the President of the Republic cannot, in principle, legally exercise the powers granted by the Constitution. Mali's tradition is to hold an investiture ceremony within fifteen days of announcing the presidential election final results, during which the new President of the Republic takes the oath of office. This ceremony is attended by members of the Constitutional Court, the government, the accredited diplomatic corps, representatives of political parties, the defense and security forces, and civil society.

According to point eight of the NPC Standing Committee's decision on the presidential oath, the oath-taking ceremony must be solemn. The national flag must be displayed, and the national anthem played. Since 2018, before taking office, China's Head of State has consistently taken the oath in front of NPC members in the Great Hall of the People in Beijing. The typical process is as follows: everyone in the hall stands up. An honor guard brings a copy of the Constitution onto the stage. The elected Head of State steps onto the podium, places his left hand on the Constitution, and raises his right fist. The national flag hangs high behind him inside the Great Hall, and the national anthem is sung aloud by those present. He then recites the oath out loud. After completing the oath, the Head of State bows, returns to his seat amid applause, and the ceremony ends (Decision of the NPC Standing Committee on Implementing the Constitutional Oath System, 2018).

Under Article 55 of the Malian Constitution, the elected President of the Republic takes the oath before the Constitutional Court during a formal ceremony. During the investiture, members of the Constitutional Court take their seats on the stage, with the national flag prominently displayed behind them. The President-elect stands facing them, behind a lectern. Raising his right hand, he recites the oath aloud in front of the Constitutional Court members, who record it as they officially acknowledge the new President's assumption of office (Moyen, G. & Omboula, S.B. 2019). Following tradition, the oath of office is followed by an inaugural address, in which the new President presents his main strategic plans for the upcoming term. This marks the end of the investiture ceremony.

The official investiture of the new Head of State is confirmed in Mali and China through the swearing-in of these officials. What does this oath symbolize for exercising presidential power? Taking an oath before assuming office can be understood in different ways, but here, only two main implications will be discussed. The first is symbolic. In Mali, this ceremony signifies transmission, renewal, and most importantly, the continuity of state power. It also serves as a public acknowledgment of the new President of the Republic and a republican sanctification of the presidential office. In China, the first oath-taking ceremony by the Head of State occurred in 2018. This oath, taken by the country's top leader, was viewed as an essential symbol in the country's governance in accordance with the law. As Xiao Shengfang, an NPC deputy and president of the Guangdong Lawyers Association, stated after the initial oath-taking in 2018, *"By taking the lead in swearing the oath, the President is telling the public that everyone is equal before the law, and there are no exceptions. It shows the Chinese leadership's commitment to the rule of law, which will ensure China's march toward modernization"* (Xinhuanet.com/Ju Peng, 2018).

The second key significance of the presidential oath is its legal impact. The oath has immediate legal effects. It grants the "elected citizen" the authority to act as Head of State within the boundaries of the law. In Mali, it also provides the legal foundation for removing the President of the Republic from office. Specifically, the presidential oath ends with: *"In the event of a violation of this oath, the people reserve the right to withdraw their confidence in me, and I acknowledge the possibility of facing the full extent of the legal consequences."* This clause supplies the legal basis for any impeachment proceedings against the President of the Republic of Mali. According to Article 73 of the Constitution, such an impeachment is initiated by one of the two chambers of Parliament holding the President accountable for violating his oath. Although Article 63(1) of the Chinese Constitution states that the NPC can remove both the Head of State and the Vice President, it does not detail the process. However, Article 20 of the NPC Organization Act states that a proposal to remove China's Head of State can be introduced at a plenary session of the NPC by the Presidium, three or more delegations, or at least one-tenth of the deputies. Yet, neither this law nor the NPC Standing Committee's decision on the constitutional oath provides clear guidance on its legal scope. Based on its content, violating the oath would be difficult without breaching the Constitution. Still, everything will depend on the judgment of the NPC members.

5.0. Conclusion

In Mali and China, the legal framework for the electoral process outlines the procedures for political parties, candidates, and citizens to participate in choosing the Head of State. In Mali, political parties compete for votes in elections. The Chinese Constitution establishes the leading role of the CPC. Besides legal exceptions specified by law, all citizens who meet the requirements can run as candidates and vote. Beyond political actors, institutional actors also take part in the electoral process. China's legislative body is responsible for organizing and supervising presidential elections and handling related complaints. In Mali, the organization and oversight of the electoral process are managed by the Independent Election Management Authority (IEMA), with support from the Ministry of Territorial Administration and Decentralization (MTAD). The Malian Constitutional Court oversees electoral disputes. Additionally, it and other national and international actors supervise the presidential election. In both nations, institutional actors ensure the security of the electoral process.

