



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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CHAUBEY: My name is Varanya Chaubey, and I am sitting here with Peter Eicher. Thank you very much for participating in this interview.

EICHER: *My pleasure.*

CHAUBEY: We'd like to begin by learning a little bit more about your personal background, so would you describe the position that you hold now?

EICHER: *Right now, I am an independent consultant on elections, human rights and democracy. I've worked a lot for the United Nations, for the Organization for Security and Cooperation in Europe (OSCE) heading election observation missions, providing election advice and assistance and writing and preparing handbooks and reports on elections in various countries.*

CHAUBEY: We'd like to know a little bit about how people became involved in working on election-related activities, so would you describe the positions you held before you started working in this area, and how you came to work?

EICHER: *Sure, I had my first career as a foreign service officer with the State Department. I retired about ten years ago, and my last several years in the State Department were working on human rights issues. So when I retired, I went to work for the OSCE, Organization for Security and Cooperation in Europe, as the Deputy Director of their Office for Democratic Institutions and Human Rights, which is probably best known as the major election observation office in Europe. So I spent a lot of time working on elections with them. When I left full-time employment with them they started hiring me back to run election missions and do various things. From there I branched out from the OSCE also to other organizations.*

My first UN assignment was actually drafting the handbook on women and elections. Then I went to work in New York for most of the year 2005, heading the team in the Electoral Assistance Division for the Iraq elections, after which I went back from time to time to work on other countries, the principal one being Bangladesh, starting in 2006. I first went out in the middle of that year on a needs assessment mission to help assess whether the United Nations ought to be providing electoral assistance, and what kind of electoral assistance in anticipation of elections that were scheduled for January 2007.

After that mission, I was hired to head something called the UN Expert Election Team for Bangladesh, which followed the ill-fated election process for a few months. And then I went back again later in 2007 and in late 2008 to do one more assessment before the election that actually took place.

CHAUBEY: Now you've seen the election process in Bangladesh unfold over two years, in fact, and more.

EICHER: *More.*

CHAUBEY: Would you maybe describe a little bit about the early negotiations from that went on and the challenges that Bangladesh faced?

EICHER: *Sure. Even on my very first trip to Bangladesh in the summer of 2006, it was clear that the election process was not going smoothly, and that there were a lot of potential problems that were already underway and that threatened to get*

worse. Bangladesh has an interesting electoral situation, in which it has had a number of successful elections in the sense that power has transferred from one party to another party. At the same time these processes have been trouble filled. One of the main disturbing aspects has been the levels of violence, which are disturbingly high, lots of people killed, injured, lots of street demonstrations, what they called "hartals," sort of general strikes which would close down the country, lots of sit-ins, often accompanied by violence, accompanied by incitement and language that was not really appropriate for peaceful election campaigns and very high levels of tension. There had also been a lot of history of various kinds of cheating and manipulation in previous elections.

Depending on whom you spoke to in Bangladesh, you'd hear everything from what they called "muscle power", which was intimidation, to "black money," which was money which was being used outside of the legal political processes to influence the vote, to takeovers of polling stations, to assassinations, including a very significant terrorist attack on Sheikh Hasina (Wazed) when she was the leader of the opposition, to rigging and ballot box stuffing and inflated voter lists and just a long entire range of different problems.

Now Bangladesh has an interesting, possibly unique, system under which they try to deal with the issue of keeping the electoral playing field level through the creation of an interim government for three months prior to the elections. This in theory is a wonderful system whereby instead of having the outgoing government run the election with all the prospects that might have for manipulation, they hand over power to an interim government under a chief advisor and ten advisors for a period of three months. The whole purpose of this is intended to be to get politicians out of significant positions, make sure that you have equal opportunities for everybody at every stage of the process. And therefore even though there were problems and accusations of manipulation, which probably did take place in some instances, the overall contest was essentially fair enough that people would accept the results, and clearly it wasn't entirely manipulated if the opposition was able to win the election in each of three successive contests.

So in theory that should have gone well, but there were a lot of problems in 2006, which added to the tensions, and there seemed to be a pattern of actions possibly deliberately intended to subvert the process and subvert the level playing field. We identified this as a potential problem even in the summer of 2006 and as we went back on subsequent missions later in the year it became clearer that this was in fact a problem. You could see it starting almost—I can't remember when exactly—but the selection of the Chief Advisor, the person who ran the interim government, according to the Constitution, would be the most recently retired Chief Justice of the Supreme Court. What they did at some point prior to the election, the government in power was able to amend the Constitution to change the retirement date, change the retirement age for Chief Justices of the Supreme Court with the result that the person who was going to become the Chief Advisor was different from what it would have been if the Constitution were not amended.

