



المركز الإستشاري للدراسات والتوثيق
the Consultative Center for Studies and Documentation

A seminar under the title:

Lebanese Government's Decision "To Restrict the Possession of Weapons to the State"

A Discussion on Constitutionality and Legitimacy

September 2025

The Consultative Center for Studies and Documentation held a legal seminar under the title *"Lebanese Government's Decision To Restrict the Possession of Weapons to the State – A Discussion on Constitutionality and Legitimacy"* on Thursday, September 11, 2025. A select group of lawyers and professors of law participated in the seminar, in the presence of an audience interested in legal and public affairs.

The seminar was opened by the Director of the Consultative Center, Dr. Abdul Halim Fadlallah, who welcomed the attendees, saying: *"Every word in this title is intentional, with meaning and significance. We do not wish to enter political debates or disputes in this seminar, but rather to address a matter of great legal importance, given its connection to our political affairs, our current situation, and our future both near and far. This issue also opens the door to discussion on the nature of our political struggle"*

He further added: *"Should weapons be restricted to the state? The obvious answer is yes. Yet in Lebanon, this is not so obvious, for several reasons. First, the obviousness of the answer is linked to the obviousness of the political system itself. But are we living in a normal state? Our political system is based on consociationalism, which is an exception to the rule in political systems."*

He pointed to the importance of the principle of equality among the Lebanese, stressing the need to preserve stability. He asked: *"Where are the public policies and the foreign policy?"* noting that Lebanon does not actually have a foreign policy. He referred to some of the concepts that have been circulated, such as neutrality, Arab solidarity, dissociation, and Lebanon's role as a meeting point between East and West.

He criticized the claims that disarmament would bring stability, affirming that true stability requires the holding of sovereignty, including economic and social sovereignty. He argued that the

debate over the legality of the government's decision is a defense of the political and social contract, a defense of the constitution, of the state's control over its sovereignty, and of its institutions.

Then the seminar's director, Dr. Hussein Al-Azzi, spoke, raising the central problem of the seminar and asking: *"How can the government's decision to monopolize weapons in its hands preserve its legitimacy, when it contradicts the principle of coexistence and denies the natural right of self-defense in the face of an enemy that still occupies our land and violates our sovereignty?"*

He emphasized the need to interpret the provisions of the Taif Accord in accordance with their context, distinguishing between the stipulation of extending state authority over its territory and the principle of resisting occupation and liberating the South.

He questioned the extent to which the legitimacy claimed by the government's decision could endure when confronted with the legitimacy acquired by the Resistance, which arose out of the necessities of liberation and deterrence in light of the state's historical inability to fulfill its duty of protecting Lebanon, and in view of the supremacy of the right to self-defense in both national and international law. He pointed out the inconsistency of the government's decision with the principle of National Pact legitimacy enshrined in the preamble of the Constitution, which stipulates that no authority shall be deemed legitimate if it contradicts the National Pact of coexistence, particularly when such a decision targets a fundamental component of the national fabric and threatens civil peace.

For his part, Dr. Mohamad Tay presented the Center's legal paper, which was built on multiple dimensions, among them the violation by the government's decision of the sacred "right to life," which stands at the forefront of human rights protected by both international and national laws. He stressed that the right to resistance is an expression of the right to life, above which no other right stands, and that safeguarding this right and the right to self-defense are among the most basic axioms of life.

He reviewed the Zionist aggressions and wars against Lebanon, noting that the state's failure to defend the land and its people necessitated the emergence of the Resistance movement to confront the enemy and exercise self-defense, based on the right to self-determination; a *jus cogens* principle of public international law.

Dr. Tay further argued that the legitimacy and lawfulness of the Resistance's weapons derive from their function, which has always been and continues to be the defense of life, property, dignity, and sovereignty. He surveyed the texts of international law, conventions, and resolutions supporting resistance movements and their means of confronting occupation, foremost among them the armed resistance.

In affirming the lack of constitutional legitimacy rooted in the National Pact in the government's decision, Dr. Tay referred to the provisions of the Taif Accord and their order of appearance. Clause Two dealt with the dissolution of militias in Lebanon, while Clause Three was devoted to the right of resistance, which was commended in the final communiqué of the tripartite committee that sponsored the Taif Accord. He emphasized that what was meant by "militias" were those groups engaged in internal fighting against one another and against the Lebanese army, whereas "resistance" was explicitly framed within the context of *"taking all necessary measures to liberate all Lebanese territories from Israeli occupation"*, and it is self-evident that resistance stands at the forefront of these measures.

He concluded that the government's decision leaves Lebanon exposed; legally, by placing such weapons outside legitimacy and thereby facilitating their dismantlement; and by stripping the country of how it could confront the enemy when attacked. He noted that this decision disregards the Islamic Resistance's defense of the country since 1982, as well as the earlier resistance movements since the 1960s, whose struggle and sacrifices, including martyrs, culminated in Lebanon's liberation from occupation.

