
II. THE PARLIAMENTS: DEMOCRATIC POST-COMMUNIST PARLIAMENTS

The Parliament of the Czech Republic, 1993–2004

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The first decade of the Czech democratic parliament has seen the development of a newly conceptualised, bicameral parliament in a new state. We identify general tendencies towards stabilisation similar to Western European parliamentary practices. Another trend is the gradual change from organising the parliament according to the majority principle to that of consensus. There is also a long-term clash over the powers of the Senate and a gradual erosion of the dominant role of the Chamber of Deputies.

The Czech political system is constructed as a parliamentary democracy with two chambers and a cabinet structure. Depending on the results of the elections, political parties negotiate the formation of a cabinet which must secure majority support in a vote of confidence in the Chamber of Deputies, the lower chamber of the Czech parliament.¹ The role of parliament in the Czech political system is crucial because it also has a voice in the formation of other political institutions. In addition to approving the cabinet, it elects the President of the Republic, selects and appoints important state officials and constitutional judges. It also participates in legislative activities, approves international treaties and carries out other international obligations of the state. It now approaches a Western model, with stability in both organisational structure and party system.

CONSTITUTIONAL STATUS OF THE PARLIAMENT

The Czech parliament was constituted on 1 January 1993. Previously known as the Czech National Council, it was the legislature of a Member State of the

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Czechoslovak Federation. The Czech National Council (CNC), constituted in 1968 after the establishment of the federation,² was composed of 200 deputies elected from single-seat constituencies for four-year terms. In 1990 and in 1992, elections were based on a proportional system in eight constituencies.

Although parliament may appear sovereign in the Czech political system, there are limits on its powers and jurisdiction. One of the main restrictions is the constitutional principle that the parliament cannot change the principal legal aspects of the democratic state and the international affiliations of the Czech Republic. The other restriction on the power of parliaments in a large number of areas of public policy has been preparation for accession to the European Union and accession itself. The step that allowed accession to the European Union was the approval of a 2001 amendment to the constitution³ which stated that obligations arising from international treaties supersede Czech law. This amendment also stipulated a transfer of some of the power of state bodies to international institutions. EU directives and regulations are the primary obligation not only for the Czech state but also for individuals and legal entities.

BICAMERALISM

Parliamentary Structure and Roles of Each Chamber

The Czech parliament consists of two chambers, the Chamber of Deputies and the Senate. Since the beginning of preparations for the Czech Constitution, a bicameral parliament was a given for politicians. This concept was selected because of the tradition established by the First Republic and the federal arrangement of the then existing Czechoslovakia. The Senate is the weaker chamber in adopting regular bills while it is an equal body in adopting constitutional and electoral acts. Moreover, the Senate does not have any influence on the establishment and formation of the cabinet. Unlike the Chamber of Deputies, however, it cannot be dissolved. When the Chamber of Deputies is dissolved the Senate can play an important role in adopting pressing measures. The differences in the position and powers of the two chambers can be seen in electoral terms, the electoral system, powers and competencies, and continuity of chamber existence.

The Chamber of Deputies consists of 200 MPs elected by a proportional system for four years, while the Senate has 81 senators elected in a single-seat district majority system for six years, with an election of one-third of the Senate seats every two years. Elections to the Chamber of Deputies could result in a complete turnover in the membership of the chamber with no continuity. This is not possible in the Senate.

The difference in the two chambers is seen not only in their legislative power but also in the power to establish other state bodies, especially the

cabinet. The formation of the cabinet follows the composition of the Chamber of Deputies, which votes confidence in the cabinet. The Chamber of Deputies, but not the Senate, can pass a vote of no confidence in the cabinet and thus force it to resign. The constitution gives the president the power to dissolve the Chamber of Deputies if three attempts to form a cabinet fail, or if the Chamber of Deputies does not adopt a government bill to which the cabinet has attached a vote of confidence. The fact that the Senate cannot be dissolved ensures that one chamber of the parliament will be active at all times.

In addition to legislative activities, which also include the approval of the state budget and international treaties, and the position of the Chamber of Deputies in forming the cabinet, the two chambers have other powers, which can be divided into three. The first is the power over issues of security and state of war. Both chambers must approve a state of war or declaration of a state of emergency, deployment of armed forces abroad, the reception of foreign armed forces and the participation in defence systems of an international organisation of which the Czech Republic is a member. The 2000 amendment to the constitution delegated to the cabinet the powers of the parliament to approve the deployment of Czech armed forces abroad and the deployment of foreign armed forces in the Czech Republic as long as they entail short-term or less important actions, such as air passage over Czech territory.⁴ A negative resolution from either chamber is sufficient to cancel these governmental decisions.

The second power is oversight of the executive, which is primarily carried out by the commissions of the Chamber of Deputies, especially the Commission for the Oversight of the Security Information Service activities, the Commission for Banking and the Commission for the Media. Furthermore, the Chamber of Deputies may establish an investigation commission to interrogate witnesses who must present themselves to the commission if summoned. Three investigative commissions were established in each of the last two terms of the Chamber of Deputies. In addition, the Senate may file a lawsuit in the Constitutional Court against the President of the Republic for high treason and one-fifth of MPs or senators may submit a proposal to cancel an act.

The third power consists of personnel selection, the number of which has been increasing gradually. At a joint session the two chambers elect the President of the Republic. All other selections are confined to one chamber. The Chamber of Deputies submits to the president a proposal for the appointment of the president and vice president of the Supreme Audit Office, while the Senate evaluates presidential proposals for appointments to the Constitutional Court. In addition, the Chamber of Deputies elects members of supervisory boards of state bodies (the Grant Agency, the Public Health Insurance and the Czech Consolidation Agency), members of supervisory councils of public institutions (the Czech Television Council, the Czech Radio

Broadcasting Company, the Czech News Agency, Council for Radio and Television Broadcasting), presidiums of state bodies (the Czech Consolidation Agency, the Land Fund of the Czech Republic) and directors of some state bodies (the National Security Authority, Public Health Insurance and the Ombudsman). The Senate, however, elects the chairperson of the Office for Personal Data Protection and its inspectors.

Both chambers are gaining experience in reviewing the position of the Czech government in debates on European Union legislation. The Rules of Procedure of the Chamber of Deputies delegate the pre-negotiation of opinions to the Committee for European Affairs and require that the cabinet take into consideration the opinion of the Committee and/or the Chamber. The Senate has a similar right to pre-negotiate EU legislation but it only informs the cabinet about its opinion without the cabinet being obliged to take this opinion into account.

Internal Organisation: Rules of Procedure in the Chamber and the Senate

The constitution stipulates some rules of organisation in both parliamentary chambers (for example, the establishment of bodies such as committees and commissions) and rules of voting (for example, the majority principle of voting and the requirement that one-third or more of all MPs and senators be present for voting).

At the beginning, the Rules of Procedure of the Chamber of Deputies bore a strong resemblance to those of the communist regime because, until 1995, the Act on the Rules of Procedure of the Czech National Council of 1989 and the Act on MPs adopted in the same year were used.⁵ After the change of the regime, both acts were amended but their structure and content were still not suitable for a competitive democratic order. The Rules were prepared for a one-party system, which presupposed control of MPs by the Secretariat of the Communist Party. Those rules provided an inappropriate arrangement of the legislative process because they presupposed that the MPs would not submit amendments to bills. They did not contain any privileges for political parties in the organisation of the Chamber of Deputies because that privilege was quietly accepted in the communist system and did not need to be spelled out. Provisions for parties were gradually, and with great difficulty, incorporated into these pre-1995 Rules.

The new Rules of Procedure adopted in 1995 introduced changes into the organisation of activities to strengthen significantly the role of parliamentary party groups.⁶ The chairperson and deputy chairpersons of the Chamber of Deputies and members of committees are elected and committees are established based on proposals from parliamentary party groups (PPGs). Additionally, the minimum number of MPs required to establish a parliamentary party group was increased from five to ten to reduce splits and fragmentation in the

existing PPGs. The Rules also stipulated three readings for bill debate. In the system of three readings, committees may debate a bill and prepare amendments only after a bill has been approved in the first reading by the Chamber of Deputies and has been referred to the committees.