The guy who was going to take it over was apparently a good guy and an honest judge, but it was perceived by the opposition to be a manipulation, and it may well have been a manipulation to try to get somebody more favorable to the incumbents into power. So this was a basis of enormous tension in the run-up into the election. Now the opposition at some point along the way refused to accept this appointment of the chief advisor. It was causing a political crisis. I'm sorry if I cannot recall exactly what the details of the situation were but there is a

variety of steps within the Constitution. If the most recently retired Chief Justice is not acceptable as Chief Advisor, then there are two or three other steps the process can go through, trying to find somebody that is acceptable to everybody. Each one of these steps stalled, with somebody or other not agreeing to it. Finally the President took it upon himself to name himself as concurrently being Chief Advisor of the interim government. The opposition didn't like this at all either. It very briefly gave him the benefit of the doubt that he might start taking vigorous steps to level the playing field once he became Chief Advisor. But it was not done particularly effectively, and most of the steps he took convinced the opposition that he in fact was not serious in his efforts to be neutral.

Now parallel to this there was the election administration, the Bangladesh Election Commission, which is also a constitutional body and is supposed to be an independent body. But it had also received a bad reputation, and the opposition had no confidence that the Election Commission was going to run an even-handed process. I won't get into whether that is true or not, but the perceptions matter as much as the facts in these electoral contests.

So one of the things the opposition was also demanding was the revision of the membership of the Election Commission so that it would also be neutral. By a quirk of policy in Bangladesh, the secretary of the Election Commission and the secretariat of the Election Commission were technically under the office of the Prime Minister rather than under the election commissioners. So that gave the government even more input and the election commissioners less of an opportunity, even if they wanted to take it, to make sure that everything was done in a proper, evenhanded way.

The new President did make – that is, the new Chief Advisor, old President – did make one stab at trying to reform the Election Commission, and I think he appointed three new members, and it really turned out to be a completely lost opportunity, because instead of bringing in new members who would have satisfied the opposition and calmed everything down, he brought in new members who reinforced the impression that it was a biased Election Commission and therefore escalated the crisis.

Something, which is also usually done in Bangladesh under the interim government, was to try to ensure that the playing field is level, which is an extensive reshuffling of positions. So, for example, very often district commissioners and assistant district commissioners, who also act as electoral returning officers and have other influence on the election, plus the police chiefs across the country and many others, might all be shuffled and new people, more neutral people might be brought in to office to make the playing field appear more level.

As time went on, some of the shuffling started to take place, but it seemed to be much more shuffling the same people from one position to another, so the interim administration was able to explain, "Look at all the shuffling we're doing," and the opposition was saying that it wasn't meaningful shuffling at all. The crisis grew worse, the violence grew worse. There were threats of a boycott. It seems to me there were a lot of other little things which were going wrong in this same period, and there was a real threat that violence would start to get out of control if the election went ahead. So much so that the international observers even pulled out, saying this is not going to be a credible election.

The United Nations for its part was also making statements expressing deep concern both about the levels of violence and about the directions things were heading and the potential for them to get worse. The opposition did announce that it would be boycotting the election.

CHAUBEY: To clarify, this is the 2007 election that they'd originally planned.

EICHER: *This is the election scheduled for January 2007. Finally, a few days before the election, the army stepped in. The President declared a state of emergency. The army stepped in the background. They never actually took over; it was always a civilian government. The President resigned as Chief Advisor while remaining as President. A new temporary administration was set up to run the elections, to prepare for elections. Everything was called off. Eventually, after some delays and machinations, they finally announced that elections would be held within a couple of years, and they scheduled the elections which ultimately took place last December, that is December of 2008.*

CHAUBEY: Now at some point during the process between when the new administration was appointed and December 2008, it seems that the opposition was able to be part of a meaningful process. Would you be able to describe some of the steps that were taken in order to move this process forward and have the opposition participate?

EICHER: *This all became a big process of governance that went way beyond elections. Now in theory, these interim governments are supposed to last just 90 days and their sole task is supposed to be to run new elections, and then turn over power to the new government. The levels of tension and commotions that had been reached by the beginning of 2007 were such that there was some debate on the viability of trying to hold elections within 90 days again or even the desirability of trying to hold elections within 90 days. The new government announced kind a broader program that was quite popular, but there was no way that it could be done in a very short term. One of the biggest elements was an anti-corruption drive and this relates to one of the major problems of Bangladesh politics.*

Bangladesh has consistently been on Transparency International's perception index as one of the most corrupt countries in the world. Corruption allegedly seeped into politics in a very large way, and the new government felt that it was important to tackle this corruption problem if you really wanted to end up with a clean political system and good elections.

It was also tied up with the question of the voter register. This I hadn't mentioned before, but one of the biggest technical complaints that the opposition had had in the run up of the failed elections was that the electoral registers were apparently in extremely bad shape, that there were millions of so-called ghost voters on the electoral registers, and that this was going to be used, supposedly, for massive cheating by the government and that this had to be fixed. They came up with the idea that what they really wanted to see was an electoral register with photographs of all the voters on it to prevent impersonation at the polling places.

Now, everybody had accepted this as a nice idea in principle, both in the government and the opposition, but it is a big process, an expensive process, and a time-consuming process. For whatever reasons, both legitimate political reasons and legitimate electoral reasons, but also perhaps for other reasons of delay, the interim, the new interim government in 2007, decided, in consultation, probably not in consultation with the politicians who were banned from political

activities at the time under the state of emergency, but decided with much popular support in general, that it would be a good idea to put together a voters' list with photographs. This would take at least a year under the best of circumstances. So that would mean that the election would have to be postponed for at least a year.

