

## **The Czech Republic: Parliamentary Elections 2002**

### **Introduction**

Parliamentary elections were held in the Czech Republic on 14<sup>th</sup>/15<sup>th</sup> June, 2002. Since the last poll in 1998 the country had been ruled by a minority Social Democrat (ČSSD) government tolerated by the second largest party, the centre-right Civic Democratic Party (ODS) in what became known as the 'opposition agreement'.

This arrangement has been subject to furious criticism from certain quarters within the political elite of the Czech Republic and attempts have been made on several occasions to bring it to an end. However, defying nay-sayers, the government survived its 4 year mandate.

Compared with neighbouring transition countries like Poland, the Czech economy has performed reasonably well over the past four years and the country is on course for entry into the EU along with other first wave of applicants in 2004. But many commentators fear that its successes are built on fragile foundations. For example, the state's coffers have been filled by several lucrative privatisation deals in the banking and energy sector. Many wonder whether there is enough productive strength in the economy to produce sufficient tax revenue once the country's remaining 'blue chip' assets have been sold off.

The economy and the effects of EU membership on jobs and future investment were major concerns for the Czech electorate in 2002 but other issues appeared in the pre-election period that affected the final results. In Spring, 2002 the European Parliament began to consider whether legislation (still on the statute book) covering the post-war expulsion of ethnic Germans and Hungarians from the former Czechoslovakia were compatible with EU membership of its successor states.

The Beneš Decrees, as they were called, had been under attack by German expellee organizations for some time but it was thought that a treaty of understanding signed in 1997 between the Czech Republic and Germany had put the matter to rest. Its re-emergence in 2002 caused many Czechs living in the border regions with Austria and Germany to fear that their homes and land could be the subjects of future restitution claims. This unease was to be reflected in their voting patterns.

### **Background to the election: pre 1998**

Many of the tensions that infect the Czech political landscape date back to 1997. The Civic Democratic Party (ODS) had won the parliamentary election in 1996, but with a reduced majority. The party formed a coalition government with the Christian Democrats (KDU-CSL) but the latter withdrew its support in November 1997 after the ODS became engulfed by financial scandals. Later that year, disaffected members of the ODS attempted to take over the party. But the plan failed when former dissident, Jan Ruml, failed to dislodge Václav Klaus as leader of the ODS in December that year. In January 1998, Ruml and others who had also left the ODS, founded a new party, the Freedom Union, *Unie Svobody* (US).

To overcome the impasse that resulted from the collapse of the coalition, an agreement was reached whereby the president would appoint an interim government on condition that parliamentary elections be held in June 1998. This government, led by a new prime minister, the head of the Czech National Bank, Josef Tošovský contained many of the ODS dissidents now in the US. The government of 'experts', as it was termed, was praised by international financial institutions; it was also very much to President Havel's taste too - no doubt as its non-political character fitted his vision of anti-politics (hostility to political parties).

### **1998 Election and after**

The June 1998 parliamentary election was won by the Social Democrats (ČSSD) with 32% of the vote - not enough for them to govern alone. The ODS came a surprisingly high second with 28%. Allegations of corruption had, therefore, failed to relegate the party to the political wilderness. After the June poll, ČSSD party leader Miloš Zeman conducted long negotiations with smaller parties to try to form a coalition government. It was assumed his partners would be from the small Freedom Union (US) making for a strange set of bedfellows as the ČSSD is a conventional centre-left party while the US's profile is fiercely free market. But Zeman was unprepared to give in to the US's demands for leading posts in the future government so, he halted negotiations with the party and turned to Václav Klaus and the ODS to forge an 'opposition' agreement under the terms of which Klaus became chairman of parliament and the ODS agreed, under certain conditions, not to collapse the minority ČSSD government.

While the agreement ended the political stalemate it was to come under constant attack during the following four years both from the sidelined elite in the Freedom Union (and its backers in the media) and from President Havel and his group of advisors, commonly referred to as the 'Castle Group' (Prague Castle is the seat of the Czech president). In an effort to widen its political base the US joined the KDU and two other smaller parties (the ODA and DEU) to form the Quad coalition in February 2000. At one stage, opinion polls stated that the Quad was the most popular party-formation in the Czech Republic.