In the first three years of its existence, the Senate used modified Rules of Procedure of the Chamber of Deputies, which were replaced in 1999 with new Rules of Procedure which do not differ from the Chamber Rules in content.⁷ They only reflect the differences established in the constitution, especially the smaller number of senators and the requirement that a bill be debated within 30 days. Communication between the Chamber of Deputies and the Senate, when debating bills and joint actions (such as the election of the president), was to be addressed in an Inter-cameral Relations Act, the existence of which is presupposed in the constitution. Although MPs and senators have been debating the adoption of this law since 1997, it has not yet been passed.

THE ELECTORAL PROCESS AND ITS CONSEQUENCES

Electoral Systems

During the first decade there were four elections to the Chamber of Deputies. In 1992, elections were held in the Czechoslovak Federation and the current chamber, which was then at the subordinate republic level. Since that time, both political parties and citizens see elections to the chamber as the most important elections in the Czech Republic. Elections to the Chamber of Deputies have the greater voter turnout – ranging between 85 per cent in 1992 and 58 per cent in 2002 – than do elections to the Senate or local bodies.

Chamber elections took place based on a proportional representation electoral system and the eight multi-member constituencies duplicated the administrative division of the country. Between 1992 and 1998 seats were allocated based on the Hagenbach-Bischoff electoral formula. In the 2002 Chamber elections, the number of constituencies increased from eight to 14 and the seats were distributed based on the d'Hondt electoral divisor. Candidates for elections could be proposed only by political parties, political movements or coalitions. To obtain seats, parties had to secure at least five per cent of the total vote in the country. Party lists were restricted, but not strictly, and preferential voting was allowed. The relatively high proportion of preferential votes needed in order to move a candidate up a party list put a limit on the possibility of candidates skipping over all the other candidates on the party list.⁸

The proposed electoral reform of 2000 had the greatest potential to change the electoral system and the greatest potential consequence for the electoral success of political parties. Parliament passed the 2000 electoral reform

based on an agreement between the two strongest parties, the Czech Social Democratic Party (ČSSD) and the Civic Democratic Party (ODS). The change was to strengthen the majority elements of the electoral system to secure an advantage for large parties. The number of constituencies was increased to 35. Seats were divided based on the d'Hondt electoral divisor; the first number increased from one to 1.42, and the election threshold for coalitions of two parties increased to ten per cent, to 15 per cent for coalitions of three and 20 per cent for coalitions of four or more parties. Following the president's motion, the Constitutional Court cancelled those proposed changes to the Electoral Act with the exception of the increase of the threshold for coalitions.

Senators are elected for six years in an absolute majority electoral system in single-seat constituencies. If no one wins a majority in the first round the two highest candidates proceed to the second round. The candidate who secures a majority of votes in the second round wins. In addition to candidates proposed by political parties and their coalitions, independent candidates can also run. Senate elections have low voter turnout, which generally does not reach 30 per cent. The first Senate elections were held in November 1996. The 81 constituencies were then divided into three groups, with two-, four- and six-year terms. Elections are held every two years in 27 of the constituencies.

Party Composition: A Trend towards Stabilisation

The stability of the electoral system contributed to the gradual stabilisation of the party system since the 1996 Chamber elections (see Table 1). The composition of the Chamber reflected not only the development of the party system but also during some periods it increased the dynamism of party system change as MPs transferred from one PPG to another. After the 1992 elections, the number of parties in parliament more than doubled in comparison with the previous period, increasing from four to nine. Since the 1996 elections, the number of parties in the Chamber has fallen, and with the exception of the Union of Freedom (US; Later renamed to US–DEU), no new party has appeared.

Along with the stabilisation of the party system and a reduction in the number of political parties in the Chamber, parliamentary party groups stabilised in both size and composition. Transfers between parliamentary party groups, dissolution of parliamentary party groups and creation of new ones were extremely high in the Czech Republic in the first half of the 1990s compared to other Central and Eastern European countries,⁹ but there was a rapid stabilisation after the elections in 1996 and 1998.

Frequent changes in political affiliation in the first half of the 1990s provoked an intense preoccupation with the need to adopt rules restricting and impeding transfers between parliamentary party groups. According to the

TABLE I
VOTES AND SEATS BY PARTY AND TERM IN THE CZECH NATIONAL COUNCIL AND CHAMBER OF DEPUTIES, 1990–2002

| PPG | 1990 | | | Term 1 1992 | | | Term 2 1996 | | | Term 3 1998 | | | Term 4 2002 | | |
|--------------------------|--------------|------------|-------------|----------------|-----------|------------|----------------|-----------|------------|----------------|-----------|------------|----------------|-----------|-------------|
| | % Votes | Seats | % Seats | % Votes | Seats | % Seats | % Votes | Seats | % Seats | % Votes | Seats | % Seats | % Votes | Seats | % Seats |
| OF | 49.5 | 127 | 63.5 | X | X | X | X | X | X | X | X | X | X | X | X |
| KSČM ¹ | 13.24 | 32 | 16 | 14.05 | 35 | 17.5 | 10.33 | 22 | 11 | 11.03 | 24 | 12 | 18.51 | 41 | 20.5 |
| HSD-SMS ² | 10.03 | 22 | 11 | 5.87 | 14 | 7 | X | X | X | X | X | X | X | X | X |
| KDU-ČSL ^{3,6} | 8.42 | 19 | 9.5 | 6.28 | 15 | 7.5 | 8.08 | 18 | 9 | 9 | 20 | 10 | – | 21 | 10.5 |
| ČSSD | 4.11 | 0 | 0 | 6.53 | 16 | 8 | 26.44 | 61 | 30.5 | 32.31 | 74 | 37 | 30.21 | 70 | 35 |
| SPR-RSČ/RMS ⁴ | 1 | 0 | 0 | 5.98 | 14 | 7 | 8.01 | 18 | 9 | 3.9 | 0 | 0 | 0.97 | 0 | 0 |
| ODS ⁵ | X | X | X | 29.73 | 76 | 38 | 29.62 | 68 | 34 | 27.74 | 63 | 31.5 | 24.48 | 58 | 29 |
| LSU ² | X | X | X | 6.52 | 16 | 8 | X | X | X | X | X | X | X | X | X |
| ODA | X | X | X | 5.93 | 14 | 7 | 6.36 | 13 | 6.5 | X | X | X | 0.51 | 0 | 0 |
| US/US-DEU ⁶ | X | X | X | X | X | X | X | X | X | 8.6 | 19 | 9.5 | – | 10 | 5 |
| Koalice ⁶ | X | X | X | X | X | X | X | X | X | X | X | X | 14.28 | – | – |
| Others | 13.7 | 0 | 0 | 19.11 | 0 | 0 | 11.16 | X | X | 7.42 | 0 | 0 | 11.04 | 0 | 0 |
| Total | 100 | 200 | 100 | 100 | 200 | 100 | 100 | 200 | 100 | 100 | 200 | 100 | 100 | 200 | 100 |

Note: An X indicates that the party did not run in the elections. PPGs of governing parties are shown in bold.

¹In 1992 KSČM ran together with Democratic Left of the Czech-Slovak Federative Republic (Demokratická levice ČSFR) in the coalition Left Bloc (Levý blok).

²Between 1993 and 1995 HSD-SMS changed its name several times and in the end it merged with LSU. They ran on a single list in 1996 under the name Czech–Moravian union of the centre (Českomoravská unie Středu), but they failed.

³In 1990 ČSL ran together with KDS and the Christian Democratic Movement (Křesťanskodemokratické hnutí) in a Christian Democratic Union coalition (Koalice Křesťanská demokratická unie).