After addressing the various concepts of legitimacy, national, pact-based (National Pact), constitutional, legal, moral, and strategic, he concluded that the government's decision to restrict weapons to the state lacked all these forms of legitimacy. He also criticized the state's strategic failure to defend the country against Israeli aggressions and threats, stressing that the government's decision would transform Lebanon into a state controlled by the enemy and subject it to a condition of strategic illegitimacy.

Former Foreign Minister Adnan Mansour was the first to comment on the Center's paper. He affirmed that the government's decision would expose Lebanon to further Israeli aggressions, emphasizing that resistance is a right guaranteed by international laws and conventions. He noted that the Taif Accord relied on Article 51 of the United Nations Charter, and that paragraph (c) of Clause Three in this accord explicitly stipulated taking the necessary measures to liberate the land from Israeli occupation, precisely what the Resistance undertook against the occupation.

He argued that the government's decision fundamentally undermines the right of the Lebanese to defend themselves, their homeland, and their land, and confiscates their right to resist, a right recognized by both Lebanese and international laws. He pointed out that the state itself knows that resistance is a legitimate right, and that the enemy harbors longstanding ambitions in Lebanon, its land and its waters. He stressed that this decision ignores the constitution and the law, does not represent the interests of the people, does not protect the Lebanese, and does not safeguard their coexistence.

He asked who would protect Lebanon in the future, stand against the occupation, and thwart Israel's expansionist projects in Lebanon, which it proclaims openly. He viewed the government's decision as conflicting with the law, clashing with a large segment of the Lebanese who uphold their right to self-defense and resistance against occupation, and contradicting the preamble of the Constitution that enshrines National Pact legitimacy in coexistence. He argued that the government should have taken a stand to defend its right to liberate the land and resist aggression,

relying on international covenants in the face of envoys who impose their decisions, dictates, and conditions upon it. He noted that the government preferred instead to comply with Washington's demands to strip Lebanon of its resistance weapons, while choosing to ignore a broad popular base committed to resisting occupation, even at the risk of an internal explosion that could shatter Lebanon, its territorial unity, and its coexistence.

Lawyer Omar Zein pointed out that the decision came at a time when the enemy is arming its settlers and amid threats from the Israeli government and its leader against Lebanon, and the promotion of the so-called "new Middle East map" that includes a "Greater Israel" map.

After reviewing the Zionists' violations of the principles of the rights of peoples and individuals through their grave assaults on security, he said they now expect our national army to act as a municipal police force for their entity.

He called on the state to take measures that would enable us to defend our country, including: activating the mandatory conscription law; submitting daily complaints to the UN Security Council rather than being content with statements of condemnation; arming the Lebanese Army from sources that do not require us to forfeit our sovereignty; and preserving the Resistance's ethos in all its currents (Islamic and others) so that it stands alongside the army to protect Lebanon. He also urged, as Arab states and the Organization of Islamic Cooperation have done, that Lebanon receive regional support and that it annuls any treaties and agreements it has concluded with "Israel." He insisted that the issue of disarmament and restriction of arms should not be addressed until the Zionist enemy withdraws from all Lebanese territories.

Dr. Adel Yammine then spoke, noting that Lebanon's ratification of international treaties and their incorporation into its legal order obliges Lebanon to implement them, including UN resolutions and international covenants. He affirmed that preventing Lebanese citizens from exercising their right to resist contradicts both the Constitution and the National Pact, and that the only

justification for ending resistance is the removal of the causes that gave rise to it, namely, the end of occupation.

He paused on the American paper upon which the government based its decision, pointing out that if the government regarded itself as bound by that paper despite Israel's and Syria's non-consent, then the matter would be void; otherwise, the government has erred. After listing cases in which the government would be deemed to have lost legitimacy, he stressed the importance of the President of the Republic convening a national dialogue table to resolve divisive issues among Lebanese, and that his Army Day speech should form part of the dialogue's agenda.

Dr. Louna Farhat examined the interpretation of the pact's provisions and distinguished between militias and resistance. She questioned the decision's impact on Lebanese citizens and whether the decision was truly sovereign or a response to foreign interventions, a question that raises doubts about the government's legitimacy. She argued that a balance must be struck between the principle of National Pact legitimacy and the right of self-defense of the nation; both principles should be preserved in state decisions. She noted that the decision to disarm is political and runs counter to the state's sovereignty over its decisions because it neither protects sovereignty nor National Pact legitimacy nor coexistence.

She referred to the Fourth Geneva Convention and its Additional Protocol I, which includes armed defenders of their land and persons within their protection, and asked: if arms are withdrawn and the enemy advances into Lebanese territory and civilians take up arms to repel it, how will the government deal with them?

Dr. Salim Haddad addressed the enemy's claims that its assaults amount to self-defense, arguing that this claim conflicts with the conditions of lawful self-defense, foremost of which is that defense must respond to an imminent threat and employ proportionate means. He invoked the Nuremberg Tribunal's position that preventive action on another's territory is only justified if self-defense is an urgent necessity facing an imminent danger that leaves no time to explore other

means or consult. He emphasized that what Israel is doing cannot be characterized as self-defense; rather, it constitutes ongoing, continuous aggression that must be confronted.