As the century drew to its close, attacks on Czech politicians for their 'corruption' continued. The media now began to target the bona fides of ČSSD politicians, many of whom were also accused of corruption and other forms of skulduggery. In July 1999 a group of the disaffected Czech elite signed a document called *Impuls 99* whose profile was, no doubt, intended to revive memories of Charter 77. As usual, the complaints were about the venality of politicians and the need for more direct action from citizens. The two leading lights behind *Impuls* were a political analyst, Jiří Pehe, a former advisor to President Havel and Catholic priest, Tomáš Hálik, who was also close to the president. Although Havel himself did not directly endorse *Impuls*, his wife Dagmar was among the signatories of the document. In doing this she clearly stepped beyond the boundaries of her role as wife of a non-executive president. Criticism of Cherie Blair (wife of Great Britain's *executive* prime minister) for remarks about the causes of Palestinian violence pale into insignificance compared with Mrs. Havel's blatant politicising, although this has never raised eyebrows in the Western press.

As 1999 drew to a close, another anti-politician movement under the clumsy name *Děkujeme, odejděte* (*Thank you – now leave*) emerged to lead several large demonstrations in Prague. Like *Impuls*, its organizers attacked conventional political arrangements. But the movement soon ran out of steam. As the *raison d'être* of its activities was hostility to the political establishment, it could hardly transform itself into a political party. Without any definable programme, the movement died away.

Then in late 2000 another scandal broke out, this time over the appointment of a former BBC journalist, George Hodac, to run Czech TV. Hodac was accused - without any evidence - of being close to Václav Klaus. Outraged journalists at Czech TV went on strike to protest political interference in the running of the station and large demonstrations took place in Prague. The situation only calmed down when Hodac resigned and a new director was appointed. [see: **Czech Republic 2001: Turmoil at Czech TV: Principle or Politics?** www.bhhrg.org] Then, later in 2001 attempts were made to oust Vladimír Železný from his post as director of the Czech Republic's leading independent TV station, Nova. While the background to the attacks on Železný consisted of complicated and arcane legal issues rather than easily digestible allegations of political bias, many suspected that his real fault was to favour the ODS on Nova. [The Czech media: One Year On www.bhhrg.org]. While voting in the June 2002 election was underway, Mr. Železný effectively lost control of the station.

As the 2002 election timetable approached it was too late to break the opposition agreement by extra-parliamentary means. People were exhibiting fickleness: the crowds that had demanded the resignation of George Hodac and non-politicization of the media had dispersed. Many suspected that the whole strike at Czech TV had been manipulated from the start. Even the monotonous toll of the corruption bell had not prevented the ODS from leading the opinion polls until the eve of the election. Commentators suggested that the party's last

minute fall in support was partly due to the resignation of the ODS mayor of Prague, Jan Kasl, on 28<sup>th</sup> May. Kasl claimed that rampant corruption in the city council (of which he provided no details whatsoever) had led him to resign. According to *The Prague Post*, Kasl was “very popular” which, on further examination, meant that he had opened the doors to a handful of large foreign investors, one of which - the firm Accenture - is Arthur Andersen’s former consulting arm. Perhaps his resignation was fortuitous after all.<sup>1</sup>

### Changes in approach

As the June 2002 election approached, leading figures in the ČSSD were determined to ensure that the events of 1998 did not repeat themselves. The party was basically split between older, prototype Socialists and young modernizers of whom the Interior Minister, Stanislav Gross and Chamber of Deputies deputy chairman, Petra Buzková (both close to Havel) were the most prominent members. The leader of the ČSSD and prime minister, the mercurial Miloš Zeman, resigned as party leader in 2001. His successor, Vladimír Špidla, is a colourless but more predictable figure. Vladimír Špidla made plain that should the ČSSD win the election there would be no more opposition agreements with the ODS and that their preferred coalition partners would be the US-DEU and KDU – the two parties that remained after the Quad coalition collapsed in 2001 and which fought the election as the Coalition bloc.

Of course, such a marriage should present complications for those taking part. The ČSSD 2002 election programme contains much old-fashioned Socialist baggage, including increased social welfare payments, while the Coalition (the US in particular, its DEU component being largely supine) campaigned as committed free marketers. Should one or the other entity be seen to compromise it would represent a fraud on the electorate. But the small print of an election programme is often forgotten when the glittering prizes are won – the SDK coalition, winner of the 1998 Slovakian parliamentary election, soon reneged on its promises to build half a million houses and create thousands of jobs, instead it put 22% of the population out of work within a year of coming to power. The differences in the electoral platforms of the coalition partners is, no doubt, ultimately irrelevant as they now have power. There are, after all, long-standing close ties between the ČSSD modernizers and the US – and with President Havel. Many of them (including Mrs. Buzková and the US’s Vladimír Mlynář) were leading actors in the Czech TV crisis, siding openly with the strikers.

However, the coalition agreement which was finally drafted in July 2002 only gives the government a majority of one and, as such, it could present future problems. For example, some of the more sincere socialists in the ČSSD parliamentary caucus might refuse to support some contentious issue or other – like repealing the Beneš decrees - if such a proposition came before parliament. However, it is unlikely that the ODS as the leading opposition party with 58 seats would want to be seen cooperating with the Communists who came third in the poll with 41 seats. If that is the case, the new government will be secure.

