

How to Reform the Senate?

CRISTOVAM BUARQUE

MEASURES to confront the current crisis will not be sufficient without changes in the structure of the Senate. At least 26 measures would be needed to change the way that this House works.

Reduction of the Mandate to Four Years

An eight-year mandate is long enough for a senator to become quite comfortable between two elections. A senator's mandate should have a maximum period of four years, like the other parliamentarians.

Prohibition of More than One Re-election

All parliamentarians should have the chance to dispute only one re-election for the same position. In this way, there would be more dynamic renovation and political activity would be more of a function and not a profession. The same should be true for all other elected positions, not only in politics, but also in social entities such as unions, sports clubs, etc.

Requirement that a Senator who Occupies an Executive Post Resigns from the Senate

The current system in which a parliamentarian only takes a leave of absence to occupy an Executive post has ended the independence between the Powers. By nominating parliamentarians to be secretaries or ministers, the Executive is in fact the one who nominates their replacement in parliament, and all are dismissible by the president, governors or mayors whenever they decide. What works for the Central Bank – where to occupy the presidency, the parliamentarian must give up the elected post – should also apply to the ministries.

Independent Candidacy

In the current situation of the Brazilian party system, in which the parties are only electoral clubs, an independent candidacy should be permitted for majority posts, even without a party to support the candidate. For this to happen, the candidate must present written support from at least 2% of the voters who would nominate him or her, instead of indication by a party. This is a way to prevent party leaders from boycotting good names, and to allow more open debate, counting on people from society, who have prestige, but not sympathy for any party.

Presentation of a Commitment by a Candidate

Each candidate should present a set of commitments to which they would be tied during their mandate. If they break any of these commitments, the Electoral Court or a minimum of 2% of the voters could ask that they be submit to a plebiscite to determine the continuation of their mandate. This plebiscite could be held at the time of the next mayoral election.

Requirement for All Parties to Present a Candidate for Executive Positions

Only with this requirement would it be possible to combine the total freedom of the parties, without need for a “barrier clause,” at the same time that it would eliminate “parties for rent.” Alliances would be possible in a second round, not in the first.

Impediment from Running for Election after Resigning or Being Removed from a Post

Any politician who fails to complete their mandate would be prevented from disputing the next election. This would prevent governors, mayors and presidents from giving up their position six months early to run for election during the period of their mandate.

End Votes by the Leadership

Currently most of the decisions made in the Senate are made without a vote by the Senators. The president of the Senate simply states that there are enough votes according to an agreement made by the leaders, and the senators present don't even know what was approved. This is how so many decisions were made without knowledge of the Senators. Each vote must be made with the live vote of each Senator.

End of the Secret Vote

The vote must be transparent. The voter has the right to know for what their Senate representative voted. This proposal has been under consideration for months and may take years. The recovery of the Senate demands its quick approval.

The Title of “Senator” Should Be Replaced by “Senator-Representative of the State”

Upon voting for deputy, city council representative or senator, the voter feels that he or she is giving a job to a politician, but does not have the sense and the responsibility that he or she is choosing a representative. The substitution of the title would provoke a change in the behavior of the voter, who would know that he or she is electing their “representative of the voter,” or their “representative of the State.”

Permanence in the Chamber

Currently, a Senator works in parliament only 40% of the time; 7% of the time he or she is traveling from one place to another and 53% of the time is spent outside the Senate, in the State he or she represents or somewhere else. This destroys the parliamentary activity; it at least leaves it moribund. For the exercise of his or her activities to bring the expected results, it is necessary that the parliamentarian remain in the Senate, working on parliamentary issues with his or her peers. To do so, the Senate must determine a minimum of three weeks per month with ordinary sessions, without an option for absences, and only one week per month free to attend their electoral bases. This change in the calendar would radically alter the behavior and the results of the work of the Senate.

The End of Rental Assistance and of Compensation for Four Airfares per Month.

In the current system, which provides one airfare per week and rental assistance, it is impossible to have a complete month of ordinary sessions. The solution is to return to the old system of functional apartments with compensation for airfare two times per year for the whole family so it can move to Brasilia, as in the past, and once a month for the senator to visit his or her bases.

Create Complete Fidelity

Maintain the current law for party fidelity for parliamentarians and create the law of fidelity of the party to the voter. In the same way that the parliamentarian today loses a mandate with a shift in party, the party must lose its rights if it changes side after the elections.