⁴In 1990 SPR-RSČ ran in coalition with the All People's Democratic Party (Všelidová demokratická strana). In 2000 Republicans of Miroslav Sládek (Republikáni Miroslava Sládka) succeeded SPR-RSČ.

⁵In 1992 ODS ran in coalition with KDS.

⁶In 2002 KDU-ČSL and US-DEU ran together as Coalition (Koalice). The division of seats is indicated in each party's respective row.

Source: Statistical yearbooks published by the Czech Statistics Office each year.

new 1995 Rules of Procedure, a parliamentary party group may be established by no less than ten MPs and MPs of the same party cannot create more than one parliamentary party group. The Rules introduced formal obstacles against creating parliamentary party groups consisting of MPs who were now members of different political parties than those on whose ticket they had first run. Though such a parliamentary party group can be formed, it is not entitled to compensation for any costs related to its parliamentary activities from the funds of the Chamber of Deputies and has no right to be proportionately represented in the bodies of the Chamber.

Between 1992 and 1996, PPGs of the government coalition, consisting of the Civic Democratic Party, Christian Democratic Party (KDS), Civic Democratic Alliance (ODA) and Christian Democratic Union–Czechoslovak People's Party (KDU-ČSL), were more stable than the opposition. While only one government coalition MP went over to the opposite side, nine opposition members in parliament joined the government coalition. The number of MPs belonging to the ruling coalition increased from 105 to 112 by the end of the term. In the centre and on the left of the political spectrum, the processes of disintegration and regrouping were more common. Changes in PPG membership during the term involved four parties: Movement for Autonomous Democracy–Association for Moravia and Silesia (HSD-SMS) had 264 per cent mobility, Liberal Social Union (LSU), 175 per cent, Association for the Republic–Republican Party of Czechoslovakia (SPR-RSČ), 129 per cent, and the Communist Party of Bohemia and Moravia (KSČM), 43 per cent.¹⁰ These changes may have been caused by the volatile support of leftist and centrist political parties, their weak organisational structure, insufficient programme, and, in the case of KSČM, the struggle of hard-liners against others with a more social-democratic orientation.¹¹

The following terms saw a rapid decline in inter-PPG mobility. In the first months of the second term 1996–98, the government coalition (ODS, ODA and KDU-ČSL) was a minority. After the defection of two social democrat MPs during the vote on the state budget and their expulsion from their PPG, the cabinet secured a majority of one vote. The fall of the cabinet at the end of 1997, because of allegations over the non-transparent finances of ODS, resulted in strong tensions within the party. The financial scandal led to the establishment of a new party, Union of Freedom and its PPG, at the beginning of 1998. Thirty-one ODS deputies transferred into the newly established PPG. After 1998, in the third term, transfers of MPs between PPGs occurred rarely and no new PPG was established. Between 2002 and 2004, in the fourth term, transfers between parliamentary party groups were replaced with a new phenomenon by which MPs demonstratively resign from a parliamentary party group,¹² or party,¹³ to show their disagreement with party policies.

During its four terms the Senate has had a stable representation of political parties or, more precisely, of senate party groups (see Table 2). Although individuals and not political parties run for the Senate, it is difficult to be a successful candidate without the backing of a political party or other influential organisation. Contrary to the original intention, the Senate is comprised of representatives of political parties. Senators elected with the support of non-parliamentary parties associate in the Independents group or are not affiliated to any party group.

The position of the ruling parties in the Senate has varied. Between 1996 and 1998, the ruling coalition had only 49.5 per cent of the vote in the Chamber of Deputies, but 64.1 per cent of the vote in the Senate. Between 1998 and 2002 the ČSSD minority cabinet had only 37 per cent of the vote in the Chamber and even less support in the Senate. During the first half of the term, ČSSD had only 28.4 per cent of the vote in the Senate, and in the second half it dropped as low as 18.6 per cent (Senate PPGs that supported the cabinet are shown in bold in Table 2). The weak position of the ruling party caused difficulties in passing bills because even when it managed to muster support for a bill in the Chamber of Deputies, the opposition parties had the power to block it in the Senate. This required at least a one-vote majority of all MPs in the Chamber of Deputies to overcome the veto of the Senate. The ruling coalition constituted in 2002 had a one-vote majority in the Chamber of Deputies (50.5 per cent) with an equally narrow majority in

TABLE 2
CZECH SENATE PARTY GROUP SEATS, 1997–2003

| PPG | 1997 | | 1999 | | 2001 | | 2003 | |
|--------------|-----------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Seats | % | Seats | % | Seats | % | Seats | % |
| ODS | 32 | 39.5 | 26 | 32.1 | 22 | 27.2 | 26 | 32.1 |
| ČSSD | 25 | 30.9 | 23 | 28.4 | 15 | 18.5 | 11 | 13.6 |
| KDU-ČSL | 13 | 16.0 | 17 | 21.0 | 19 | 23.5 | 15 | 18.5 |
| ODA* | 7 | 8.6 | 11 | 13.6 | 16 | 19.8 | 16 | 19.8 |
| Independents | X | X | X | X | X | X | 5 | 6.2 |
| Unaffiliated | 4 | 4.9 | 4 | 4.9 | 9 | 11.1 | 8 | 9.9 |
| (KSČM)** | (2) | | (4) | | (3) | | (3) | |
| Total | 81 | 100 | 81 | 100 | 81 | 100 | 81 | 100 |

Notes: Composition of parliamentary party groups at 1 January. PPGs of governing parties are shown in bold.

*The ODA party group was renamed US-ODA in 1998; in 2002 the group changed its name to the Club of Open Democracy (Klub otevřené demokracie).

**The Rules of Procedure of the Senate prescribe that at least five senators are required to establish a parliamentary party group. KSČM senators have been unable to pass this threshold; their numbers are given among unaffiliated senators within parenthesis.

Source: The Senate of the Parliament of the CR, www.Senat.cz.

the Senate (51.8 per cent), which gives the opposition the opportunity to offer successful amendments to bills.

Member Incumbency

The stabilisation of the Czech party system is also seen in the growing number of re-elected or experienced MPs and senators. In 1990, approximately five per cent of MPs had previous parliamentary experience (federal or national). In 1996, 55 per cent had previous experience and in the last term almost 60 per cent had previous experience, which attests to the rapid stabilisation of the parties in parliament (see Table 3). The percentage of re-elected MPs has grown from one term to the next. It is a little lower than the percentage of those with previous democratic legislative experience. The only significant change was in the 1996–98 term, because in 1996 political parties nominated a number of prominent politicians who had been elected to the federal parliament in 1992, which was then dissolved with the collapse of the federation.

Individual political parties have different numbers of re-elected and experienced MPs. In the long run, KDU-ČSL and KSČM have the most stable membership in parliament. In 2002 the number of KSČM MPs without any experience grew dramatically as a result of an almost 100 per cent increase in the number of seats compared to the previous term. ČSSD experienced a similar increase in the number of MPs without any experience

TABLE 3
INCUMBENT AND EXPERIENCED CZECH MPS BY PARTY AND TERM, 1992–2002

| PPG | Term 2 1996 | | Term 3 1998 | | Term 4 2002 | |
|-----------|-----------------|------------------|-----------------|------------------|-----------------|------------------|
| | % Incumbents | % Experienced | % Incumbents | % Experienced | % Incumbents | % Experienced |
| ČSSD | 18 | 29.5 | 67.6 | 67.6 | 52.9 | 55.7 |
| KDU-ČSL | 55.6 | 77.8 | 60 | 70 | 71.4 | 71.4 |
| KSČM | 31.8 | 59.1 | 79.2 | 83.3 | 43.9 | 46.3 |
| ODS | 54.4 | 72.1 | 31.8 | 38.1 | 69 | 70.7 |
| US/US-DEU | – | – | 31.6 | 31.6 | 40 | 50 |
| ODA | 30.8 | 76.9 | – | – | – | – |
| SPR-RSČ | 22.2 | 33.3 | – | – | – | – |
| Total | 36.5 | 55 | 53.5 | 57 | 57 | 59.5 |

Notes: ‘Incumbent’ MPs were elected in two successive terms. The number signifies the percentage of these MPs in the total number of members of a PPG.