### Economic Climate

Over the previous 4 years foreign investment in the Czech economy grew as large firms including breweries and utilities such as gas distribution companies were sold abroad. Large hypermarkets were appearing, although they have not yet proliferated to the same level as in Poland. But, as foreign supermarket chains are offered tax breaks (similar to those in Poland) to enter the Czech market their presence can only increase. By the end of 2001 there was no major bank in the Czech Republic not controlled by a large Western banking group. The former Czech representative at the EBRD noted that: “ This has led to a change in strategy de-emphasizing corporate lending to locally owned companies ... local small and medium-sized enterprises may lack working capital for growth”<sup>2</sup>

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<sup>1</sup> Jennifer Hamm, “Managers regret mayor’s departure”, *The Prague Post*, 5<sup>th</sup> June 2002; James Pitkin “Kasl resigns, rails against graft” *The Prague Post*, 5<sup>th</sup> June 2002

<sup>2</sup> Jiří Huebner, “Fighting Change” *The Prague Post*, 1<sup>st</sup> –7<sup>th</sup> May, 2002

The ČSSD government's success in the 2002 election was probably due to a sense of relative economic well-being resulting from the revenues received from large-scale privatisations. However, many analysts see problems ahead when the last major industries are sold - which boils down to the Czech state-owned telecom and electricity companies. This is confirmed by Martin Jahn, chief executive of Czechinvest: "the end of the post-Communist privatisation process will likely mean a decrease in foreign direct investment".<sup>3</sup> Using the *langue de bois* of the transition economist, Jahn talks about "investment" when what he really means is "buyout". In reality, there is little 'foreign investment' and once the sell-off is complete, the economic crunch could come. Perhaps, some bad news was postponed deliberately until the election was over: the Singapore-based Flextronics International announced the closure of its plant in Brno on 11<sup>th</sup> July. 1000 workers will be made redundant on 1<sup>st</sup> December.

At the same time, there will be pressure from the most enthusiastic proponents of EU entry in the ČSSD and US for strict adherence to the Maastricht criteria which will inevitably lead to cuts in social spending, something not necessarily anticipated by the average ČSSD supporter. Many people have not fully appreciated that the Czech Republic will be a *net contributor* to the EU budget after accession. On present calculations (and according to Czech sources) that would mean c. €Kc 27 bn. annually. Although the country should receive more from the EU budget than it puts in: "the volume of money to be drawn by the Czech Republic from the EU budget will depend on its ability to come up with quality projects that the EU will be willing to co-finance".<sup>4</sup>

The other major area of economic activity is defence spending. Large-scale, behind-the-scenes lobbying for defence contracts has inevitably grown since the Czech Republic became a member of NATO in 1999. Such lobbyists will have made their preferences clear as to which group of politicians is more likely to favour this or that piece of defence procurement. The last ČSSD government prepared legislation for the purchase of 24 Gripen fighter aircraft from a joint Swedish and British consortium. But the decision to buy was put on hold after defeat in the Senate. Behind the scenes lobbying by US contractors could very well lead to a change of heart by the new government. For example, Michael Žantovský a senator for the small Civic Democratic Alliance (ODA) and former Czech ambassador to the US claims that the US deputy defence secretary, Paul Wolfowitz, disapproves of the Gripen deal. Cynics say that, in order to keep everyone happy, the Czech Republic could end up buying both Gripens and US F 16 fighter aircraft!

## 2002 - Triumph of the elites?

Since the so-called 'velvet revolution' in 1989, politics in the Czech Republic has been governed – some would say overshadowed – by two competing and, ultimately, incompatible interests. On one side are formal political parties, while on the other stand proponents of a system of anti-politics which advocates something called 'civil society' where policy emanates, almost mysteriously, from citizens' groups and non-governmental organizations (NGOs). While masquerading as a form of benevolent populism, critics view these ideas as akin to the classic Gramscian notion of 'hegemony' whereby society is governed by powerful elites - the opposite, in fact, of people power.

A network of such elites including journalists, academics and businessmen has grown ever more powerful in the Czech Republic over the past ten years, their centre of gravity being the internationally revered Czech president, Václav Havel. Havel has long been the leading exponent of 'civil society', regularly criticizing politicians for their venality and corruption. The Czech president is the most visible example of the Communist-era dissident turned politician. Like most 60s libertarians, Havel's argument with Communism was as much over style as substance. When the system collapsed he and his fellow dissidents assumed they would be the natural rulers of the emerging democracies. But experience was to show that, however brave and focused on overthrowing totalitarianism, most dissidents were not qualified by temperament or qualifications to run a modern state.