I think that once the new caretaker government took over, people didn't really expect that an election would be held in much less than a year. I think there was some hope initially it could be held before the end of 2007, but eventually they announced that they would hold it before the end of 2008. And although lots of politicians objected, most people seemed to think that was a reasonable kind of thing. They used as one of the reasons, the importance of creating this new voter register with photographs.

Now I can get into starting to talk about that, or I can continue with something else, what do you think I should move to here?

CHAUBEY: Let's come back to the voter registration topic in a little bit because I have detailed questions on that.

EICHER: Sure.

CHAUBEY: Now maybe we can move on to talking about how they decided on the December schedule. I don't know if you were involved in these decisions, but would you be able to describe how that schedule was finally decided? Who was consulted and why did they chose December?

EICHER: *Unfortunately I can't really do that. From my perspective and the advice that I gave to the United Nations to convey to the government, if they wished to do so, that they could easily put together a process within a year, and that they should probably do so because there was also a danger that the caretaker government could start to get blamed for all the ills of the country. As popular as they were when they took over, public opinion is fickle, and you could get into a very difficult set of circumstances. You also never know once the military is back holding the reigns of power whether they'll decide they like it and stay on a little bit longer. So there were a lot of reasons to move ahead. But, for whatever reasons, they decided, and I think it mainly had to do with their broader program to try to combat corruption.*

They decided to delay the election until the end of 2008, and they really did make a good stab at fighting corruption. Lots and lots of important politicians were charged and put in jail, including the two former Prime Ministers, leader of the government and leader of the opposition. Quite a few were convicted, others were not, but time was running out on them. Even two years was not nearly long enough to complete this process successfully, so they decided they would stick to their two-year timetable. But it was not, as I recall, a process of public consultation that resulted in the two-year process. I think that was just a decision that was made by the caretaker government.

CHAUBEY: Was the Election Commission involved in this or just the caretaker government?

EICHER: *I would hope that they at least consulted with the Election Commission. In fact, one of the first things the caretaker government did, also to its credit, was to engineer the resignation of the old Election Commission, and they appointed three new election commissioners who were generally highly regarded as neutral*

and upstanding characters. So that changed the entire tone immediately of whatever electoral debate there was during the state of emergency period.

CHAUBEY: In some countries the international community is pushing for elections. In others the motivation is more local. In Bangladesh who were the main actors that were pushing forward this process?

EICHER: *I think there was a combination. In Bangladesh certainly the political parties and political leadership were very anxious to get new elections as soon as possible and were the main people pressing for early elections. Civil society organizations, which were also very active in Bangladesh, many of them were also pressing for early elections. Although interestingly, the governance situation in Bangladesh had reached such an unfortunate level on many planes that the caretaker government, the new caretaker government, was really very popular, and was seen as a group of very good people trying to fix broadly recognized problems. And there was not really a broad public outcry for immediate return to civilian rule – although technically it was civilian rule, but military-backed civilian rule – to elected political rule. There was, at least initially, much more faith in the caretaker government than there was in the politicians, many of whom were regarded as corrupt and had driven the country back into the problems that it experienced in the first place.*

So clearly there was enough commitment to democracy in Bangladesh that nobody was really foreseeing permanent undemocratic government there and there were a lot of people pushing for elections. But while the politicians would have liked to see elections come back in a big hurry, the general population did not have that same kind of push to hurry it along.

The international community is quite active in Bangladesh, but within limits, because Bangladesh is a big, significant country and will not hesitate to tell the international community to butt out of its affairs when it feels that they are meddling inappropriately. But in the run-up to the failed January 2007 election, the international community was very active in trying to press the government to institute conditions that would make a credible election possible. They were sometimes accused of meddling because they went as far as they did in pushing that.

It was partly the sudden withdrawal of all the international observer groups, because it was not going to be a credible election, that prompted the military intervention that led to the new regime. So I guess that's kind of a long answer to your question, but I would think that the domestic was certainly more important in the Bangladeshi case. I don't recall any of the internationals pressing in a significant way to shorten the interim time period as much as all of them were perhaps a little bit embarrassed at supporting a non-elected government.

CHAUBEY: I'd like to now talk a little bit about the key players involved in managing the elections. I believe that the Bangladesh Election Commission was reconstituted before the 2008 election, so maybe we can talk about this particular election in this case. Would you briefly describe the key organizations that were involved in running this election?

EICHER: *First of all it is the Bangladesh Election Commission, which is three commissioners headed by a Chief Electoral Commissioner, which also has a staff which is the secretariat of the Election Commission. I think that subsequent to the 2007 events, the staff of the commission may have actually been put back*

under the direction of the commission rather than under the direction of the Prime Minister's office, so that was a step forward. But Bangladesh is a big country, there are a lot of people involved. As I recall, there were over 300,000 election officials of one kind or another right down to polling-station-level officials.