‘Experienced’ MPs were elected to the democratic parliament (either the Federal Assembly or the Czech National Council (1990 or 1992) as well as the Chamber of Deputies). The number signifies the percentage of MPs who were a member of at least one of the democratic parliaments in the total number of members of a PPG.

Source: The Chamber of Deputies of the Parliament of the CR, www.psp.cz; authors’ calculations.

in 1996 when it won almost four times as many seats as in the previous term. The smaller number of re-elected MPs in ODS in 1998 was a result of the great changes in the party caused by the split of the US from ODS. Many ODS MPs were re-elected but on the US party list.

LEADERSHIP: PRESIDING OFFICERS AND STEERING BODIES

The presiding and steering positions in the Chamber of Deputies include the position of the speaker and vice-speakers and two committees. The Organisational Committee is formally established pursuant to the Rules of Procedure, while the Political Committee is informal. The speaker of the Chamber of Deputies has formally great powers derived from representing the Chamber vis-à-vis other political institutions, especially the cabinet, the Senate and the President of the Republic. Although the speaker is not formally dependent on the decisions of collective bodies (especially the Organisational Committee and the Political Committee) in his powers to organise activities, he acts through agreements with them. The speaker is, *inter alia*, authorised to summon sessions of the Chamber of Deputies, which are usually called upon a proposal from the Organisational Committee. The date and agenda of these sessions are a result of a compromise among all the parliamentary party groups. The speaker has far more autonomy when defining the term of the session but is limited by deadlines in the Rules. Vice-speakers only act when asked by the speaker. The speaker and vice-speakers are elected by a majority secret vote.

The division of leadership positions in the Chamber of Deputies among PPGs is an issue of political bargaining, covert agreements and/or failures to uphold agreements in the secret vote. The resulting division of positions in the past period mirrored the seat ratio between the cabinet and the opposition parties, even though in the last term we can see a more consensual approach to filling these positions. During the first 1992–96 term, the steering positions in the Chamber of Deputies were held exclusively by the ruling coalition. The ruling coalition had a majority of five votes and did not consider it necessary to negotiate with the opposition. When a minority coalition cabinet of three parties was installed after the 1996 elections (ODS, KDS, KDU-ČSL and ODA), the cabinet was short by two votes and a similar attitude was unrealistic. The coalition parties negotiated with one opposition party only, namely the ČSSD. They did not consider KSCM and SPR-RSČ to be partners because of their alleged non-democratic opinions and attitudes (KSCM was said to support communism or at least socialism and SPR-RSČ was said to support overt racism, anti-semitism and nationalism). As a result of the agreement between the coalition parties and ČSSD, the opposition ČSSD secured the positions of speaker of the Chamber of Deputies and one

vice-speaker. The division of the steering positions among the coalition parties and ČSSD, along with the party allocation of committee seats, was part of the coalition agreement among ODS, KDU-ČSL and ODA.

In the 1998–2002 term, the minority ČSSD cabinet held power with the support of the strongest opposition party, ODS, thanks to the ‘opposition agreement’.¹⁴ The two parties divided the steering positions. ODS secured the posts of speaker of the Chamber of Deputies and a vice-speaker, ČSSD secured two vice-speaker posts. After the 2002 elections, a government consisting of ČSSD, KDU-ČSL and US-DEU was installed by a one-vote margin. The strongest ruling party, ČSSD, received the position of speaker, and the vice-speakers were divided as follows: ČSSD (1), ODS (2), KDU-ČSL (1) and KSCM (1). The coalition agreement contained a stipulation that one of the vice-speakers would be a US representative, but it was impossible to elect him by secret vote. The new division of posts can be considered proportional and consensual because the KSCM was included for the first time.

The speaker, vice-speakers and other MPs comprise the Organisational Committee. The speaker and vice-speakers of the Chamber of Deputies cannot be members of any committee other than the Organisational Committee. The Chamber of Deputies formally elects other members of the Organisational Committee, then the speaker and vice-speakers. Before that, seats in the Organisational Committee are allocated proportionally among PPGs who nominate their delegates. The Organisational Committee prepares the agenda for Chamber sessions and defines deadlines for other regular events such as the schedule of sessions of the Chamber and committees. It also refers bills to committees. Furthermore, the Committee approves foreign trips by members and prepares the proposed budget of the Chamber.

The Political Committee, an informal body, existed before the transformation of the Czech National Council into the Chamber of Deputies. Before 1995, the composition and powers of the Political Committee had been governed by the Rules of Procedure. Members of the Political Committee were the speaker and vice-speakers of the Chamber of Deputies and the chairpersons of parliamentary party groups. The Political Committee met to compare the political opinions of parliamentary party groups on bills to ensure a smooth debate. The Political Committee has continued to meet even though it is no longer formally defined in the Rules. Most recently, members of the Political Committee are the speaker and vice-speakers of the Chamber of Deputies and the chairperson and first deputy chairperson or representative of the parliamentary party groups. The objective of the meetings of the Political Committee is to identify which votes will be conducted strictly along party lines and when there will be a narrow margin. This information is used to modify the agenda so that the PPGs can ensure the full participation of their MPs.

COMMITTEES

Committees in the Chamber of Deputies, of 11–26 MPs, are established at the beginning of each term with clearly stated functions. Committees are permanent, and it is not customary to establish new committees during a term, or to cancel or divide existing committees. The Rules explicitly require six committees (the Mandate and Immunity Committee, the Committee for Petitions, the Budget Committee, the Organisational Committee, the Electoral Committee and the Committee for European Affairs).¹⁵ At its first or second meeting, the Chamber sets the number of committees, the number of members in each and the names of the committees to define the content of their agenda. In the last two terms, the number of committees grew by two to a total of 14 (see Table 4), as the Committee for European Integration (renamed the Committee for European Affairs) and the Electoral Committee were established. In addition to the committees, the Chamber of Deputies establishes other bodies such as sub-committees, commissions and delegations.¹⁶

Committee meetings are less formal and attract less public attention than plenary sessions, allowing MPs to discuss specific problems in a less politicised manner. The committees provide an opportunity for interaction among members of different political parties within the Chamber and also among MPs, ministers and high-level civil servants. Members of committees become authorities on the issues covered by their committees and they are regarded as such by their party colleagues and by the media, especially when a member serves a number of terms and gains experience. The workload in the committees varies, depending on the activity of departments, interest groups and individual MPs. The Budget Committee, the Constitution and Legal Committee, and the Committee for Economics are among the busiest committees in the number of bills handled. With the exception of preparing legislation, the most important task of the committees is reviewing how the government functions.

The distribution of subject areas among committees is not clearly defined in the Rules of Procedure and is based on custom, tradition and *ad hoc*

TABLE 4
NUMBER AND SIZE OF COMMITTEES AND SUB-COMMITTEES IN CZECH CHAMBER
OF DEPUTIES BY TERM, 1992–2004

| | Term 1 1992–96* | Term 2 1996–98 | Term 3 1998–2002 | Term 4 2002–06 |
|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------------|
| Number of committees | 12 | 12 | 13 | 14 |
| Size range of committees | 13–23 | 12–26 | 11–22 | 11–23 |
| Average size | 18.4 | 20.3 | 19 | 18.9 |
| Number of sub-committees | 24 | 24 | 40 | 49 |

Note: Data are at the date of the constitution of the committees; *As of 1 January 1993.

