

Senate Fails to Win the Voters' Trust

An alarmingly high degree of voter absenteeism marred the Czech Senate elections. Moreover, the elections failed to break the political deadlock in the country

by JIRI PEHE

THE MOST SIGNIFICANT feature of the first-ever elections for the upper chamber of the Czech parliament, held in two rounds on 15–16 November and 22–23 November, was an abysmally low voter turnout. Only 35 percent of eligible voters cast their votes in the first round, and only 30 percent did so in the second round. Such a low turnout is surprising in a country that has been seen as an example of a successful transition to a market economy and liberal democracy.

The main reason for the low turnout is a degree of voter dissatisfaction, or even disgust, with the country's politics in general. In the last few months, the Czech Republic has been rocked by a series of banking and other scandals. Rather than prompting major parties to search for compromises, the parliamentary deadlock produced by the June general elections has intensified conflicts among leading politicians. Political culture in the country is low, personified by constant bickering and, sometimes, exchanges of insults between Prime Minister Vaclav Klaus and opposition leader Milos Zeman.

The Senate is a new institution that is not trusted by many people. Opinion polls have repeatedly shown that Czechs do not see the point of having a Senate. In the past four years, leading Czech politicians have repeatedly expressed doubts about the need for a Senate. Several constitutional amendments on abolishing the Senate have been discussed in the lower chamber of the parliament but failed to pass. Only a few days before the elections, Zeman, the Social Democratic Party leader, said that, in case his party emerged victorious from the senatorial elections, he would abolish the upper

chamber. Another reason for the disappointing voter turnout is the fact that these were the second nationwide elections this year.

Moreover, the Senate has a peculiar history in the Czech Republic. During the so-called First Republic (1918–1938), the upper chamber was largely ineffective. The upper chamber of the Czechoslovak federal parliament that was created in 1968, when the unitary Czechoslovak state was federalized, contributed to the growing decision-making paralysis in the final months of the federation. (The most important decisions had to be approved by the lower house and each of the equally strong — Czech and Slovak — parts of the upper house.) The first Senate of the independent Czech Republic was not to be elected but filled with the Czech deputies from the federal parliament. (That provision had been introduced in

party, as well as Civic Democratic Alliance (ODA) leaders — began portraying the institution as an important check on the activities of the Chamber of Deputies and a stabilizing force. Senate elections were seen as a way of breaking the deadlock created in June. Some politicians did not hide their belief that a resounding victory in the Senate elections would prompt their parties to seek early elections for the lower chamber.

In many ways, leading politicians embraced the Senate for all the wrong reasons, and many voters were able to see through such behavior. As a result, the level of identification with the new institution has remained very low. The extreme-right Republicans exploited this situation to the utmost, calling the Senate a redundant and expensive institution and accusing other parties of insincerity in embracing the Senate. They decided to boycott the elections, asking voters to

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order to persuade the otherwise reluctant deputies to abolish the Czechoslovak federation — and their own jobs.) In early 1993, the Czech Chamber of Deputies, however, twice rejected constitutional amendments on transferring the federal deputies to the Czech Senate.

POLITICAL OPPORTUNISM

After four years of governing without serious opposition, the coalition of right-of-center parties lost its parliamentary majority in the elections to the lower chamber this June. It formed a minority government that has been under constant pressure from the opposition, consisting of the Social Democrats (CSSD), the Communists, and the extreme-right Republicans. In the summer, a wave of political opportunism engulfed leading politicians. Many of the same politicians who had previously besmirched the Senate — such as Prime Minister Vaclav Klaus and other prominent figures in his

do the same. The very low turnout is partly their victory.

WHAT IS THE SENATE GOOD FOR?

The Senate is a permanent body that cannot be dissolved and would substitute for the lower chamber in case the president dissolved it and called early elections. In the absence of a Senate, the lower chamber has substituted for the upper chamber for four years and, as a result, could not itself be dissolved. There was no constitutional mechanism to call early elections; any political crisis could have grown into a major constitutional crisis. Thus, the Senate's existence ensures continuity and stability. Replacing that function would amount to a major rewrite of the constitution. Such changes in the constitution, only four years after it was adopted, would contribute to the existing lack of respect for the rule of law among the population.

The Senate's constitutional powers

are limited. It can veto or amend laws passed by the lower chamber, but the lower chamber can override the Senate's veto — albeit with a higher quorum. Some laws, such as the state budget, are approved only by the lower chamber. On the other hand, the Senate's consent is necessary for passing constitutional amendments and electing the president.