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<sup>3</sup> Ben Schiller "Great Expectations", *The Prague Post*, 15<sup>th</sup> July 2002

<sup>4</sup> ČTK "Czech Republic to contribute KC 27 bn/year to EU budget, get more – FinMin" July 11, 2002

Other people arose with a more conventional agenda – like former prime minister, Václav Klaus. But the dissidents didn't all retire to the sidelines, many continued to exercise influence in the margins as part of a circle gathered around Havel at Prague Castle, the president's residence.

Some did join political parties, like Klaus's Civic Democratic Party (ODS) and the Social Democrats (ČSSD). But after disaffected members of the ODS failed to take it over they founded their own party, the Freedom Union, *Unie Svobody* (US). The US's tentacles now spread throughout the Czech Republic's business community, cultural institutions and the media. For example, it is acknowledged that its leading members were the driving force behind the strike at state TV in 2000/01 which shook the Czech establishment. More importantly, leading members of the Freedom Union are influential with both the US administration and the European Union, being the staunchest supporters of Nato and entry into the EU.

The US is a classic elitist organization. It has little grass roots support but the Czech Republic's proportional voting system has, finally, allowed the party into government as a coalition partner with the Social Democrats following the June 2002 election.

### **Media**

Much of the Czech media is now owned by foreign companies, mainly from Germany, Switzerland and France. In their editorial policies, most leading broadsheets (*Mladá Fronta Dnes*, *Lidové Noviny*, *Hospodářské Noviny*) support the US and the reform wing of the ČSSD. Only *Právo* on the left is (mildly) critical of the status quo. This means that the major opposition party, the ODS, has no support from any leading newspaper. The situation is similar for the Communist Party: the third largest party in the Czech Republic with the largest membership has the support of only one small, low-circulation newspaper – *Hálo noviny*. While this state of affairs would be unheard of in most other leading European democracies, Czech journalists see nothing peculiar about it. As for television, state TV supports the status quo whereas the Czech Republic's most popular station, TV Nova, is seen as looking more favourably on the ODS. Many people think this is the reason why the station's owner Vladimír Železný has been remorselessly pursued by the dubious claims of creditors from abroad and disaffected business partners at home.

There is also a close connection between people in the media and the power structures. For example, the investigative weekly *Respekt* is owned by former Havel confidant, Prince Karl (Kari) Schwarzenberg. Its previous editor, Vladimír Mlynář, named as Minister of Information in the new government, also served as a minister in the 1998 transitional government; his father Zdeněk Mlynář was a reform Communist and leading figure in the Prague Spring. 18 months ago, Martin Schmarcz, a leading reporter on *Mladá Fronta Dnes* was chief spokesman for the strikers at Czech TV. Jiří Pehe, a former journalist with *Radio Free Europe* always provides a quote for foreign journalists visiting Prague. Pehe is close to Havel – he once acted as an official advisor to the president. He was also a founder signatory of the *Impuls* petition in 1999. In other words, nearly every opinion piece about the Czech Republic written in the English-speaking world is filtered through the manifestly partisan figure of Pehe.

On top of all this, the two leading opinion pollsters in Prague were both signatories of the *Impuls* petition. (see below)

### **Election 2002**

#### **The campaign**

The election campaign was low key. Czech TV fulfilled its duties and broadcast the parties' election programmes. However, the print media was generally hostile to the ODS – as pointed out, it is the second most popular party in the Czech Republic (and the one that led in opinion polls until weeks before the election) yet it has no newspaper outlet.

Fewer posters were on display than in 1998 and most were dull and uninspiring. The most unappealing posters were those of the ODS which featured close-up shots of Václav Klaus

whose cold, steely eyes peered over sinister rimless glasses – hardly a heart-warming image. The party also covered lamp posts and walls in Prague with silly leaflets warning of a return to proto-Communist rule if the ČSSD returned to power.

Perhaps Mr. Klaus's biggest campaign error was to make telephone calls to 100,000 homes urging voters to support the ODS. Whereas such tactics have worked in the United States because 1 in 100 callers, might find the real presidential candidate – Bill Clinton say – on the end of the line, Mr. Klaus's voice was merely pre-recorded. Unsolicited phone calls tend to go down like a lead balloon everywhere whether from double glazing salesmen or political party leaders.

No doubt, the party's election advisors decided to concentrate on the personality of Mr. Klaus, a tactic that was deemed to have worked in 1998. But, even though the former prime minister is more popular and respected than the circle around President Havel would admit, he has still been around for a long time. The ODS should have been reassuring its constituency of voters that it had other, younger talent waiting in the wings.