End of All Privileges

Like any other worker in the private or public sector, the senator must be assured all the conditions to exercise his function, but these conditions should not incorporate privileges that other workers do not have.

Dignified Salary Adjustments

It is not proper for parliamentarians to readjust their own salaries, above the rate of adjustment offered to other public employees in the country. For this reason, the rule should prevail that the readjustment in the salaries of parliamentarians should never exceed that of public employees in general in the same period and never be more than half of the readjustments of employees in the fields of education and healthcare.

Public Campaign Financing

It would be inadmissible to finance the Electoral Courts with private contributions. According to the website Contas Abertas [Open Accounts], the

Electoral Court has a budget forecast for this year of R\$ 4,2 billion. But Brazil allows campaigns to be financed with private resources, creating a base for all kinds of later corruption. Democracy requires the end of the parallel power that arises under the form of contributions to the campaigns of candidates chosen by the powerful sectors of the economy. The solution is to create a Public Fund that would distribute the resources to each candidate equally, in proportion to the number of voters in each electoral district.

Removal of Those Who Use Extra Resources

With the Public Fund, the use of a “second accounting system” must be punished with removal from office and loss of political rights for eight years for those elected and the loss of political rights for an equal period for those who were not elected.

End of Electoral Marketing

To establish the Public Fund, without thinking too much about the Budget, it is necessary to do away with the marketing systems that transform the elections into a market for the sale of products. The electoral hours [during which all candidates receive free time on all open radio and television channels based on their party’s vote in previous elections] should be limited to the presentation of the candidate, without intermediation of the special effects that characterize elections today, which make them more of a dispute between advertising companies than between candidates for public office.

Parliamentarians Who Do not Use Public Education Services for their Children Should Be Charged with Violating Parliamentary Decorum

Upon running for election, candidates must know the obligations that they have in the exercise of the activity to which they were elected. Being elected to work for the public interest, it should be considered a violation of parliamentary decorum for a parliamentarian to place his or her children in a private school, thus protecting them from the public education system that they do not maintain.

Careful Analysis of Income Statements

To avoid illegalities that some may commit and help others not commit errors, all income statements from those with elected posts must undergo detailed analysis by the Federal Revenue service.

Commissions to Promote National Transformations

The work of the Senate is conducted in commissions organized by sector; for society, agriculture, education, etc., not according to national problems. In a time of transformation, it is necessary that the Senate also be organized by commissions that seek to make the socioeconomic transformations that Brazil and the world need, such as commissions to: i) induce an educational revolution; ii)

confront social and regional inequalities; iii) implant a sustainable development model to impede ecological crises; iv) transform the current social protection network into a social ascension ladder; v) construct an economy of knowledge.

Reduce the Number of Parliamentarians

It is necessary to study the possibility of reducing the number of senators to two per State and the total number of deputies to lower than 400, which could give a better dynamic to the operation of these two Houses.

Politics as a Voluntary Function

Consider a popular initiative that proposes, for cities with a small number of voters, substituting the paid work of city council members with voluntary work on the council.

Separate Federal Elections from Municipal Elections

Deputies to state legislatures should be elected in the same election as city councilmen and mayors. In this way, the federal elections can allow a broader debate of the national interests, while the other elections would have more local purposes.

Incorporation of New Internet Resources in the Transparency of All Decision Making

In addition to real time accountability, the Senate needs to use public opinion, in real time as well, in the debate about ideas, in the suggestion of proposed laws and in the discussion of votes. This is already possible through a combination of measures available on the Internet.

The Revolution in Education

All of these changes can bring a completely different situation to the current demoralization of the Senate. But nothing would be sufficient if in Brazil we do not conduct an educational revolution that would assure that all Brazilians complete high school with the maximum quality that the current world demands.

Brasília, Sept. 23, 2009.

Cristovam Buarque is senator for the Republic for the Democratic Workers' Party (PDT) of the Federal District (DF). He was dean of the University of Brasilia (UnB), governor of the Federal District and Minister of Education. @ – cristovam@senado.gov.br

Received on 9.23.2009 and accepted on 9.25.2009.

Translated by Jeffrey Hoff. The original in Portuguese is available at http://www.scielo.br/scielo.php?script=sci_issuetoc&pid=0103-401420090002&lng=pt&nrm=iso.