However, the most important function of the Senate lies outside its constitutional powers. Senators, unlike deputies, are elected in 81 small, single-mandate districts on the basis of a majority system. That creates a direct link between each senator and his or her constituency. This is an important novelty in the Czech political system, in which the 200 lower-chamber deputies are elected on the basis of a proportional system, on party lists in large voting districts. Their political fortunes depend more on their parties — and party leaders in particular — than on concrete voters.

As a result, the Czech political system has become increasingly dominated by political parties and party leaderships. Two years ago, President Vaclav Havel even warned that, in the absence of a developed civil society, the state is "owned by political parties." Moreover, Havel warned that political parties — not being confronted with a civil society — are in danger of degeneration.

Havel was in many ways right. Political parties' programs have been increasingly devoid of ideas and visions for the future. Politicking and partisanship have replaced discussion about real social and economic issues.

The Senate will be an important factor in bringing politicians closer to actual voters. Senators will have to heed the concerns of their constituencies, and those may not always be in line with their parties' interests. That the senators must be at least 40 years of age (the average elected senator is over 50, and some do not plan to run for re-election) and that they will normally have six-year mandates will also make them less dependent on their parties.

THE ELECTIONS

In the first Senate elections, one-third of the senators were elected for two years, one-third for four years, and the remaining third for six years. Senate elections will be held every two years in

one-third of the 81 districts. A total of 569 candidates, most of them backed by political parties, were vying for 81 Senate seats. Candidates who won over 50 percent of the vote in the first round gained seats without having to face a runoff. Only four candidates — three representing the ODS and one supported by the Christian Democrats (KDU-CSL) — were able to win Senate seats in the first round.

Candidates from Klaus's ODS qualified for the second round in 76 of the 81 electoral districts. The opposition CSSD qualified for the runoff in only 48 districts — a disappointing showing for a party whose popularity in nationwide polls equals that of the ODS. KDU-CSL candidates secured 17 second-round places. The ODA had seven candidates in the runoffs, the Communists four, and the extraparlimentary Democratic Union one, while one independent candidate also secured a second-round slot.

In light of its first-round showing, the ODS was expected to sweep the elections. The ODS did win, but with only 32 seats, followed by the CSSD with 25 seats. The KDU-CSL gained 13 seats, the ODA seven seats, and the Communists two seats. One seat each was won by a Democratic Union candidate and an independent candidate supported by the CSSD.

In relative terms, only 40 percent of the ODS's 76 candidates were elected in the second round, while CSSD candidates succeeded in more than 50 percent of runoffs and the KDU-CSL in more than 70 percent of runoffs. All seven ODA second-round candidates were elected. ODS candidates were defeated in many districts because the supporters of all other parties rallied behind candidates competing against ODS candidates. The second-round vote was above all a vote against the ODS.

Voters heeded calls by KDU-CSL Chairman Josef Lux, who had repeatedly warned against a monochromatic Senate. In many districts, supporters of Lux's party and the ODA — the two junior coalition partners of the ODS — backed the opposition Social Democrats. The CSSD candidates also won support from the Communists. In at least one district, KDU-CSL and ODA supporters voted for a Communist candidate to prevent the ODS from winning.

The failure of the ODS in the second round can be attributed to the general fear that the ODS would again come to dominate Czech politics and to some concrete tactical mistakes made by Klaus and other ODS leaders between the two rounds. In the June Chamber of Deputies elections, many Czechs voted for the opposition Social Democrats in protest against what they saw as growing ODS arrogance. In the next few months, the ODS appeared to be less self-confident and more conciliatory toward its coalition allies — whom it had often openly dominated before the June elections — in the formulation of government policies. But after first-round success in the Senate elections, ODS leaders began demanding that the first chairman of the Senate be a member of their party. Klaus telephoned several defeated KDU-CSL candidates, asking them to support the ODS. Lux, angered by Klaus's behavior, accused the ODS leader of violating political ethics and refused to support the senior coalition partner in the second round.

WINNERS AND LOSERS

Lux's KDU-CSL is, in many ways, the main winner of the elections. The Christian Democrats have been a coalition ally of Klaus's party for more than four years, but their mutual relationship has been uneasy. (Before the elections, Lux accused the Czech Intelligence Service [BIS] of following him. Stanislav Devaty, the ODS-supported BIS chairman, had to resign.) The strong showing in the Senate elections will strengthen Lux's position within the coalition.

Paradoxically, the first-round winner — the ODS — ended up as one of the losers of the elections. Before the elections, Klaus had said he hoped the Senate vote would show that the political pendulum is returning to the coalition parties' camp. The Senate elections were to be an endorsement of Klaus's reform policies. However, despite the fact that the ODS won 32 seats, the very low turnout makes it impossible for the ODS to claim that the country's mood has changed. On the contrary, the fact that two-thirds of eligible voters did not even bother to vote probably means that the level of dissatisfaction with the government's policies is on the rise. ■