Source: The Chamber of Deputies of the Parliament of the CR, www.psp.cz; authors' calculations.

decisions of the Organisational Committee and the Chamber. A committee's agenda does not correspond fully to the distribution of portfolios among departments for several reasons. First, custom and tradition play a role since the committees are almost unchanged from the previous Chamber. Changes in the profile of committees are thus very slow and today they largely reflect the practice of the Czech National Council and also the Federal Assembly before the political change in 1989.¹⁷ Second, there is often a change in the number of departments as a result of negotiations on the composition of the cabinet among the ruling parties. The Chamber does not consider these changes when establishing committees. For example, the Chamber did not form committees upon the establishment of the Department for Local Development or the Department of Informatics. The third reason is the different levels of legislative activity in individual departments. A mirror committee may not be needed for a department with little legislative activity.

Membership in committees is restricted in two ways. First, MPs who are ministers may not be members of committees. This ruling causes small governing parties great problems, because as cabinet ministers are mainly drawn from MPs, fewer MPs must divide committee memberships. Additionally, the speaker and vice-speakers of the Chamber may not be members of committees other than the Organisational Committee. Another restriction is that an MP may be a member of a maximum of two committees with the exceptions of membership in the Organisational Committee, the Petition Committee and the Mandate and Immunity Committee.

Although there were no restrictions on a maximum number of memberships until 1995, it was customary to be a member of only one committee. Until then, only those MPs who were members of the Mandate and Immunity Committee and the Political Committee, a former version of the Organisational Committee, were members of more than one committee. Since 1996, MPs have become members of several committees. This change is related, first, to the increasing recruitment of ministers from the Chamber of Deputies, which led to a reduction in the number of MPs who can be members of a committee. Second, MPs of smaller parties serve on more than one committee. In the 1992–96 term, an MP was a member of 1.13 committees on average. In the 1996–98 term, an MP was on 1.22 committees, while in the 1998–2002 term, an MP was on 1.40 committees.

An agreement among the leaders of PPGs allocates a proportional number of positions in each committee to each party, which secures the ruling parties a majority in almost all the committees (in the term since 2002, the only exception is the Committee for Petitions). Decisions on who will take these positions are then made in the PPGs. The PPGs do not interfere in each other's nominations. The composition of committees is then formally approved in a vote of the whole Chamber. Positions are allocated to PPGs and a departing

committee member is generally replaced by another member of the same PPG. Therefore, there were no significant changes in the party (or personnel) composition of committees or in the number of their members in the first decade with the exception of the change in 1997/98 resulting from the dissolution of the ruling coalition and the split in the ODS. The agreement on filling committees also includes a division of the steering positions in committees. While in the 1992–96 term the leadership of committees was reserved only to parties of the ruling coalition, in the 1996–98 term the opposition ČSSD also chaired committees. The other two opposition parties that were perceived as undemocratic, KSCM and SPR-RSČ, were not allowed to head a committee. In 2002, the KSCM secured its first committee chair position, that of the unimportant Committee for Petitions.

GOVERNMENT

The government is accountable only to the Chamber of Deputies, not to the entire parliament. The following constitutional provisions ensure government accountability: first, the requirement that a newly appointed cabinet present itself at the Chamber of Deputies within 30 days after its appointment to win a vote of confidence; second, the provision that a cabinet can submit a request for a vote of confidence to the Chamber of Deputies; and, third, the power of at least 50 MPs of the Chamber of Deputies to propose a no confidence vote in the cabinet. While in the first two types of votes the cabinet must secure a majority vote of all MPs present, a majority of all MPs elected is required to adopt a proposal of no confidence.

Since 1992, six cabinets have been formed in the Czech Republic (see Table 5). The first two were coalitions of right-wing parties, the third was a semi-caretaker cabinet and the fourth was a minority single-party government of ČSSD, followed by two coalition cabinets formed by both left- and right-wing parties. In the process of cabinet formation, the president of the Republic is in a strong position. He has the right to choose the prime minister who then chooses other ministers. The only constraint upon the prime minister is to win the vote of confidence in the Chamber of Deputies. The presidents have followed the informal rule that the leader of the strongest political party has the right to be prime minister. The only exception was the 1997/98 political crisis when President Václav Havel chose a former governor of the Czech National Bank as the prime minister of the semi-caretaker cabinet.

The relationship between the cabinet and the Chamber of Deputies is defined not only by the constitutional mechanisms regarding the installation and recalling of cabinets but also by less important institutions and rules. The constitution allows MPs to hold the position of minister concurrently with their elected position in the Chamber. Even with restrictions on

TABLE 5
PARTY COMPOSITION OF CZECH CABINETS AND SUPPORT IN CHAMBER OF
DEPUTIES, 1992–2004

| Cabinet Created | Number of Ministers According to Party Membership | Percentage of Seats in the Chamber of Deputies |
|-----------------|--|--|
| June 1992 | 10 ODS; 4 KDU-ČSL; 3 ODA; 2 KDS | 56.0 |
| June 1996 | 8 ODS; 4 KDU-ČSL; 4 ODA | 49.5 |
| January 1998 | 3 KDU-ČSL; 4 US – former ODS; 3 ODA; 7 without party membership | 31.0 |
| August 1998 | 18 ČSSD; 1 without party membership | 37.0 |
| July 2002 | 11 ČSSD; 3 KDU-ČSL; 3 US-DEU | 50.5 |
| August 2004 | 9 ČSSD; 3 KDU-ČSL; 3 US-DEU; 3 without party membership, nominated by ČSSD | 50.5 |

Source: Government of the Czech Republic, www.vlada.cz.

membership of ministers in the parliamentary bodies, this overlapping membership strengthens the power of the cabinet in the Chamber of Deputies. The MP/minister is more likely to support the position of the cabinet and to be in a more favourable position to negotiate support for the cabinet position in the Chamber. At the same time, it weakens the position of the prime minister in relation to other ministers because the career of an MP/minister does not depend on membership in the cabinet. Members of the cabinet have the right to take part in the meetings of the Chamber, committees and commissions. They are given the floor whenever they wish.

On the other hand, ministers must take part in the meetings if a resolution of the Chamber of Deputies requires it. Ministers can send a substitute to meetings of committees and commissions unless their personal attendance is explicitly required. Every MP has the right to present parliamentary questions to the cabinet. The prime minister and ministers have a duty to respond within 30 days.

The debate and approval of the state budget, of extra-budgetary funds¹⁸ and of public health insurance is a special category of parliamentary activity in relationship to the cabinet. The draft state budget is prepared by the Department of Finance and approved by the cabinet. The cabinet must submit the proposed budget to the speaker of the Chamber of Deputies no later than 30 September for the next fiscal year beginning 1 January.

THE LEGISLATIVE PROCESS

The Legislative Process: Parliament and Each Chamber

The legislative activities of the Chamber of Deputies and the Senate entail the adoption of Constitutional Acts, other bills and treaties.¹⁹ The constitution

defines some topics that must be arranged by law. Other topics may be addressed by laws but such acts must not affect fundamental features of the democratic legal state. The relatively extensive interpretation of the principle according to which 'no one may be forced to do something the law does not impose' has resulted in an expansion of the areas legislated by parliament, thus reducing the scope for cabinet decrees.²⁰

The powers of political institutions in the legislative process are addressed in the constitution, while the legislative process within the two chambers is addressed in the Rules of Procedure of each chamber. In outline, a bill is submitted to the Chamber of Deputies and, after it is voted, it is sent to the Senate. If it is not approved in the Senate, it goes back to the Chamber of Deputies which makes the final decision. After a bill is approved in parliament, the president has the right to return it within 15 days (with the exception of Constitutional Acts). In the event that a president vetoes a bill, the Chamber of Deputies votes whether or not to override the veto. An absolute majority of MPs is required to overrule the president.

The constitution provides for two basic bill approval procedures according to the content of a bill. The procedures differ in the position of the two chambers and their co-operation. In the case of the so-called special legislative process, the two chambers are equals and must approve the same version of a bill. This process applies to constitutional bills and bills adopted pursuant to Article 40 of the constitution (the Electoral Acts, the Rules of Procedure of the Senate and the Inter-cameral Relations Act). The processes of approval of these two types of special bills diverge only in the size of the majorities that are required to pass a bill in each of the chambers. To pass a constitutional bill, the three-fifths majority is required in both chambers (in the Chamber of Deputies it has to be a three-fifths majority of all MPs, while in the Senate, only of senators present). For regular bills, only a majority of MPs and senators present is required.