He argued that the government's decision was based on the American paper, that is, on an external decision, which contradicts sovereignty and independence. He reviewed the American and Israeli threats that accompanied the issuance of the government's decision, concluding with the principle that *what is built on falsehood is false*. He called on certain officials to free themselves from American and European tutelage so that Lebanese may be able to agree on their country's future.

Finally, Dr. Jad Tohmeh spoke on the issue of National Pact legitimacy and the extent to which the government's decision conforms to its provisions. He highlighted the elevated principles that guide the Resistance in its struggle against the enemy, principles rooted in Islamic and Christian teachings, affirming that there is no path to survival in the face of the Zionist-American scheme except through resistance, no matter how heavy the sacrifices.

After the speakers' presentations, MP Sheikh Hassan Ezzeddine was the first to participate in the discussion, stressing that the aim of the Taif Accord was to end the civil war and restore the spirit of concord among the Lebanese.

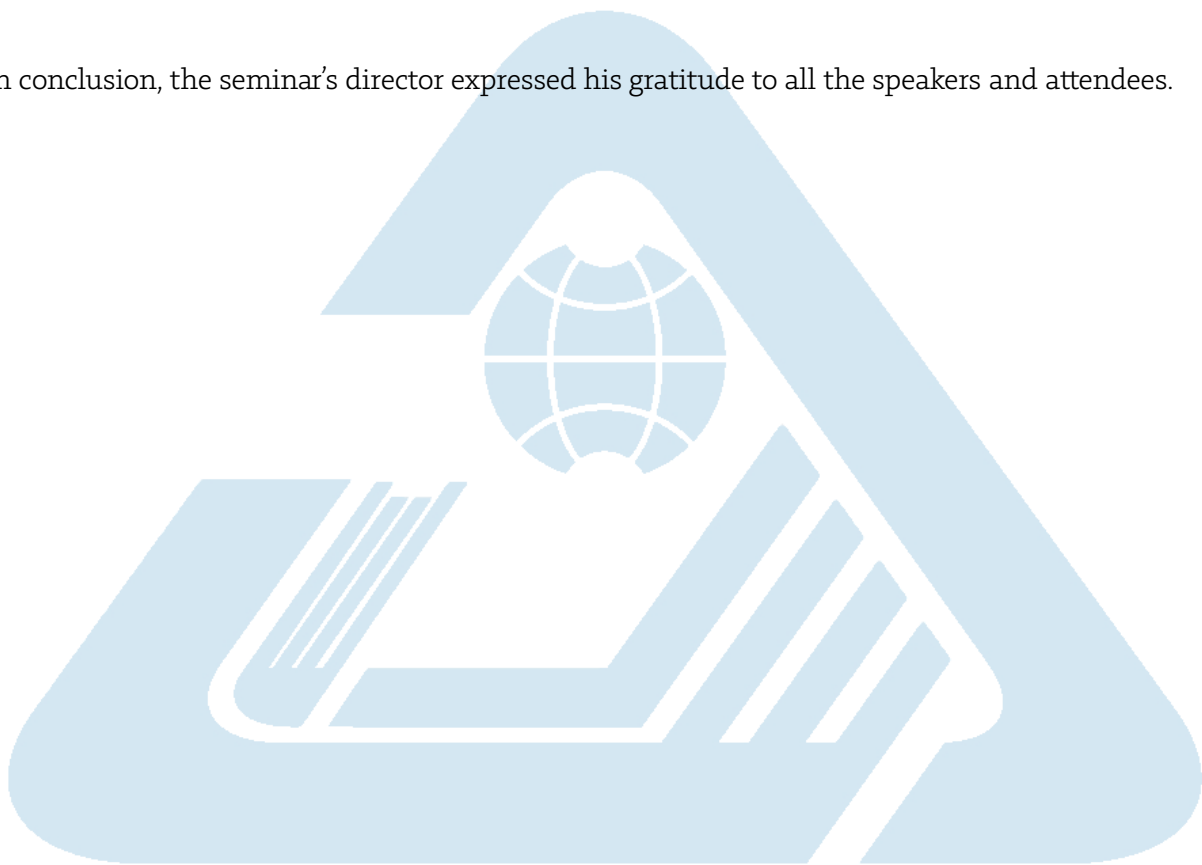
He pointed out that the Document of National Reconciliation contained a set of reforms, all of which the government appears to be ignoring, focusing only on the issue of the Resistance's weapons. He noted that the dissolution of militias was implemented by the first government formed after the Taif Accord, whereas the matter of resistance remains tied to the continued occupation and the enemy's aggressions against Lebanon. He added that it was the Resistance that expelled the occupier from most of our occupied territories.

Dr. Samer Abdallah remarked that no one can disregard the right of resistance, pointing out the need not to overlook the Doha Agreement in discussions concerning the extension of state authority. He argued that the government's decision also contradicts Resolution 1701 with respect

to the area it covers, given that this resolution was built on the Armistice Agreement. He saw the aim of restricting weapons not as their collection but rather as their destruction, so that Lebanon would lose any force enabling it to defend itself.

Some members of the audience offered brief remarks, which largely reiterated the points already presented by the speakers.

In conclusion, the seminar's director expressed his gratitude to all the speakers and attendees.





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