However, until late in the day the ODS led in the opinion polls – in the first week of May the party had widened its lead, according to TNS Factum, to 30.4% as against 24.9% for the ČSSD. It is strange that this lead collapsed when it did in late May/early June as debate over unpopular issues, like repeal of the Beneš Decrees, which Mr. Klaus opposed more vocally than any other leading politician, had reached its height. No new scandals had emerged either to damage the ODS apart from the vague, unspecified allegations made by Prague Mayor Kasl.

But perhaps the polls were themselves untrustworthy. The leading pollsters, Jan Herzmann, managing director of Taylor Nelson Sofres Factum and Jan Hartl of STEM had both signed *Impuls 99* along with members of the US. This may explain the enthusiasm shown by both agencies for the fortunes of the Coalition which, according to their data, was polling at 16% (TNS) and 18% (STEM) one week before the election. The same polls put the Communists far behind with 12% to 14% of the vote. [CTK 10.6.02] In fact, the final results turned out to be the complete opposite. The reliability of such polls is highlighted by the fact that the leading Western polling agency, Gallup, refuses to poll in Czech Republic and elsewhere in Central Europe citing unreliable data.

**Voting:** The rules governing the conduct of the Czech elections have not changed significantly since the first republic – many practices were re-installed after the collapse of Communism in 1989. A similar system was adopted in Slovakia after it became an independent state in 1993. For example, voting takes place over two days, something which might have made sense in the pre-motorized age but seems unnecessary in the twenty first century, particularly in a small country like the Czech Republic. It means that ballot boxes can (theoretically) be tampered with overnight and that the media can exert influence in the longer voting period.

Voting itself is cumbersome as each party/coalition list has its own voting paper. There were 13 such competitors in 1998 but in 2002 up to 29 groups contested the election meaning that voters received 29 voting papers in the post. A voter takes the papers (or simply the one he wants to use) to the polling station, completes it in the polling booth, puts it into an envelope and then into the ballot box. The envelopes are not sent through the post and are only available in the polling stations. There is also the unsatisfactory practice whereby anyone can vote away from his/her local polling station by obtaining a certificate from their local mayoral office. In 1998 BHHRG observers noted widespread use of these certificates.

Changes to the election law were made in two significant areas in time for the 2002 poll. For one thing, rules for state funding of political parties were eased making it possible for smaller parties to run and leading to the 29 participants mentioned above. Whereas parties were once required to deposit Kc. 200,000 (\$6,060) in each region they were running candidates they now need only deposit Kc. 15,000 per region. Also, parties now only need to obtain 1.5% of the vote to receive state subsidies of Kc. 100 per voter in future elections.

The law was also changed to give Czech citizens living abroad the opportunity to vote for the first time. Their votes were added to those cast in southern Moravia – apparently, a random choice. Normally, votes from citizens living abroad are either counted in the absentee's home constituency or in the capital city – e.g. votes from Latvians living abroad are added to ballots cast in Riga. Although only c.3000 Czechs abroad took the opportunity to vote, this number could have affected the final result, namely, reducing the Communists' percentage of the poll and helping bolster the Coalition's final result – southern Moravia is purportedly the heartland of KDU support.

BHHRG observed the voting in Prague and also in southern Moravia, in Znojmo, Židlochovice, Žabčice, Prostějov and Olomouc. The counts were observed in Prague and Vyškov. Most aspects of the voting were correctly conducted. Polling stations were properly appointed and polling booths provided proper voter secrecy although some polling stations had inadequate facilities for the disabled. However, BHHRG noted several weaknesses in the organization and conduct of the election which, in other post-Communist countries could well have led to criticism from international election monitoring bodies.

Yet, the OSCE in its preliminary report on the Czech election praised the conduct of the poll and failed to address any of the procedural shortcomings detailed below. While none of these things necessarily indicate fraud or malpractice they could, in less harmonious circumstances, make it very easy for an election to be falsified. There is a widespread view that democratic practices are unimpeachable and fully entrenched in the former Communist states of Eastern and Central Europe. However, the large demonstrations that have taken place in neighbouring Hungary over allegations of fraud in the country's April, 2002 election should act as a wake-up call that history did not necessarily come to an end in 1989.

