

# Constitutional reforms should recognise important role of political parties

BY [RICCARDO PELIZZO](#) / IN [OPINIONS](#) ON 14 FEBRUARY 2017



One of the giants of political science, Maurice Duverger, once observed that knowing political parties was more important than knowing a constitution to understand politics.

This observation was, to some extent, due to the fact that most of the Western European constitutions that Duverger had in mind paid little to no attention to political parties. The Italian Constitution, in 1948, was the first Western European Constitution to recognise the role that political parties play in a political system. Article 49 of the Italian Constitution established that “All citizens have the right to freely associate in parties to contribute to the democratic processes through which determine national policy.”

In 1949, Article 21 of the German Basic Law also recognised the importance of political parties for the proper functioning of a political system. But in addition to recognising parties’ role, as the Italian Constitution had already done, it established more precise provisions with regard to the parties’ internal functioning and organisation, to their relationship with other parties, to their commitment to democracy and national integrity, and to the transparency of their finance.

While Article 49 of the Italian Constitution and Article 21 of the German Basic Law were very innovative and, in some respects, revolutionary when they were introduced, most democratic constitutions now understand that properly functioning systems need political parties and that political parties’ role in democratic life needs to be secured by proper constitutional dispositions.

For example, Article 5 of the Constitution of Benin disposes that parties contribute to the expression of suffrage and that they must respect the principles of national sovereignty, democracy, territorial integrity and the secular nature of the state.

Similar provisions can be found in Article 13 of the Constitution of Burkina Faso, in Articles 75, 76, 77 and 78 of the Constitution of Burundi, in Article 3 of the Constitution of Cameroon, in Articles 13 and 21 of the Constitution of the Central African Republic, in Article 57 of the Constitution of Cape Verde, in Article 4 of the Constitution of Chad, Article 6 of the Constitution of Comoros, in Articles 51, 52, 53, 54 and 55 of the Constitution of the Republic of Congo, Articles 6, 7 and 8 of the Constitution of the Democratic Republic of Congo, Article 6 of the Constitution of Djibouti, Article 9.1 of the Constitution of Equatorial Guinea, Articles 1.13 and 6 of the Constitution of Gabon, Articles 25.1 and 60.2.b of the Constitution of the Gambia, Articles 55 and 6 of the Constitution of Ghana and so on.

Kazakh President Nursultan Nazarbayev, recently announced that after serving the country so well for 21 years, the Constitution needs to be revised to serve Kazakhstan well for many years to come. Two of the most commonly discussed changes concern the delegation of power to local authorities and a strengthening of the Parliament. These measures are important because decentralisation and a stronger Parliament can improve the representativeness, responsiveness and accountability of the Kazakh political system – thus improving the quality of Kazakh democracy and securing its long-term sustainability.

Yet, constitutional reformers also need to include some dispositions to provide political parties with proper constitutional recognition. These dispositions need to acknowledge the simple fact that political parties are already important in Kazakhstan. The political life of Kazakhstan is already influenced and shaped, to a considerable extent, by the presence of political parties. Hence, the constitutional revisions need to codify into a formal document, the Constitution, what is already an established practice and in order to do so the Constitution will have to go beyond the existing dispositions concerning political parties.

The 1995 Constitution speaks of political parties only in three articles. Article 5.4 mandates that foreign parties cannot operate in Kazakhstan and that Kazakh parties cannot receive financial support from foreign sources. Article 23.2 specifies that members of the military, of

national security and the judiciary cannot join political parties, while article 44.3 establishes that the President appoint a Prime Minister after a consultation with political parties.

Important as these dispositions may be, they fail to acknowledge the real contribution of political parties to the political life of Kazakhstan. Political parties in Kazakhstan participate in the political life of the country, they contribute to the dissemination of political information, they contribute to the political education of the population, they are instrumental in the formation and in the expression of the political will, and they also participate in the orientation of the state. Political parties in Kazakhstan already perform these tasks and constitutional amendments need to be designed and introduced to acknowledge their important contribution.

With these kinds of changes and amendments, the new Constitution will better reflect the political life of the country and will be better equipped to serve Kazakhstan well into the future.

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