

# Diaspora Participation in Lebanon's 2022 Elections: Cancelling the Six Seats Allocated to Expats: a Key Condition for Resident and Nonresident Voter Equality

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Universal suffrage, and the full freedom to exercise this right, constitute the primary means by which citizens freely express their will to participate in the running of their country's public affairs. This right is the chief source of the elected authorities' legitimacy. It does not in any way discriminate between resident and nonresident citizens, meaning that it is not contingent, especially in the context of general elections, on the actual or registered place of residence; but, rather, citizens acquire the right to vote by being in full possession of their political rights.

**The voting of citizens not residing in their country of origin is an internationally recognized right.** In the 20th century, many countries sought to explore and ratify mechanisms that would ensure, for citizens living outside their home country, the right to take part in the electoral process, and thus in choosing their representatives, like all other citizens. This ushered in the right for expatriates and emigrants to vote, also known as nonresident voting.

**In Lebanon, the nonresident right to vote acquires major significance,** most importantly because of the considerable number of Lebanese expatriates relative to the size of the population, resulting, in effect, from a forced migration brought about by the country's disastrous policies. It also allows expatriates to continue to actively exercise their political rights, as they maintain interest in public affairs and developments, especially that a not insignificant number closely follow day-to-day Lebanese politics, making them fully cognizant of the intricacies of local political realities.

The ongoing economic and financial collapse hit expat depositors hard. They lost their money, or their money is being withheld by Lebanon's banks – the same as residents. Since October 17th, 2019, expatriates have shown keen interest in events in Lebanon, expressed through the protests that were organized in most host countries. This is a clear indication of a high desire for direct engagement in Lebanese public affairs. Moreover, expatriates have organized in diasporic independent political groups, or joined Lebanon-based political groups, making them stand-alone political actors whose right to participate in the elections and to voice their choices should be guaranteed. Against the backdrop of the unprecedented collapse facing resident Lebanese citizens, expatriates are today capable of playing an effective political part in Lebanon or their adopted countries. In fact, living abroad allows them to maneuver under relatively better conditions than in Lebanon, free from the socio-economic realities at home, as well as direct pressure from politicians.

The problem of nonresident voting is not only about granting them the right to cast their ballot, but rather about being able to exercise this right overseas. Voter rolls in Lebanon are based on the place where one's civil status records are registered (place of origin). Voting is therefore dependent on the place of civil registration, not the permanent or principal place of residence. The issue, then, is not about granting members of the diaspora the right to vote – all Lebanese citizens over the age of 21, whether residing on Lebanese soil or not, are entitled to vote as long as they are listed in the civil registry and there is no legal reason preventing the exercise of their right to vote. It is about enabling them to exercise this right in their place of residence overseas. Any Lebanese citizen (resident or nonresident) who is eligible to vote – i.e., of voting age, not deprived of voting privileges – is automatically a voter, without needing to take any further steps. That is why the issue of nonresident voting is strictly concerned with guaranteeing nonresidents the right to cast their ballots in their country of residence.

Up until 2008, electoral laws in Lebanon did not address the matter of organizing polls for the Lebanese abroad. But, with the enactment of law 25 of 2008, the process was established, despite the fact that its application during the 2009 general elections was ruled out. **Although parliamentary electoral law 25 of 2008 stipulated out-of-country voting, the major shift in nonresident participation came with the passing of electoral law 44 of 2017** which allowed overseas voters to cast their ballots, for the first time in the history of the Lebanese Republic, in the parliamentary elections of 2018 in their countries of residence.

The law established the right to vote for all nonresident citizens in the 2018 elections, in the electoral district of their place of civil registration in Lebanon, provided that six seats would be added to represent nonresidents in the following elections, i.e., the 2022 elections, thus raising the number of seats to a total of 134. Meanwhile, the 128 members of Parliament were to be reduced by six seats, from the same confessions allocated to nonresidents, starting with the 2026 elections. The law stated that these seats would be evenly distributed across all six continents and between Christians and Muslims, thus conferring a seat each to Maronites, Greek Orthodox, Greek Catholics, Sunnis, Shias and Druze (Article 112). Overseas voting would be conducted on the basis of a proportional system, and a single electoral district, no more than 15 days in advance of the date set for elections in Lebanon. Expats would therefore be casting their ballots in a virtual district covering the world's six continents, whereas residents would be voting in one of the 15 districts set out in the law.