**Ballot papers and envelopes:** Although ballot papers are sent to people's homes extra papers are on hand at each polling station for those without them for some reason. There are also extra envelopes as, for example, a voter can say he has made a mistake and ask for another set of papers and a new envelope. There seemed to be little control over the number of extra ballot papers - or envelopes - in the polling stations visited. Some commission chairmen knew data, others didn't. Some places had up 10% more ballot papers, others had none, some had less. At Znojmo No. 10 the chairman of the commission at first claimed to have exactly the same number of envelopes as registered voters (1,008) but later modified the claim by adding that there was a "special package" containing "dozens of extra envelopes". At Židlochovice No.1 the commission chairman didn't know how many envelopes he had received but said that "usually" he didn't have less than the number of registered voters. Similar laxness appeared over the disposition of unused ballot papers. Some commission chairmen said they would be destroyed others that they are kept and stored away in case there are repeat elections.

**Mobile Ballot Box:** In some polling stations the mobile box had been taken out at least six times during the day. The practice in most places using the facility is for one visit to be made which is a more transparent way of doing things.

**Turnout:** Turnout was sluggish on 14<sup>th</sup> June. BHHRG recalled more voter enthusiasm in 1998, something confirmed by a psephologist conducting a straw poll that day for Czech TV. When more people appeared to be voting it soon became apparent that up to three polling stations were located in the same building. The final results indicated a turn out of 59%, a drop in participation of 16% since 1998. Apart from the April 2002 elections in Hungary when there was a 73% turnout in the second round of voting, this fall in participation is in line with recent cross European voting patterns. From Poland to France and the United Kingdom enthusiasm for democratic participation has fallen considerably in the last few years.

None of the polling stations visited kept a running tally of the turnout during the two days of voting. At Znojmo No. 10 the commission chairman claimed that 20% of people had voted an hour after the polls had opened. This would have amounted to 200 people something that did not seem credible as few people arrived to vote during BHHRG's half hour visit. As BHHRG's observers in southern and eastern Moravia were forbidden to look at the voters' registers it was impossible to check these claims. It was also the case that interviews with polling officials

were nearly always conducted outside the voting room making it impossible to watch the voting process itself.

**Composition of Commissions:** The law requires electoral commissions to consist of mixed party membership. Any shortfall means that the local administration can appoint members to make up the numbers. Commission chairmen seemed uncertain of the party membership arrangements when asked. In 3 polling stations in Prague BHHRG was refused information about the composition of the commission having been told that such information was “secret”. In only two polling stations were the observers shown the official list detailing party representation. Membership of committees should have reflected the number of registered voters. However, in Prague Castle (for example) there were 12 commission members which in no way reflected the numbers of voters registered there.

The distribution of seats on local election commissions also exaggerates the importance of micro-parties. Repeatedly, the observers found representatives of parties with negligible support constituting the great majority of EC membership. Since several of these representatives admitted that they were NOT members of the micro-party in question but only nominated by it, it raised the potential for another larger party or interest group to obtain supplementary seats on the EC by putting forward its own supporters under the colours of various micro parties. A more appropriate way to constitute electoral commissions would be to base membership of previous electoral performance or registered local membership. Non-party members should be discouraged as they present the possibility for other parties to exercise indirect influence over the electoral proceedings by nominating “straw men”.

**Voting with certificates:** BHHRG observers in Moravia found few certificates had been used (2, 4, etc. however there were 44 in Olomouc No.2) This was an improvement on the situation in 1998. But, the Group’s observers in Prague found the practice more widespread. Often 40 to 50 people had voted away from home which might be explicable in a capital city with a floating population but many were voting in another Prague polling station. 70 (mostly Prague citizens) had applied to vote at Prague castle because, observers were told, “it is a prestigious place”.

**The Count: Prague 5 and Vyškov:** In Vyškov members of the electoral commission acted quickly to count unused envelopes and names ticked off on the register. But the speediness meant they ignored key rules. Remaining envelopes and ballots had not been invalidated or put away before the count proper started. Both the contents of the mobile box and those of the static box in the hall were mingled together and counted as one unit. Even though there were only 7 mobile votes it would be correct practice to count them separately in case they produced an anomalous result (e.g. all for one candidate). The count certainly seemed to be conducted honestly, but by bending the rules the EC set a dangerous precedent: at another time or place such laxness could be a cover for cheating.

At Prague 5 No. 295 the counting process seemed to be chaotic – each member of the commission was opening envelopes at the same time; opened envelopes and ballot papers were muddled together and all members of the commission threw away anything without any counter checking by any other member. At no stage of the proceedings did any member check another’s figures, or accuracy in allocating ballot papers to parties, or numbers of invalid votes. While the observers did not detect any intention to falsify results, the method was undoubtedly sloppy and the vote could easily have been confused/distorted if a member of the commission had mistakenly or dishonestly allocated a ballot paper to the wrong party, or a voter had mistakenly or dishonestly put more than one ballot paper in an envelope and this had, as it easily could have, gone unnoticed. The narrow margin of victory (ODS, 103, Coalition 102) in this polling station illustrates the point. The main aim of the commission seemed to be to fill in the computer forms, and as long as the final numbers tallied, it was not obvious that there was a high regard for voters’ intentions.