In the second or regular legislative process, the powers of the two chambers differ and the Chamber of Deputies is given far more power. After a bill is approved in the Chamber of Deputies, the Senate has 30 days to pass a resolution on the bill. If the Senate fails to pass a resolution, the bill is adopted at the end of the 30-day period. In the event that a bill is returned with amendments, the Chamber of Deputies can accept the Senate version, or the Chamber of Deputies can adopt the original bill by a majority of all deputies.

Adoption of the State Budget and its amendments is governed by a specific procedure. It is debated and adopted only in the Chamber of Deputies. The most important stage is the first reading, which is meant to give a clear outline of the total amount of mandatory expenditures, total expenditures and revenues, and the resulting balance of the state budget, and the budgets of municipalities. The draft of the state budget is debated independently,

and must not be contingent upon a proposal for the adoption or amendment of another act.

The speaker refers the bill on the state budget to the Budget Committee. Debate on the state budget always mirrors the clash of political and party interests, both in the Chamber of Deputies and in committees which debate those chapters of the state budget within their jurisdiction. The debates are usually along party lines, and absolute unity of a party vote is demanded with severe consequences for MPs who vote against the PPG position. After the vote on the state budget at the end of 1996, for example, two ČSSD deputies who did not vote the party line were expelled from the party.

The Legislative Process in the Chamber of Deputies

The legislative process in the Chamber of Deputies during the initial decade can be divided into two time periods. Before 1995, the legislative process in the Chamber of Deputies was regulated by the Rules of Procedure of the Czech National Council which were in force prior to the change of the political regime in November 1989. The new Rules of Procedure of 1995 completely overhauled the legislative process. The 2000 amendment also introduced a faster process for approving bills. Nevertheless, during this whole time, the power of the cabinet, a group of MPs, individual MPs, the Senate and regional boards of representatives to submit bills, remained unchanged.

In the first period (1993–95), after the submission of the bill to the Chamber it was first debated in committee, which could propose amendments. After committee consideration and a period of 60 days or more, the bill was debated in the Chamber of Deputies. Only the Chamber of Deputies could decide on shortening this 60-day deadline or skipping the debate of the bill in committees. Individual deputies as well as committees could submit amendments. All amendments were then voted on by the Chamber. Formally, there was only one reading.

In 1995, the procedure of three readings was introduced to ensure a sufficient amount of time for deputies and interest groups to evaluate the bill and amendments.²¹ First reading is a debate on whether a bill will be rejected or referred to committees. Thus, committees do not have to debate a bill if there is no political will to pass it. In the second reading, which comes at least 60 days after the first, amendments are submitted. In third reading there is a vote on these amendments. Between the second and third reading there is a break of at least one day; the custom is between five to seven days.

The Legislative Process in the Senate

In comparison with the Rules of Procedure of the Chamber, the Senate Rules, approved as late as 1999, guarantee its Organisational Committee great powers. The Senate is bound by the constitution to act on a resolution on a

Chamber bill within 30 days. Within three days after a bill is delivered from the Chamber of Deputies to the Senate, the Organisational Committee refers it to a committee or committees. It always defines the committee that must debate the bill as 'guarantor committee'. In committee, amendments are submitted and voted. The inclusion of several committees creates the necessity to co-ordinate other committees with the guarantor committee. According to some authors, this practice in the Senate often results in insufficient assignment of responsibility to individual committees and also in a large number of interrupted debates.²²

The bill must be included in the agenda of a plenary session of the Senate no later than five days before the elapse of the 30-day deadline. It is possible to propose at the beginning that the Senate cannot debate a bill; if the Senate approves the proposal, the bill is declared passed. If this does not happen, in the ensuing general debate the Senate can approve the Chamber version (the bill is passed), or reject it (the bill is returned to the Chamber of Deputies). If neither of these occurs, amendments are submitted and voted on. The Senate must pass a resolution that it returns the bill to the Chamber of Deputies with amendments; or, if no resolution is passed, it is deemed that the Senate has passed the bill.

LEGISLATIVE ACTIVITIES OF BOTH CHAMBERS AND THEIR RELATIONSHIP

Organisation of Activities

Sessions of the Chamber of Deputies are usually summoned by the Organisational Committee in a regular cycle of several weeks.²³ Pursuant to the Rules of Procedure, a session may also be summoned for other reasons, including a resolution of the Chamber of Deputies, a motion by the cabinet in the case of a vote of confidence, or a motion by a group of MPs (since 1995 one-fifth of MPs, before 1995 one-third). Sessions of the Chamber since 1995 have a regular system to first debate bills returned by the president, and since 1997 also by the Senate. Then the Chamber debates bills at the second reading stage to consider committee and MP amendments. Then bills in first reading are debated. The session of the Chamber closes with debates on bills in third reading. Interpellations are regularly scheduled for Thursday afternoons.

Activity indicators for the Chamber of Deputies reflect the change from single to three readings (Table 6). These numbers also reflect, first, changes in the relationships between political parties, especially the relationship of opposition parties to the cabinet, second, legislative activity to harmonise Czech law with the EU *acquis communautaire*, and, third, the gradually increasing political clashes in the Chamber.

Since 1996, we have seen a general increase in the total number of sessions of the Chamber of Deputies (from 11.5 sessions per year to more than 13 per year), and an increase in the average length of a session (from 3.4 days to more than 5 days). We have also witnessed an increase in the number of sessions of the Chamber since 2002 when the average length of a session slightly decreased. This trend was a result of the general increase in the number of sessions requested by MPs to ten in the fourth term. These sessions, usually lasting one or two days, are summoned by opposition MPs to present a political issue, not necessarily to debate a bill.

The increasing number of votes since 1996 is related to the introduction of the three readings system under which amendments take much more floor time than previously. The number of votes dramatically increased between 1998 and 2002, generally due to an increase in the number of EU-related bills. The average number of bills increased from 10 to 16 per month. In 2000, when the process of harmonising the Czech law peaked, the average session lasted more than eight days and 530 votes on average occurred in each session.

The Senate's activities reflect completely different processes from those of the Chamber. The gradual increase in the number of Senate votes shows not only an absolute increase in the number of bills but also more Senate amendments to Chamber bills. The Senate is not, however, very active for almost a

TABLE 6
NUMBER OF SESSIONS, MEETING DAYS, VOTES AND BILLS BY TERM, CZECH
CHAMBER OF DEPUTIES, 1993–2004

| | 1993–1996 | 1996–1998 | 1998–2002 | 2002–2004 |
|---|-----------|-----------|-----------|-----------|
| Regular sessions | 35 | 17 | 30 | 20 |
| Total number of sessions* | 40 | 26 | 51 | 33 |
| Average number of sessions per year | 11.43 | 13.00 | 12.75 | 15.71 |
| Number of meeting days | 135 | 138 | 277 | 168 |
| Average length of a session in days | 3.38 | 5.31 | 5.43 | 5.09 |
| Number of votes** | 5380 | 5000 | 14101 | 6729 |
| Average number of votes per year | 1921 | 2500 | 3525 | 3204 |
| Average number of votes per meeting day | 50 | 36 | 51 | 40 |
| Average number of votes per session | 168 | 192 | 276 | 204 |
| Total number of submitted bills | 436 | 221 | 785 | 438 |
| Average bills per year/per month | 125/10.4 | 111/9.2 | 196/16.4 | 209/17.4 |

Note: Situation as at 31 July 2004.

*The number of sessions does not include sessions to elect the president and for the presidential oath in 1993, 1998 and 2003.

**Voting equipment was introduced in September 1993; therefore the calculations in the electoral term concern the last four months of the year 1993 and the following years.

