

## Milan Štěch for Czech president?

In a well-prepared performance that was meant to seem spontaneous, Pres. [Miloš Zeman told Czech Radio on Mon.](#) that he is in favor more than ever of abolishing the Senate. He won't take any action in this respect, he said, other than to encourage the lower house to use its power of the purse to starve the Senate out of existence. It was the vulgar word he used later that attracted the most attention, but we see the premeditation of his attack on the Senate as being much more significant.

Zeman gave three main reasons for wanting the Senate to be eliminated. First, the low voter turnout of 16.5% in the second round of the Senate elections last week. Second, the fact that the main decisions of Parliament - the government confidence vote and the national budget - are the sole discretion of the lower chamber. And third, that a Senate veto, with a few exceptions, can be overridden by a 101-majority of the lower house. Any government that has won a confidence vote has 101 votes available, he said. In terms of constitutional amendments or election-law changes, which require Senate approval, he said that any clever government can get around this.

An institution that voters do not have confidence in and essentially disdain, he said, is ripe for being abolished. He insisted on this even after being reminded that it is his duty to uphold the Constitution, which established the Senate.

There are three main explanations (as well as other minor ones we will not go into) for his staunch opposition to the Senate. First, he was accused by his own party members in the mid-1990s of being the cause of ČSSD's relatively poor performance in the first Senate elections in 1996. From today's perspective, ČSSD did very well (25 of 81 seats), but it was considered a defeat at the time, because ODS won 32 seats, KDU 13 and ODA seven. Zeman said at the time that ČSSD voters were not favorably inclined toward the Senate.

Yet 10 years later ČSSD enjoyed an "orange tsunami" in the Senate elections under Jiří Paroubek, winning 23 of the 27 races. This made Zeman look bad, and he never forgot it. He remained against the Senate, although ČSSD started to like it.

Second, the Senate represents a challenge to Zeman's (and Václav Klaus's) view that politics should be a battle between major parties on the Left and the Right, and that they should alternate. Po-

players is proposing it now. Not even Sen. Jiří Dienstbier of ČSSD, who is considered by many to be one of the "good guys."

If Zeman or anyone else wanted to give the Senate more political significance, and therefore eliminate the low turnout and voter disdain, he or she would call for raising the 101-vote minimum for overriding the Senate to 120. If such a provision existed today, the ANO-ČSSD government - which can call on only 108 MPs - would have regular difficulty passing its controversial laws. Zeman clearly does not want this.

The third explanation for Zeman's premeditated attack on the Senate is the one that most relates to current political events, and there are two parts to it. First, Zeman understands that his enemies across the political spectrum are taking steps to use the Senate as a greater weapon against him. Chair Petr Gazdík of STAN has stated explicitly that the new Senate

president should serve as a counterbalance to the Castle and that the candidate who wins the support of STAN's caucus must fulfill this requirement.

Take a look at the list of names being mentioned: Jaroslav Kubera, Václav Hampl, Zbyněk Linhart, Petr Holeček, Jiří Růžička. Only the first name is widely recognized, and Kubera can hardly be considered a counterbalance to Zeman.

We know from insiders that Zeman is worried that the impasse in the Senate will lead to the reelection of his enemy Milan Štěch of ČSSD as the Senate president. Štěch is the only senator who fulfills Gazdík's requirement of being a counterbalance to the Castle. This, in our analysis, is the main reason for Zeman's attack on the Senate as an institution. Not only does he want to weaken Štěch (and the Senate) before Štěch is even elected a second time, if this occurs, but he also wants to give Štěch a handicap should he decide to use the Senate presidency to run for the presidency of the country.

Related to this is one small constitutional provision ([Art. 61](#)) that really gets Zeman's blood boiling. Should the president of the Republic resign, he must submit it to the president of the Senate. The possibility that this will be Štěch is reason enough to starve the Senate to death.



### Deutscher Bundestag

(2) Decisions of the Bundestag shall require a majority of the votes cast unless this Basic Law otherwise provides. The rules of procedure may permit exceptions with respect to elections to be conducted by the Bundestag.

(3) Decisions of the Bundesrat shall require at least a majority of its votes. It shall adopt rules of procedure. Its meetings shall be open to the public. The public may be excluded.

(4) If the objection is adopted by the majority of the votes of the Bundesrat, it may be rejected by a decision of the majority of the Members of the Bundestag. If the Bundesrat adopted the objection by a majority of at least two thirds of its votes, its rejection by the Bundestag shall require a two-thirds majority, including at least a majority of the Members of the Bundestag.

### Basic Law for the Federal Republic of Germany

litical parties have complete control over their candidate lists to the lower house and have ways to control their MPs even after they are elected. The Senate works in a different way. It's based much more on personalities, who are harder to control than party foot soldiers, and this leads to great uncertainty about who can be elected and how Senators will vote. Voters simply do not listen to the main political parties when they choose their senators. Evidence of this is the current (new) makeup of the Senate, where ANO, ČSSD and ODS have only 37 of the 81 seats.

This uncertainty is the main reason, as we see it, that the powers of the Senate were so restricted when the Constitution was written. The main parties felt the need in the 1990s to enact fundamental reform that benefited them. They didn't want the whimsical Senate to butt in.

The German Basic Law, which served in many ways as a model for the Czech Constitution, allows the upper chamber, the Bundesrat, to veto a proposal from the lower chamber, the Bundestag, with either a simple majority or a two-thirds supermajority. If a supermajority is achieved, the lower house must then also find a supermajority to override the veto.

No such provision exists in the Czech Constitution, and no one of the major