In addition to the Election Commission itself, much of the election administration on the ground is done by the returning officers and the assistant returning officers and the lower levels of their administration, and it is usually, if I recall correctly, the district commissioners who serve as returning officers for the 300 districts in which members of Parliament are elected. There are also upazilas, the next level down. Each one has a chief officer, the title of which I've forgotten, but it also helps administer the elections. So it is a combination of what you might call regular Bangladeshi civil servants plus the Election Commission and its fairly small staff in the different districts, plus a huge group of people recruited to be polling station workers who may often be teachers or things of that nature.

CHAUBEY: Are there any other organizations that lend support, like the military?

EICHER: *They do indeed. The role of the military is to provide a secure environment for the elections. I think they would agree that they should not be out front and center with tanks in front of polling stations and so forth, but rather to be in the background as much as possible, but to be as visible as necessary to make sure that security is as calm as it should be.*

The military is also normally deputized in Bangladesh, with police powers during an election period so that they can detain people and so forth if it should become necessary. But most of that should be the job of the police and is the job of the police rather than the military. The police, there is another branch of the police that I've forgotten what the technical name for it is, what the Bengali name for it was, but there is a group that is sort of unarmed police in addition to the armed police, which is involved in helping people at polling stations to keep order and so forth, as it may become necessary. And police as well are supposed to keep a low profile but be out as much as they need to be to help make sure things are not disrupted.

CHAUBEY: I'd like to ask a little bit about changes in election management and how the roles and responsibilities of various actors have changed over say pre-2006 until the 2008 election. Would you be able to describe how those changes came about, why some of them were made?

EICHER: *In fact, I'm not sure that it changed so much as a general concept. I think the big changes were more, first of all, in some personalities, that is the members of the Election Commission changed. Some of the district commissioners and so forth were changed. The Election Commission secretariat, I believe, was now under the direction of the Election Commission. And all of this plus a caretaker government that had the confidence of the people, changed the public mood enough that even the political parties that had been complaining that all the district commissioners are politicized and biased, no longer had that complaint any more under the new caretaker government. But they, by virtue of having a caretaker government that had the confidence of the people and generally of the political parties, and an Election Commission that generally had the confidence of the people and the political parties, some of these other changes which had been repeatedly demanded before, kind of fell away.*

CHAUBEY: Now making some of these changes is difficult when people are entrenched in positions. Would you be able to describe some of the steps that the caretaker government took in order to make changes it needed to make?

EICHER: *It certainly brought pressure to bear on the members of the Election Commission to step down. That, at one point, was a big issue because under the Constitution the members of the Election Commission are independent and appointed for five years and can only be removed under a judicial process if they've done something wrong. But I think the nature of the political crisis in Bangladesh made it clear enough to everybody, including the incumbents, that the time for a change had come and that they needed to step down. In fact, it wasn't so different from what might have been done in an ordinary process, as it had been intended to be for a caretaker government to come in and shuffle people and have an honest Election Commission and so forth. I don't think that there was a massive election-specific shuffling of district commissioners and so forth. There might have been some, but I think it would have been more in terms of the normal rotation of people among different offices.*

CHAUBEY: The other big thing is building independence for the Election Management Body, and you mentioned one step is that the secretariat was perhaps brought under the control of the Commission itself rather than being under the government. Are there any other steps that they took to ensure greater independence for the Election Commission?

EICHER: *I'm not sure that I can think of any specific steps that were taken in that regard. Again in Bangladesh, they had run reasonable elections in the past. They'd had transfers of powers in the past. The Election Commission actually did have quite broad powers to do what it needed to do. In fact, under the, I think it is under the Constitution, the purpose of the caretaker government is to assist the Election Commission to run elections and therefore the Election Commission really has very, very broad powers to get whatever government agencies it needs to do whatever they need to do to run the elections. So I think the structure is there. The structure didn't really have to be changed very much, it just had to be put back on an even keel again with people who were ready to act neutrally and transparently, and with people who had public confidence and were not being manipulated or perceived to be manipulated by the government.*

CHAUBEY: The other big thing is transparency and the appearance of fairness. You need that in order to buy people's trust. Could you describe the ways which people tried to maintain transparency in the Election Commission and especially if there were changes?

EICHER: *There were pluses and minuses here as far as I'm aware. First of all, the new Election Commission took a much more proactive, positive role in reaching out to civil society for ideas, very active civil society in Bangladesh with lots of groups that had been involved in various aspects of elections and making recommendations on how to improve the election process. The new Election Commission made it a point to consult with them, to get their ideas, to meet with them. This was a very positive change. The old one, if it had been doing that at all, was doing it in a way that was perceived to be begrudging and not particularly actively or effectively. So the new one started out very well with civil society. I think that was just widely regarded as positive, also gave them positive ideas and gave them a lot of support from civil society groups.*

On the less positive side, I think it was some time before they started meeting with political leaders, and the political parties are, you might say some of the main stakeholders in any electoral process. And from my own personal perspective they probably should have started meeting much sooner and making sure that the political parties were really on board for the various kinds of changes which were being contemplated. When they did start meeting with political parties, they also made one major strategic error, in that one of the two major parties, the BNP (Bangladesh Nationalist Party) had undergone some internal rifts following the state of emergency, and the Election Commission picked one of the factions and invited it for the meeting. They said they had carefully consulted all the legal advisors to determine which one was the legal faction, but whether it was legally correct or not, it was a political mistake to choose one and especially because the one they chose was not the one which eventually emerged as the "real" BNP. So they got off on a wrong foot from which they never absolutely recovered in terms of gaining the confidence of one of the major political groupings.