Source: The Chamber of Deputies of the Parliament of the Czech Republic, www.psp.cz; authors' calculations.

year following an election to the Chamber of Deputies, for the Senate must wait for the completion of the legislative process in the Chamber.

The Cabinet's Role in the Legislative Process of the Chamber of Deputies

The cabinet's role in the Chamber of Deputies has gradually approximated Western standards in the percentage of government bills which are successful. The percentage of bills submitted by the cabinet ranged between 52 and 63 per cent (Table 7). Government bills were 58 per cent of all bills submitted in the first term, but fell to 52 per cent in the second term. Then they grew to 60 per cent in the third and 63 per cent in the fourth term. The drop in the percentage of bills submitted by the cabinet in the period 1996 to 1998 was not due to the establishment of the Senate as another institution authorised to submit bills, since the Senate's contribution was minimal at that time. It was due to the low activity of the cabinet stemming from its minority status.

The success rate for bills proponent is calculated as the number of bills passed as a percentage of those bills which had completed all stages in the Chamber. The reason for this adjusted measure is that debate on many bills is not finished because of lack of time. Moreover, to have a comparable measure for the majority cabinet in office since 2002, but still in its uncompleted term to date, it was necessary to include only bills on which the legislative process has been completed. The resulting adjusted success rate of the cabinet dropped from 95 per cent in 1993–96, to 80 per cent in 1996–98 and to 75 per cent in the 1998–2002 term. Since the installation of a majority cabinet in 2002, the success rate of the cabinet has been over 90 per cent. The cabinet's success rate in getting bills passed is even higher for bills that harmonised Czech law with European Union law. The success of the cabinet has been offset, however, by amendments which in some cases significantly altered the content of the original bill.

The existence of a minority cabinet could be the reason for an increase in the success rate of bills submitted by MPs. The adjusted success rate of bills submitted by MPs is, however, generally just over 40 per cent, even when there is a majority cabinet. Between 1996 and 1998, with a minority and semi-caretaker cabinet, the success rate of bills submitted by MPs was at its lowest. Since 1998, it has become the practice that MPs' bills are submitted not only by a single party but also by MPs from different parties on a Chamber committee.

Inter-cameral Relations in the Legislative Process

Until 1997, the Chamber of Deputies was the only chamber to pass laws. Since 1997, when the Senate was formed, the Chamber has lost some of its special position, although it still has more power than the Senate. If the Senate wishes

TABLE 7
BILLS PROPOSED AND PASSED BY SOURCE AND TERM, CZECH CHAMBER OF DEPUTIES, 1993–2004

| Term/Source | | Bills Proposed | | Bills Completed | | Bills Passed | | Success Rate Bills Passed from Source | |
|---------------------|------------|----------------|-----|-----------------|-----|--------------|------------|---------------------------------------|-------------|
| | | N | % | N | % | N | % of total | Proposed % | Completed % |
| Term 1 1992–96 | Government | 251 | 58 | 206 | 60 | 195 | 75 | 78 | 95 |
| | Members | 185 | 42 | 139 | 40 | 65 | 25 | 35 | 47 |
| | Total | 436 | 100 | 345 | 100 | 260 | 100 | 60 | 75 |
| Term 2 1996–98 | Government | 115 | 52 | 110 | 53 | 88 | 76 | 77 | 80 |
| | Members | 104 | 47 | 95 | 46 | 27 | 23 | 26 | 28 |
| | Senate | 2 | 1 | 1 | 0 | 1 | 1 | 50 | 100 |
| | Total | 221 | 100 | 206 | 100 | 116 | 100 | 52 | 56 |
| Term 3 1998–2002 | Government | 471 | 60 | 455 | 61 | 339 | 73 | 72 | 75 |
| | Members | 285 | 36 | 267 | 36 | 114 | 25 | 40 | 43 |
| | Senate | 19 | 2 | 17 | 2 | 9 | 2 | 47 | 53 |
| | Regions | 10 | 1 | 8 | 1 | 3 | 1 | 30 | 38 |
| | Total | 785 | 100 | 747 | 100 | 465 | 100 | 59 | 62 |
| Term 4 2002–04 | Government | 278 | 63 | 230 | 68 | 208 | 83 | 75 | 90 |
| | Members | 135 | 31 | 87 | 26 | 37 | 15 | 27 | 43 |
| | Senate | 8 | 2 | 6 | 2 | 3 | 1 | 38 | 50 |
| | Regions | 17 | 4 | 15 | 4 | 4 | 2 | 24 | 27 |
| | Total | 438 | 100 | 338 | 100 | 252 | 100 | 58 | 75 |

Note: Situation as at 31 July 2004.

Source: The Chamber of Deputies of the Parliament of the Czech Republic, www.psp.cz; authors' calculations.

to amend a bill passed by the Chamber of Deputies, it may do so only if the Chamber approves the Senate's amendments. The Chamber has the right to reject the Senate amendments and to confirm its own version of the bill.

During its first term, 1996–98, the Senate was a passive partner in the legislative process and allowed the Chamber to retain its dominance. This passivity was due to the gradual establishment of the position of the Senate and the similar party composition of the two chambers (the cabinet had a majority in both the Senate and the Chamber). Therefore, the Senate amended or rejected only 20 per cent of bills passed by the Chamber. In the following terms, the Senate became far more active. Not only has it submitted four bills a year on average, but also has increasingly returned bills with amendments to the Chamber.

Between 1998 and 2002, the Czech Republic had a minority ČSSD cabinet which relied on *ad hoc* negotiated coalitions in the Chamber of Deputies.²⁴ A compromise negotiated in the Chamber of Deputies was usually amended in the Senate contrary to the wishes of the minority cabinet. This action provided the ruling party with little space to manoeuvre, as there was always a danger that a bill would not pass in one of the repeated votes in the Chamber of Deputies. Eighteen bills failed because of Senate amendments.

The Senate is becoming more successful in persuading the Chamber of Deputies to accept its amendments; the proportion of bills passed in the Senate version has grown gradually from 53 per cent between 1996 and 1998, to 62 per cent between 1998 and 2002, and to 71 per cent between 2002 and 2004. The strategy of the Senate in returning bills to the Chamber of Deputies has changed from making major to partial changes in the specific provisions of a bill. The Chamber generally adopts such changes without any problems. If the Senate concentrates on important portions of a bill, however, its amendments are usually rejected, as for example in 2000 in three acts on Telecommunications, Medicines, and the Czech National Bank.

The situation is different when bills require the consent of both chambers, such as constitutional acts and the election law. The Senate has gradually interpreted the individual parts of the constitution to equalise the position of the two chambers. The Senate abolished the application of the 30-day deadline when debating constitutional bills. It also started returning bills to the Chamber of Deputies with amendments, which strengthened its active role in approving constitutional and electoral bills. At the same time the Senate started to reject these types of bills. The Chamber of Deputies gradually discovered that constitutional and electoral bills could succeed only when they were pre-negotiated with the Senate considering the different majorities in the two chambers (for example, the approval of the electoral law in 2001 or the adoption of the 'euro-amendment' to the constitution).

Activities of the President in the Legislative Process

The position of the president in the legislative process is very weak. The president, if he disagrees with a bill, may only return it to the Chamber of Deputies for repeated voting. The Chamber may override the president's position if at least 101 deputies vote in favour of the bill proposed by the Chamber; otherwise, the bill is defeated. The activities in the legislative process of the two presidents during the period since 1993 – Václav Havel (1993–2003) and Václav Klaus (since 2003) – were different. While Havel returned only 27 bills (average of 2.7 a year) during his ten years in office, Klaus returned eight bills during his first two years in office (average of four bills a year). The difference is not only in numbers but also in the type of bills. Klaus has focused on bills concerning economic and social policy of the cabinet, which is leftist in comparison to Klaus' views. Havel opposed those bills that were bringing privileges to politicians and big parties (electoral reform in favour of big parties) or were against his understanding of justice (bills that enabled the punishment of petty light drug-consumers or that allowed use of live animals for training of other animals).