It was certainly a watershed moment. But the organization of expat voting, especially the utility of creating dedicated seats to represent them, was eclipsed in the public debate accompanying the enactment of electoral law 44 of 2017. This was further aggravated by the fact that the implementation of the six seats was put off until the 2022 elections, with expats taking part in the 2018 elections in the districts of their civil registration in Lebanon. The debate mainly focused on the electoral system to be adopted, at the expense of other reforms, including organizing the expat polls.

Given the legitimate concerns about the political authorities' intention or wish to postpone or cancel the elections, as was the case between 2013-2017, the issue of nonresident voting has become critically important at this stage, since it is the clearest indicator of how the authorities plan to deal with the elections as a whole. This issue gives rise today to a range of impediments to the participation of this segment of the Lebanese public, be it the problematic six seats allocated to the diaspora, its practical incompatibility with the principle of nondiscrimination between resident and nonresident voters, not to mention the authorities' failure to kick off the registration process and increase the number of polling stations, besides the imperative of protecting the personal data of nonresident citizens.

## CANCELLING THE SIX SEATS ALLOCATED TO THE DIASPORA

According to the currently adopted electoral law, nonresident Lebanese will ostensibly be electing, in the 2022 elections, six members of parliament to represent them. But adding these six seats will water down the effect of the diaspora vote within these seats, as well as dilute the influence of this category of Lebanese citizens on the electoral process as a whole across the 15 districts in Lebanon. **The principle of equality between all the Lebanese, both residents and nonresidents, presumes the guaranteeing of expatriates' right to cast their ballots in the electoral districts of their civil registration. Under the relevant applicable provisions, this electoral system creates a hybrid electoral district that spans the six continents, where all nonresidents cast their ballots and where candidate lists are formed in an incoherent geographic space, which complicates the choices of the voters as well as the candidates' campaigns, and ultimately serves the establishment's political parties.** It can be observed from the Lebanese voters' behavior and approach to public affairs that they are closely plugged in to the political realities at home in Lebanon, and that most of them follow local politics, making them more than capable of making electoral choices in the different electoral districts.

**Hence, lobbying is required to push for the amendment of the electoral law and cancel all provisions on the creation of the six dedicated expat (nonresident) seats so as not to limit them to these six seats. However, this should not be used by the authorities as an excuse to justify the postponement of the elections.**

## ACCELERATING THE PROCESS OF ORGANIZING REGISTRATION PROCEDURES IN EMBASSIES AND CONSULATES

The law vested the executive authority with the power to make all decisions towards guaranteeing that nonresident voting rules are applied, either through decisions made by the joint committee of the Ministries of the Interior (MoI) and Foreign Affairs (MoFA) (Article 123) or through regulatory decrees issued by the Council of Ministers (Article 124). It also stipulates that **the MoI should coordinate with the MoFA, through Lebanese embassies and consulates, to urge eligible Lebanese abroad to declare their wish and register to vote, either in person, by means of a signed letter or via online registration, setting the deadline for registration on November 20th, 2021 at the latest.**

To that end, on the 1st of May 2021, the caretaker government's Deputy Prime Minister, Minister of National Defense and Acting Minister of Foreign Affairs and Expatriates Zeina Akar and Minister of the Interior and Municipalities Mohammed Fahmi held a meeting at the Ministry of Foreign Affairs. The meeting was attended by a number of senior civil servants from both ministries. The meeting discussed the preparations for the 2022 elections which will be held for expatriates overseas, the stages across which the elections will be conducted, the appropriate registration process, and the need to find solutions for the obstacles that faced the previous elections, while acknowledging that six MPs will be elected as representatives of expatriates. It was decided to form an inter-ministerial committee consisting of ministers Akar and Fahmi, the Secretary-General of the MoFA Hani Chmaytelli, the Director-General of Personal Status General Elias Houry, and the MoI Director-General of Political Affairs and Refugees Faten Younes, noting that the committee will later seek assistance as needed. It was finally decided to hold regular meetings to follow up on the matter.