Voting is private and confidential in Mali and China. After voting ends in China, ballots are counted, and after the validity of the votes is verified, the results are announced by the NPC presidium. In Mali, when the legal voting period ends, members at each polling station perform the count under the supervision of authorized personnel and services. The IEMA, with assistance from the MTAD, then consolidates all reports and declares the provisional results. Based on these results and after confirming the validity of the votes, the Malian Constitutional Court makes the final announcement. These final results cannot be appealed. However, some candidates or political parties challenge the Constitutional Court's decisions. Since no other legal options exist, they resort to public demonstrations to express their discontent. Because multi-stakeholder cooperation in Mali is not institutionalized within a formal framework like the CPPCC in China, these demonstrations also serve to encourage political parties and/or the winning candidate to initiate multiparty cooperation in managing the country's affairs.

In China, the multiparty cooperation is institutionalized following the spirit of the 1949 conference through the CPPCC, led by the CPC. Within an institutional framework, collaboration and mutual oversight among political parties can significantly contribute to political stability, safeguard national interests, and promote citizens' well-being. However, having many political parties does not necessarily lead to peaceful power transfers or stable institutions, and ongoing competition among political parties for leadership does not always ensure the continuity of the constitutional system. Likewise, involvement of political parties and national and international organizations in the bodies responsible for organizing and overseeing presidential elections does not always prevent post-election crises. Therefore, the process of choosing the Head of State should be adapted to each country's governance realities. Ultimately, the effectiveness of this process should be assessed on its capacity to ensure the legitimacy of the person chosen, the stability of institutions, and national unity.

Figure: Comparison of the Head of State's Designation Process: Mali vs China.

- ✓ **The author designed this figure.**
- ✓ **Legend:**
 - **PRC:** People's Republic of China
 - **NPC:** National People's Congress
 - **CPC:** Communist Party of China
 - **CPPCC:** Chinese People's Political Consultative Conference
 - **IEMA:** Independent Electoral Management Authority
 - **MTAD:** Ministry of Territorial Administration and Decentralization
 - **UN:** United Nations
 - **AU:** African Union
 - **NGO:** Non-governmental organizations

No	Criteria	Mali	China
1	Legal framework for political parties in the designation process	Involvement of political parties in the designation process.	Involvement of political parties in the designation process.
2	Methods of designating the Head of State	Election by direct universal suffrage. (Article 38 of the Constitution).	Election by indirect universal suffrage by NPC deputies. (Article 62 of the Constitution)
3	Organization and supervision of presidential elections	National actors: IEMA, MTAD, political parties, candidates, associations, NGOs, and the Constitutional Court. International actors: UN, AU, NGOs, and associations. (Articles 4, 5, 22, and 151 of the Electoral Law).	NPC and the NPC Standing Committee. (Articles 61 and 62 of the Constitution).
4	Securing the electoral process	National armed and security forces.	National armed and security forces.
5	Electoral disputes	Exclusive jurisdiction of the Malian	Presidium of the NPC plenary

		Constitutional Court. (Article 149 of the Constitution).	session. (Article 14 of the Law on the Organization of the NPC).
6	Voting procedure	Voting is personal, private, and by secret ballot. (Articles 38 of the Constitution and 2, 99, 101, 142 of the Electoral Law)	Voting is personal, private, and by secret ballot (Articles 36 and 40 of the Electoral Law)
7	The electorate	All citizens aged 18 or older who enjoy their civil or political rights. (Article 40 of the Electoral Law).	Deputies of the NPC. (Article 62 of the Constitution and 4, 16 of the Electoral Law).
8	Candidacy	All citizens who hold only Malian nationality by birth between thirty-five and seventy-five years old. (Article 46 of the Constitution).	All citizens of China who are voters and eligible. Aged forty-five or over. (Article 79 of the Constitution).
9	Election campaign	A specific period determined by law for election campaigns. (Articles 80 to 88 of the Electoral Law).	Presentation of candidates to voters or delegates (Article 30 of the Electoral law)
10	Announcement of provisional election results	IEMA (Article 151 of the Electoral Law).	–
11	Proclamation of the final election results	The Constitutional Court, after verifying the vote's validity.	The Presidium of the NPC plenary session, after verifying the vote's validity.
12	Taking the Oath ceremony.	The investiture ceremony involves taking the oath before the Constitutional Court (Article 55 of the Constitution).	Taking the Oath ceremony, organized by the NPC (Article 27 of the Constitution, Article 14 of the Law on the Organization of the NPC).

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