**Recommendations:** Although the 2002 elections in the Czech Republic were generally satisfactory there is still too much procedural sloppiness for comfort.



- In future elections, electoral commissions should be encouraged to keep exact figures relating to ballot papers, envelopes and turnout. Counts should be conducted with more attention to detail.
- Much of the electoral legislation should be re-thought. As pointed out, there is no need for 2 days to be allocated for voting. The perils of this system are well illustrated by an item that appeared on television news on the night of 14<sup>th</sup> June showing a raid at the offices of Vladimír Železný (director of TV Nova). As Mr. Železný is a high-profile figure in the Czech Republic who has been under attack for his perceived closeness to the ODS, people who had to yet to vote on the 15<sup>th</sup> could have been influenced by what turned out to be an obviously unpleasant incident.
- The system of ballot papers and envelopes should be scrapped.
- This has become even more necessary as recent legislation has made it possible for more parties to contest an election, inevitably leading to even more paper/envelopes for election officials to handle.
- The system of voting away from home with certificates should be re-examined. Although BHHRG found this practice less widespread than in 1998, it was unacceptably high in certain polling stations in Prague – even where ‘home’ was in the same city! After all, it would not be impossible for dishonest officials to hand out certificates enabling people to (fraudulently) vote on multiple occasions.
- Conventional rules governing the separation of powers were seriously flouted by the appointment of Stanislav Gross, Minister of the Interior, as Chairman of the Central Election Commission.

### Conclusion

While the Social Democrats (ČSSD) gained the largest number of votes (30%), they had lost support (2%) and their number of seats in parliament since 1998. The ODS was down 4% and the Christian Democrats 2%. Only the Communists (KSČM) gained support – up 7% on their 1998 result.

Why did the Communists do so well? BHHRG observed the election in part in areas where the KSČM topped the poll – southern and eastern Moravia. Questioning voters about their concerns outside polling stations in these regions it emerged that many people feared the implications of overturning the Beneš Decrees e.g. restitution of land and property to former owners. The KSČM also gained seats in northern Bohemia (e.g. Ustí nad Labem, close to the German border). There was also widespread scepticism about the effects of EU membership not unconnected with fears about rising unemployment and low levels of pay. It seems that the ODS which also opposes the repeal of the Beneš legislation and promises a tougher negotiating stand with the EU did not benefit from these issues.

Václav Klaus said that the Communist “victory” was a disaster while the ubiquitous commentator on Czech affairs, Jiří Pehe offered his more dialectic analysis: that the KSČM’s success was due to its remoulded (and real) image – as closet rightists and nationalists.<sup>5</sup> However, the impact of the party on the conduct of Czech political life may only be marginal. Although a panel of experts (journalists and analysts) went through the motions of discussing the composition of a future government on Czech TV on the night of 15<sup>th</sup> June, it was purely window-dressing. For one thing, President Havel has always said he would never conduct negotiations on coalition building with the KSČM and, in opposition, there will be strong pressure on the ODS not to collaborate or vote with “Communists” even when the two parties agree. In other words, the Communists have been handed down a bone or two – Vojtech Filip has been elected a deputy speaker in the Chamber of Deputies while the chairmanship of elections in parliament has also gone to a KSČM deputy – but otherwise they will be left hanging in the wind.

This plague on the Communist house in the Czech Republic is bizarre as former Communist parties are in power all over Eastern Europe and the former Soviet Union where they are respected by Western governments and commentators – even Pehe who has said: “Social democrat parties tend to be more competent. Many are former communist parties with a lot of

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<sup>5</sup> Jolyon Naegele “Czech Republic: Voters Move Left – Or Do They?”, RFE/RL, 18th June 2002

political professionals in their ranks who know how to implement things”.<sup>6</sup> Perhaps attitudes to the KSČM might have been different if the party had only changed its name. Most other former Communist parties in Eastern/Central Europe e.g. in Poland, Hungary, Bulgaria and Albania became Socialists or Social Democrats after 1989. This simple act warded off any suspicion or fears that former Communists were still at large, even though they were alive and well only ‘re-branded’. For example, Poland is governed by former Communists, the Democratic Left Alliance (SLD). The Hungarian Socialist Party (MSZP) Hungary’s former Communists, won parliamentary elections in April 2002 while the Albanian parliament has recently appointed Alfred Moisiu, a former deputy minister of defence under Enver Hoxha, as president.