CHAUBEY: So you kind of brought up the next point that I wanted to talk about, the relationship between the Election Commission and political parties. Are there any issues on which it engages in formal or even informal discussions on a regular basis with the parties?

EICHER: *Well it did, as I say, start this series of consultations. I don't have the sense that it was as regular or as extensive or as continuing as it might have been, but there were consultations, and again I was not there at the time; I can't remember how many or how frequently. Some of the changes which were ultimately made were made over the objections of the political parties. In particular, major changes to the regulatory framework for political parties. In fact, I don't know if you want to get into this now, but in Bangladesh, previously political parties didn't even have to be registered, which is fine. In some countries they have to be, in some countries they don't. But because there were so few regulations of political parties and a lack of democracy within political parties, they were very much leader-centered and top down political parties. This contributed to a political culture in which the leaders of political parties kind of had a stranglehold, almost dictatorial say over the parties and their policies and the people in their parties. This was also reinforced by constitutional provisions that political party members in Parliament who cross the aisle would lose their seats. So they had to vote with the political party leaders.*

There were, and still are, provisions under which candidates can run in more than one district, including districts in which they do not reside. This allowed the political leaderships to help ensure that they would get a seat by being able to run in more than one district. Various things like this. It didn't allow very easily for young dissenting voices and new policies and approaches to emerge within political parties.

So the new regulations had some changes. First of all, political parties had to register, they had to meet a certain set of criteria and a certain level of transparency in their operation and had to do more reporting of where money came from and where it went and so forth. They also had to agree to select candidates in the first instance that had been proposed by the grassroots of the party. I'm not quite sure what the mechanics of that were, but it did cause some heartburn in most of the political parties. They had to agree not to be, I think they could not be religious parties or advocate religious positions. Of course, since there are a lot of religious parties there, that was a problem for some of them.

They had to agree to promote women within the party. So a number of things like that. These were—I think there were some consultations with the parties about them, but ultimately they were imposed over the objections of the parties. But nonetheless they were things which were probably good in the Bangladeshi context.

CHAUBEY: Did the Election Commission consult with the donors or civil society organizations when it decided to come up with this regulatory framework?

EICHER: *Well, it certainly emerged at least in part from their consultations with civil society, which had a lot of proposals on that. I think any consultations that they would have had with the donors would have been very informal consultations in which the donors informally offered advice. It would have been totally inappropriate in the Bangladeshi context for donors to go in and start making demands or formal suggestions on what needed to be done. Although, in general, the kinds of things that donors would have proposed would have coincided with what civil society was proposing.*

CHAUBEY: How effective do you think this has been, this new regulatory framework?

EICHER: *With one carefully controlled election, it is a little early to draw conclusions. I think it was probably a good start. You do now have political parties registered. I'm afraid I just do not know how the transparency or candidate selection provisions actually worked out in practice. The big fear, of course, is when you have something which is imposed by a government under a non-elected situation like you had in Bangladesh, will it last? Particularly if it is imposed over the objections of the political parties. They now have to come in and endorse it or not endorse it or start something anew.*

In fact, one of the deficiencies we had pointed out in the Bangladesh legislative structure for elections is that the elections are run under the Representation of the People's Order, as they call it the RPO, which in 1972, was implemented. It was not a law that was originated in Parliament; it was under one of the dictatorships, I believe, that it was promulgated. Now, new elected Parliaments which come in do have to endorse or not endorse laws which were put into force by promulgation. But it is not quite the same as starting from scratch and developing a law under a parliamentary procedure, an open procedure of consultation and good practice for election laws, especially, which set the rules of the political game for everybody. Election laws should be adopted under an open procedure of parliamentary debate with public input. And if possible with wide consensus and agreement by as many political parties as possible because you are setting the rules of the competition, and they should be set in a manner that everybody agrees to rather than a manner in which it's engineered to favor one group over another.

So what happens now, especially with the results of the election which were so lopsided for one party control, is whether that party will now have the statesmanlike approach to maintain and adopt rules which will strengthen democracy and competition and cooperation in the country, rather than become lopsided all over again.

CHAUBEY: Now getting into the issue of field offices. Bangladesh, you mentioned the Election Commission maintains a local presence down to the upazila level, I believe.

EICHER: I'm not sure quite how far the Election Commission presence goes down, but there is an election presence at at least district level, and it may go down well below that. I can't recall.

CHAUBEY: Would you describe, well, are there particular challenges that arise from having this sort of local presence?