On June 26, 2021, the minister of foreign affairs issued a circular to all Lebanese diplomatic missions and consulates abroad on preparing for the 2022 parliamentary elections. The minister asked to be provided with an assessment of the elections that were held in 2018, as well as the challenges they encountered so these could be averted this time around, while alluding to the shortage of funds in the Lebanese state coffers. She elicited suggestions that would serve to ensure that nonresidents would cast their ballots. The minister asked the missions to contact and inform the competent authorities of Lebanon's wish to hold parliamentary elections on schedule as prescribed by the constitution, and to request that polling stations be opened to the public outside the diplomatic missions and consulates based on the geographic presence of the Lebanese diaspora communities. The missions should finally report back to the minister by the 23rd of August 2021.

**Despite the preliminary measures undertaken by the MoI and MoFA, the executive authority has yet to take any meaningful actions, or give any indication of its willingness to do so. This raises real questions and concerns about whether nonresident voting will be conducted at all. Besides, all the steps taken thus far do not constitute a guarantee that there is a commitment to hold out-of-country voting, especially that, in 2013-2014, the executive authority undertook the requisite measures but, still, this did not prevent the elections being canceled and the parliament's term being extended.**

The executive authority's continued failure to sincerely follow up on registration for nonresident voting endangers the entire process of their casting their ballots overseas. The law does not stipulate a deadline for opening registrations. In the 2018 elections, circular 52, which governed the registration process, was issued on 18 September 2017. The official website for nonresident voter registration did not launch until October 1st, 2017.

**Therefore, parallel to the push for cancelling the six seats, pressure should continue to be exerted on the executive authority to take immediate and concrete action to speed up the launch of the registration process at embassies and consulates, to activate the online registration platform, and establish registration rules, without which nonresidents cannot cast their ballots abroad.**

## ESTABLISHING POLLING STATIONS

During the 2018 elections, the lack of enough polling stations in several countries, especially larger ones, showed that a large number of expats refrained from registering or were unable to travel to the polling station on election day. This fact requires the executive authority to handle the issue seriously and responsibly, to boost the number of polling stations and ensure their effectual geographic deployment, particularly in cities and areas far from embassies and consulates, to guarantee the widest possible participation.

## PROTECTING NONRESIDENT DATA

Protecting the personal data of expatriates is a guarantee of equality among all candidates, and protects citizens from direct and indirect pressures that might be exerted on them by the political parties in power. The MoI and MoFA have the duty to ensure the protection of nonresidents' data across all stages of registration. In the 2018 elections, several establishment political parties managed to contact a number of nonresident citizens to urge them to register, having unofficially and illegally obtained their details from their embassy. Equality among candidates should be guaranteed in obtaining expat voter rolls. Also, the ruling class's political parties must not obtain the lists resulting from registration with embassies before they are officially published at the same legally appointed time.

**Today, as the date of the 2022 parliamentary elections - which mark a historic milestone in the course of socio-political change in Lebanon - draws near, the expat vote will have a critical political role and electoral power. Expatriates are a major electoral bloc that is set to influence any forthcoming elections, if effective engagement and a sizeable turnout are achieved.**

**Therefore, establishing full equality in exercising the right of universal suffrage, and preventing the marginalization of expatriates, require the cancellation of provisions on creating the six nonresident seats and ensuring the effective participation of emigrants in the upcoming parliamentary elections by allowing them to cast their ballots in the electoral districts of their civil registration in Lebanon, as was the case in the 2018 elections. Lobbying to speed up approval of this amendment will allow expatriates to learn how they will be participating in the elections within a reasonable amount of time prior to the legally established November 20th, 2021 deadline for registration at the embassies and consulates.**