CONCLUSIONS

In addition to the increasing institutionalisation of democratic procedures, the first decade of the Czech democratic parliament has seen the development of a newly conceptualised bicameral parliament in a new state. The process of constituting the second chamber and the beginning of the operation of a bicameral system was difficult in view of the acceptance of the second chamber, not only by the public but also by politicians. In the beginning, the two chambers continually clashed over the interpretation of constitutional powers of the Senate. In recent years, the role of the two chambers in the legislative process has settled down. The Senate has started to function as a legislative check and it tends to concentrate more on legislative and legal details of bills than on party and political clashes. This Senate role is accepted by the stronger Chamber of Deputies because it does not infringe upon its monopoly in the legislative process even when the party composition in the two chambers differs. The Chamber of Deputies has preserved its dominant position in legislative activity and in supervision over the government. The dominant position of the Chamber is guaranteed not only by the constitution but also by the political prominence of the lower chamber.

An important aspect of the Czech parliament is the general tendency towards stabilisation which – with a little bit of overstatement – may be called westernisation, meaning adoption and installation of the standards of Western European parliamentary practice. This tendency can be seen in the

stabilisation of the party system, in the important role of political parties in the organisation of the parliament and its legislative activities, in the increasing participation of the cabinet in preparing legislation, in the cabinet's success rate in pushing its legislation and in the specialisation of activities of MPs and committees.

As the experience of MPs has gradually grown, the percentage of newly elected MPs has correspondingly fallen. After the 2002 elections they accounted for only 43 per cent of MPs. Another trend is the gradual change from organising parliament according to the majority principle towards organising according to the consensual principle, based on the proportional division of positions in parliament. The operation of the Czech parliament was also greatly affected by the accession of the Czech Republic to the EU, which can be seen in the increase of legislative activities in the parliament in the harmonisation of Czech law with the *acquis communautaire* and indirectly in the restrictions on the autonomy of national level decision-making.

NOTES

1. F. Müller-Rommel and Z. Mansfeldová, 'Czech Republic', in J. Blondel and F. Müller-Rommel (eds.), *Cabinets in Eastern Europe* (London: Palgrave, 2001), pp.62–72.
2. Constitutional Act No. 143/1968 Coll., on the Czechoslovak Federation.
3. Constitutional Act No. 395/2001 Coll., on the Change of the Constitutional Act No. 1/1993 Coll., the Constitution of the Czech Republic.
4. Constitutional Act No. 300/2000 Coll., on the Change of the Constitutional Act No. 1/1993 Coll., the Constitution of the Czech Republic.
5. Act No. 35/1989 Coll., on the Rules of Procedure of the Czech National Council and Act No. 36/1989 Coll., on MPs.
6. Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies.
7. Act No. 107/1999 Coll., on the Rules of Procedure of the Senate.
8. Act No. 54/1990 Coll., on elections to the Czech National Council, and Act No. 247/1995 Coll., on the Elections to the Parliament of the Czech Republic.
9. S. Kraatz and S. von Steinsdorff, "'Rationalisierte Inklusion" als bedingtes Erfolgsrezept – die Entwicklung der mittel- und osteuropäischen Parlamente im vergleichender Perspektive', in S. Kraatz and S. von Steinsdorff (eds.), *Parlamente und Systemtransformation im postsozialistischen Europa* (Opladen: Leske + Budrich, 2000), pp.317–33.
10. The numbers are percentages of members of a PPG who changed a party group. Calculations are based on the number of PPG members right after the elections. In view of the fact that some MPs changed their PPG more than once, we have sometimes obtained values exceeding 100 per cent because the values give the total number of transfers of MPs from their original PPG. If more than two months elapsed between a resignation from a group and an entry into another group, these transfers were counted as two transfers.
11. L. Linek and Šalamounová (eds.), *The Parliament of the Czech Republic 1993–1998: Fact Book* (Prague: Institute of Sociology, 2001), pp.60–64, 84–91.
12. A ČSSD MP publicly declared his resignation from the parliamentary party group in protest against the public finance reform but formally (for the accounting purposes of the parliamentary party group), and informally (participation in the meetings of the PPG), he remained a parliamentary party group member.
13. Two US MPs resigned from the party but remained in the PPG.

14. This single-party government was formed by ČSSD, due to the so-called 'opposition agreement', which set out conditions for the formation of a minority cabinet of ČSSD and conditions under which the cabinet would be tolerated by the strongest opposition party ODS. Both of the parties undertook, *inter alia*, not to call for a vote of no confidence during the term of the Chamber of Deputies and not to use constitutional provisions leading to the dissolution of the Chamber. See Müller-Rommel and Mansfeldová, 'Czech Republic', pp.62–72.
15. Establishment of the first four committees is required since 1995. Since 2001 the Rules of Procedure require that the Electoral Committee be established and since 2004 it requires the establishment of the Committee for European Affairs.
16. Z. Mansfeldová, J. Syllová, P. Rakušanová and P. Kolář, 'Committees of the Chamber of Deputies of the Czech Republic', in D.M. Olson and W.E. Crowther (eds.), *Committees in Post-Communist Democratic Parliaments: Comparative Institutionalization* (Columbus, OH: Ohio State University Press, 2002), pp.69–89.
17. In the 1986–90 Czech National Council there were: the Mandate and Immunity Committee, the Constitution and Legal Committee, the Committee for Planning and Budget, the Committee for National Committees and Nationalities, the Committee for Industry and Civil Engineering, the Committee for Agriculture and Nourishment, the Committee for Trade, Services and Transport, the Healthcare and Welfare Committee, the Committee for the Environment, the Committee for Culture and Upbringing, the Committee for Education and Research. The role of the Organisation Committee was fulfilled by the Presidium of the chamber consisting of the speaker, vice-speakers and some other MPs.
18. These include, for example, the National Property Fund, the Land Fund, the Children and Youth Fund, the State Fund of Agricultural Market Regulation Support, the State Fund for Transport Infrastructure.
19. The ratification of international treaties is a form of legislative process. The parliament approves only those international treaties that concern human rights and freedoms, political and economic treaties that are general in nature and treaties that require a bill to be passed in order to be implemented. It is presumed that both chambers must grant their consent otherwise an international treaty may not be ratified. The procedure for passing international treaties is non-controversial in both the chambers and in more than ten years' existence of the Czech parliament only two international treaties were not passed and a few more have been withdrawn by the cabinet. The approval process is similar to passing a bill but instead of three readings there are only two. For these reasons we shall not dwell on treaties in detail.
20. In 1999, as a result of the pressure of the EU to adopt European directives and decrees quickly, the government tried to restrict the legislative power of parliament by allowing the cabinet temporarily to issue orders with the power of law. The cabinet would submit a bill of a decree to the parliament and if within 30 days either of the chambers expressed disagreement with the proposal, it would be debated like a bill, otherwise the order would be issued. The Chamber of Deputies rejected this bill.
21. On the preparation of the new Act on the Rules of Procedure, see Linek and Šalamounová, *The Parliament of the Czech Republic 1993–1998: Fact Book*, pp.15–16.
22. P. Kolář, Š. Pecháček and J. Syllová, *Parlament České republiky 1993–2001* (Praha: Linde, 2001), pp.160–61.
23. Between 1993 and 2004 this cycle ranged between five and seven weeks. Before 1995 sessions had been summoned to take place every fifth week. Since 1996 the cycle has been six or seven weeks and sessions of the Chamber of Deputies last two weeks, the third week is 'variable' and the session can continue or take time off; the next two to three weeks are taken up by meetings of committees.
24. L. Linek and P. Rakušanová, 'Why Czech Parliamentary Party Groups Vote Less Unitedly. The Role of Frequent Voting and Big Majorities in Passing Bills', *Czech Sociological Review*, 41/3 (2004), pp.423–42.

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