EICHER: I think it is less challenges than positive elements. The more that you can have people reporting to headquarters on the ground, following instructions from headquarters, the more likely you are to have an election system which operates uniformly across the country. That's generally speaking a good thing, because it means that you have common practices, and people's rights are less likely to be interfered with. Just as a bad example, take this country, which has not only fifty different systems, but some counties run different systems from other counties within states. You end up with rather a mess in terms of even who is allowed to vote. In some states former felons can vote, in some they can't. What are the registration requirements and a hundred other things. What kind of voting machines do you use and how effective are they. So one of the things we like to see in good electoral practice is consistency across a country, and having people from the central Election Commission in different parts of the country should help enhance that.

Now in Bangladesh, having inherited its system from the UK, you do have the returning officers who still wield a tremendous amount of power and flexibility within their particular areas and so you still will have the potential for different procedures. I think I read in some of the post-election reports that, in fact, there were some inconsistencies in procedures as a result of that.

CHAUBEY: In your view, what steps could be taken to make this less of a problem?

EICHER: Well, first of all I don't want to overstate the nature of the problem. I didn't see anybody suggest that this was one of the major flaws with Bangladeshi elections, so it's not necessarily the first thing that would need to be done, and heavily centralized systems are not always the best way to run things either. So I think it is not something that I would want to dwell on as one of the big problems. I think that one thing that you need to be sure is that the Election Commission is legally and functionally in charge, and that they are able to give instructions to all elements of the electoral administration that have to be followed in terms of how things need to be done. Generally, I think that is the case in Bangladesh, although I seem to recall that the results of elections in each constituency are announced by the returning officers for the constituencies, and I'm not sure that the Election Commission even has the power to review or overturn those if it senses something is wrong.

CHAUBEY: I'd like to move on now to talking about registration. Would you be able to describe which bodies were involved in the registration process and how the responsibilities were shared?

EICHER: This was one of the big changes for the recent elections. When I first got there in 2006, registration, as I mentioned, was a big issue. There were also big court battles going on about what was legal or what wasn't legal. The Election Commission at that time had decided to do an entirely new enumeration to try to deal with this problem of inflated voter lists. The opposition took it to court and

said, "No, no, you're not allowed to do an entirely new enumeration, you have to use the previous lists as a basis."

So while this process was fighting its way through court, the election administration launched anyway and did a new enumeration because they couldn't wait for the courts to rule. They did an entirely new enumeration, which is done in Bangladesh by having people go door-to-door and fill out forms all over the country, just a massive job. Again, often school teachers or others might be involved in it. In this case, in 2006, there were charges that it was all politically motivated, and it was all really party workers who were going around doing the enumeration, and it was all a big fix. This just added to tensions enormously.

Then the court finally did rule that yes, you did have to use the previous enumeration as the basis, so this made it even messier. They had to set aside their new enumeration and go back and try to do an update of the old lists. It was a mess with the further complication that in Bangladesh, people don't appear on the voter lists in order of their names, in alphabetical order, or by address as they do in other countries, but each one is given a voter registration number and they're in order of number, which makes a big mess when they get to the polling station because they don't know their numbers. So they have informally solved this problem by having political party tables outside the polling stations where voters stop and speak to the people who go through the rolls and find their number for them before they enter the polling station. Which of course also translates itself a little bit into diminishing the secrecy of the vote because you can see which political party table people are going to to get their number and leads to campaigning on election day, because of course they'll hand you your number on a slip of paper that has the party symbol or something like that. So not an ideal system, but one of the other little quirks.

Anyway, this all ended up with a complicated voter list for the failed 2007 election, which included the old list plus a supplementary list, plus corrections to the supplementary list, none of it in alphabetical order. It was promising to be a, shall we say, a complex election day. All of this was then set aside when the new group came in and decided that they were going to do the photographic voter register. This in fact, as I mentioned, is just a huge project. I mean we're talking about a hundred-million-dollar project in a country that doesn't have a hundred million dollars to spend. The donors got involved in a big way and put money into it. The United Nations became the main international partner for putting together the new list and helped hire experts. And basically the army was recruited to run the new registration process. Generally speaking, it is not a good practice to get the security services of any kind involved in voter registration, but in Bangladesh the army generally has a high reputation as one of the most efficient, more honest segments of society. Certainly it was the only one that had the capacity to get involved in a project of this nature and to get it done efficiently and right and all over the country.

So the Election Commission partnered with the army, set up a system, a program, and started going around the country with a phased voter registration process. Because of the number of people and equipment that needed to be involved, they didn't try to do it nationwide at once, but went from district to district doing it. All in all, it seems to have gone remarkably well. It is the kind of thing that could have been plagued by a million problems, even getting people to register could have been a big problem. But as the big incentive to get people to register, they gave people—I forgot what the formal name for it was—but basically an ID card, a photo ID card that they would print and hand to the

person. It was widely misperceived to be a voter registration card, which it was not. It was kind of a national identity card, but more of a precursor to a national identity card, because they realized they would have to change it and include different things in different ways to eventually become the national identity card. But anyway, everybody was registered on a computer, had their photos taken. The idea of getting this identity card apparently was just a huge incentive for millions of people who previously had no form of identification at all.