### “Happy Havel has his day”<sup>7</sup>

The *Financial Times* on 17<sup>th</sup> June described Václav Havel as the “happiest Czech” after the election results came in. One month later, on 17<sup>th</sup> July 2002, he appointed the cabinet led by new prime minister, Vladimír Špidla. There are 17 members of the government: 11 ministers are from the CSSD, 3 from the KDU-CSL and 3 from the US-DEU. Stanislav Gross continues in his post as minister of the interior. Also continuing with their previous portfolios are Culture Minister, Pavel Dostál, Defence Minister, Jaroslav Tvrdík, Pavel Rychetský (justice) and Jiří Rusnok (industry). Petra Buzková becomes Minister of Education. The leader of the Christian Democrats, Cyril Svoboda, is the new Foreign Minister with the ministries of transport and environment also going to the KDU, while the US’s Petr Mareš becomes Minister for Science as well as being one of 4 deputy prime ministers. Pavel Němec (US-DEU) is the new Regional Development Minister and Vladimír Mlynář, Minister of Information. According to the Czech news agency, the new ministers travelled to Prague Castle “on a foreign bus” to be sworn in by Havel. Afterwards the same bus took them to Lány to “place flowers on the grave on Tomas Garrigue Masaryk, the first Czech president.”<sup>8</sup> An act of respect reminiscent of many similar ceremonies in the country’s Communist past.

There had obviously been a certain amount of horse-trading over the allocation of ministries. At one stage, it looked as though the US-DEU was going to demand the post of finance minister for the party’s acting chairman, Ivan Pilip – a preposterous demand as Pilip had not even been elected to parliament. But cooler heads prevailed and the US backed down. As pointed out, there are members of the CSSD who could rebel if too many concessions are made to a party that only got 7% of the vote. As the government only has a majority of one there is no room for hostages to fortune.

However, all parties in the coalition seem to agree on one issue: a total commitment to entry into the EU, without, it seems, any strings being attached. As *Radio Free Europe* pointed out “All three of the potential coalition parties have pinned their political fortunes on EU entry, though barely half of the Czech population supported it in the most recent poll”.<sup>9</sup> Criticism of the terms and arrangements for entry is labelled “nationalistic” and “extreme right-wing” thus stifling debate. In fact, analysts like Pehe have concluded that the new divide in European politics is not between right and left but between those favouring European integration and others sticking to the outworn model of the nation state. As long ago as November 1999 Petr Mareš, new US deputy premier, predicted that, in the Czech Republic, “the Communist leader Grebeníček would play the role of Haider”<sup>10</sup>. So, the tactics of discrediting the left by labelling it “right” have been around for some time.

Meanwhile, the ODS has begun some heart-searching over its electoral failure. One conclusion is that the party suffered from media bias and must set up its own press outlets. This may be easier said than done, but the symbiosis that now exists between the Czech media, the presidency and large sections of the new government is going to be the major

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<sup>6</sup> Michael Thurston “East mirrors West on electoral map” *The Baltic Times*. June 20-26, 2002

<sup>7</sup> Headline in *The Financial Times*, 17<sup>th</sup> June, 2002

<sup>8</sup> ČTK “President Havel appoints a new government” 15<sup>th</sup> July, 2002

<sup>9</sup> RFE/RL, 9<sup>th</sup> June 2002

<sup>10</sup> Petr Mareš quoted in Michael Shafir “Austria’s neighbours respond” *“The New Presence”*, November, 1999

obstacle to the expression of any plurality of views in the near future. The results of the 2002 parliamentary elections might even turn out to be a re-run of the February 1948 coup, albeit by other means - only this time no one seems to have noticed.

## Results

### Results of the General Elections 14 & 15 June 2002: Participation : 58%

Political Groups	Percentage of votes cast	Number of seats
<b>Social Democrat Party (CSSD)</b>	30,20	70
<b>Civic Democrat Party (ODS)</b>	24,47	58
<b>Communist Party of Bohemia and Moravia (KSCM)</b>	18,51	41
<b>Christian Democrat Union /Czech People's Party (KDU/CSL) and the Liberty Union (US)</b>	14,27	31
<b>Total</b>	100	200

Source : CSU (Czech Statistics Office)

### Development of the electorate between 1998 and 2002 :

Political Groups	Development of percentage of votes cast	Development of number of seats
<b>Social Democrat Party (CSSD)</b>	- 2,3	- 4
<b>Civic Democrat Party (ODS)</b>	- 1,83	- 5
<b>Communist Party of Bohemia and Moravia (KSCM)</b>	+ 7,71	+ 16
<b>Christian Democrat Union /Czech People's Party (KDU/CSL) and the Liberty Union (US)</b>	- 2,53	- 8