There were amazingly just long lines of people waiting for hours, peacefully at registration centers – I visited a couple of them – to get their photographs taken, put their fingerprint on the—into the computer and get themselves registered. When the thing was finally put together, the voters list was about 80 million people. It had previously been about 93 million people, which showed that in fact there were a lot of duplicates on the old list.

Now, in regard to the duplicates, some people had done analyses of this before, and while there were lots of charges that these were ghost voters and artificially-inflated, intended to cheat, it seemed like the large majority of them were migrants, people who had moved to the city or whatever and changed addresses, re-registered at their new address and never taken off their name at their old address. Okay, it's possible some of them might have tried to go vote both places on election day, but it didn't look as if it was an organized effort to get people and it wouldn't have even been physically possible to run back from Dhaka to Chittagong to be able to vote twice. It wouldn't be worth the price of the ticket. But nonetheless, the perception of it all was enormously important and this new list, which was by all accounts a very good list, with photographs and with avoiding duplications. Even if it wasn't a good list, everybody seemed to be thrilled with it and convinced that it was a good list. Therefore, it calmed all kinds of political tensions about election cheating.

One of the big challenges now is whether they're going to be able to keep it updated. Now it was just being turned back over to the Election Commission from the army, I think last October. The commissioner told me that they were all set to be able to ensure that it could be maintained and updated appropriately. I hope he's right. The one big fault in it, not a big fault, rather a subset, an issue, which in my view was a fairly significant problem, because it took so long to put this together, and under the Bangladeshi law you are eligible to vote if you turn 18 by the first of January of the year that the election is going to be held. That was okay when the election was going to be held in January, but this time the election was going to be held in December, so you had a whole generation of 18 year olds who were not eligible to vote when they should have been. By some estimates that was about 3 million people. So we're talking about a significant problem. But again, it wasn't manipulated, it was just an unfortunate effect of the system and cut-off dates they came up with.

CHAUBEY: How did they contract for technical expertise, because this was different from how they made—I believe the previous registers were all handwritten and there were no photographs.

EICHER: *I think they were ultimately typed into computers or something but there were no photographs. I'm not sure; I was not there for that. This was going to be a big issue, and it was something that I'm sure they spent time on and had some kind of competitive process with, at least I hope so. We encouraged them to do that because with corruption, fighting corruption being one of the big goals of the new government, I can't imagine they just had a sweetheart contract with somebody.*

I'm sure they went through a real process. I also know the United Nations was much involved. The United Nations Development program (UNDP) had experts out there working with them on various aspects of the process.

CHAUBEY: Some of the problems that would plague a voter list everywhere, from multiple registrations, underage registrations: those kinds of things. Would you be able to address those issues, what steps they took to overcome some of these specific problems.

EICHER: *Well, the way the system was set up and demonstrated to me, with everybody's fingerprint in there, is that they could actually run the program and see if somebody was in there more than once and eliminate them if it is a double registration by inadvertence, for example, if an old lady didn't know that she wasn't supposed to register in the village and in town, or where it was a deliberate effort at malfeasance, they could actually prosecute people. I don't know how much they actually tried to do prosecute people.*

I heard various stories about whether this was or was not a capability of the program to do it nationally. I mean certainly it could be done on a local basis within a list of a district of some size, but I had some people tell me: yes, they could do it nationally for the whole 80 million people. Some people said no, they were not quite to the stage where they would be able to do that. But basically, they were able to do it to some extent. And also, with the photograph, you had the advantage that when somebody actually appeared at the polling station, if it didn't look like that person, and they were pretty reasonable photographs—. In most cases you could probably tell.

They had a very good publicity program to try to get people out to register to vote, because this was a big change in the previous system. Bangladeshis did not have to go to a registration center, people came to them. So they were not only able to convince people to go out, but they enlisted all the Imams and so forth to tell people and women in particular that it is fine to get your photograph taken. It was done separately with men and women, so it apparently worked very well. That was a system that could have gone wrong in a hundred ways, so they deserve a lot of credit for having put together something which appears to have worked very well.

CHAUBEY: Were registration audits conducted at all during this process?

EICHER: *I can't say for sure. I would be amazed if they were not. There must have been some check system built into it or test system built into it. It would be very strange if there were not in projects of that nature and especially with big donor money in it. But I don't know.*

CHAUBEY: I'd like to ask a little bit—you mentioned that they used the Imams and so on to reach out to people who might not otherwise have participated. In your view, what were the steps that they took to reach out to marginalized communities, and were they effective?

EICHER: *I honestly don't know the answer to that. By all accounts, it is a wonderful list and everything was very effective, but I could not attest to that on the basis of my personal experience.*

CHAUBEY: I'll move on quickly now to dispute resolution because I don't want to keep you too long.

EICHER: Sure.

CHAUBEY: You mentioned some of the kinds of disputes that arose over various issues over the course of the process. At present, would you describe the adjudication process by which disputes are resolved?

EICHER: *Let me say a few things about that. Because first of all, disputes are ultimately resolved by the courts in Bangladesh and the system had just not worked effectively in previous elections. The resolution in the first instances was not timely, and everybody liked to tell the story of at least one instance in which a court took so long to rule on a parliamentary election dispute that by the time it issued its verdict in favor of a losing candidate that should have won five years later, the term of the parliament to which he should have been elected had already expired, and too bad for him. There were apparently multiple cases like this where it was not effective.*

There was also a big question about the independence of the judiciary in Bangladesh and one of the things the Caretaker Government did was to implement a promise which had been made by both political parties at various times but not implemented by them, which was to separate the judiciary from the executive. So the setup, in theory at least, was that the new fully-independent judiciary, because the higher levels of the judiciary already behaved independently in at least some important instances, were in a position to make honest rulings. Now whether they were in a position to make quick rulings, I don't know. I don't know if there were very many complaints or court cases or how that came out. One of the positive things of the last Caretaker Government was to start this important process of judicial independence, which ought to set the stage for better dispute resolution than they had in the past, which was one of the very serious deficiencies of the electoral process.

They also have something called electoral inquiry commissions, which are very small groups, I think of two or three people in each district, who are supposed to be overseeing that the elections in each district are operating according to the law and dealing with complaints and disputes. I think they're even supposed to be able to take initiatives if they see something wrong, to do something about it. One of the suggestions we had had was that they really needed to beef up this system, that it was just way too small for a country the size of Bangladesh and for the number of purported problems in elections in Bangladesh. I'm not sure how much they did on that.

Now they did apparently get them going for the elections which just took place in December, and they apparently worked reasonably well to get a number of things resolved at local level and keep them out of the hair of the courts and the Election Commission and so forth so it could work better. I guess that system has improved a little bit, but again, that was done rather in a context of an unusual election with a lot of government control over things that were not usually controlled by the government. So I would not yet say that I'm convinced that is an institutionalized system that will automatically work in the future, and I think it needs some attention.

CHAUBEY: I'd like to ask just a couple of questions about relationships with the donors. Is there an aspect of UN policy or management or generally donor policy or management that you think works better now than it used to, and if so what is that?

EICHER: *I'm not sure that I can see something that works better now than it used to. Perhaps one aspect that is probably improving over time is donor coordination. There have certainly been cases in some countries in the past where you would have several different donors all wanting to work on the same project and nobody wanting to work on another one which might be just as important. Or even in a worse case where people set up two different projects on the same thing which end up competing with each other and working at cross purposes with each other. I think you find more and more now that the donors don't like that any more than anybody else does, and you see more donor coordination, formal donor coordination efforts in various countries and UNDP is very often involved in this. A clearinghouse would almost be too strong a word because they don't have any power to stop a donor from doing one thing or another, but as a coordinating mechanism, or as the person who chairs the meeting or the organization that chairs the meeting, or often even in terms of funding, there might be a joint effort, or a UN effort to identify what needs to be done and then coordinate the donors around a set of priorities, either individually or through UNDP, to get things done. So I think that has improved a lot.*

I think there is also a lot of effort to work through civil society as much as possible, and I think that has been a very positive effort and one that has become pretty standardized and may not always have been.

CHAUBEY: Now if you could offer people advice on how to work effectively with personnel from Bangladesh, what recommendations would be on the top of your list?

EICHER: *I think it would be the same as almost any country. The Bangladeshis are proud, intelligent, well-educated, skilled people who are citizens of an important country and who deserve to be given respect and dealt with as professionals. I think if you take that approach, you will find that they are ready to cooperate with you. I think in general, the international community needs to avoid being prescriptive. No election system is going to work in any country unless the citizens of the country have accepted it and taken ownership of it as valuable for their country. I think that we always have to look at, in every country as well, what we can learn from the people there, as well as what we can bring to the people there. I think in some instances, this photographic voter list is just one nice example. The international community could have a lot to learn from Bangladesh.*

CHAUBEY: That actually brings me to my next question. You mentioned this is certainly one innovation that they tried that has worked very well. Are there any other things that domestic authorities developed that you think were successful and might deserve consideration elsewhere?

EICHER: *I think, I mentioned at the beginning, this idea of the caretaker, interim caretaker government, probably wouldn't be suitable for every country, but it is a very innovative, positive idea for countries to consider if there are places where there has been a problem of the incumbent government meddling too much in the elections, a very positive way to create confidence and try to build a positive playing field, a level playing field. That said, I think one thing we saw from the 2006 experience is that even the best systems can be subverted if there is not the political will to try to run the best possible election.*

CHAUBEY: Okay, well, in conclusion, are there any issues that I haven't raised that you would like to discuss?

EICHER: *There are probably a million things we could still talk about. With Bangladesh, it was such a complex election and it went on for such a period of time, but I think we've probably covered most of the big issues.*

CHAUBEY: I'd like to thank you very much for your participation in this interview.

EICHER: *You're welcome. Thanks.*