

Who Is Entitled to Have Boots on The Lebanese Ground?

Legal Analysis of the Treaties between Lebanon and Israel (1948, 1983, 1996, 2024), UNSC Resolutions (62, 425, 1559, 1680, 1701), the Taif Accord, and the Lebanese Constitution.

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“Truth taught me to hate it, yet I failed to do so.”
Karam Melhem Karam (1903 – 1959)

To my countrymen who still believe.

List of Abbreviations

1-SCR	Security Council Resolution.
2-April Agreement	The Lebanon-Israel Ceasefire Understanding concluded on 26 April 1996.
3-Armistice Agreement	The Israel-Lebanon Armistice Agreement signed on 23 March 1949.
4-2024 Cessation of Hostilities' Agreement	The Announcement of a cessation of hostilities and related commitments on enhanced security arrangements in line with the implementation of UN Security Council Resolution 1701 reached on 26 November 2024.
5-Charter	Charter of the United Nations.
6-CIL	Customary International Law.
7-ICJ	International Court of Justice.
8-May 17th agreement	The Lebanon-Israel Peace Agreement signed on 17 May 1983.
9-OP	Operational Paragraph.
10-POW	Prisoner of War.
11-SC	Security Council.
12-UNIFIL	United Nations Interim Force In Lebanon.

Introduction¹

1.The ongoing tension and armed conflict between Lebanon and Israel has consistently led to the adoption of United Nations Security Council Resolutions (henceforth “SCRs”) and to the signing of bilateral treaties, sometimes aimed to cease hostilities and other times to end the state of war between the two countries.

2.As for the SCRs concerning the Lebanon-Israel conflict, the most significant include: SCR 62 adopted on 16 November 1948, SCR 425 adopted on 19 March 1978, SCR 1559 adopted on 2 September 2004, SCR 1680 adopted on 17 May 2006 and SCR 1701 adopted on 11 August 2006.

3.As for treaties, they include: “The Lebanon-Israel Armistice Agreement” signed on 23 March 1949 (henceforth “the Armistice Agreement”), “The Lebanon-Israel Peace Agreement” signed on 17 May 1983 (henceforth “May 17th agreement”)², “The Lebanon-Israel Ceasefire Understanding” concluded on 26 April 1996 (henceforth “the April Agreement”) and “The Announcement of a cessation of hostilities and related commitments on enhanced security arrangements in line with the implementation of UN Security Council Resolution 1701” reached on 26 November 2024 (henceforth “the 2024 Cessation of Hostilities’ Agreement”)³.

4.This paper will tackle the following questions: Has SCR 425 been implemented? Are the Shab’a Farms⁴ Lebanese? Do SCRs 1559 and 1680 imply the obligation of disbanding armed groups including Hezbollah? Are those SCRs binding? Does SCR 1701 oblige Lebanon to disarm all armed groups including Hezbollah? Is it only south of the Litani River or throughout the entire Lebanese territory? Is SCR 1559 revoked by SCR 1701? Is “the Armistice Agreement” still in force? Does “the 2024 Cessation of Hostilities’

¹ I wrote this piece in English rather than Arabic to avoid translation errors from English to Arabic, particularly concerning SCRs and international treaties, which I will reference throughout the article. This is especially relevant since the initial drafts of SCRs are often in English. Moreover, most of the treaties discussed in this article were concluded only in English (except “The May 17th agreement”). For example, “the 2024 Cessation of Hostilities’ Agreement” was concluded in English rather than Arabic.

² Widely referred to in Arabic as “Ittifaq Saba’ata’sh Ayyar”. It was abrogated on 5 March 1984.

³ Add to those “the Maritime Border Deal Agreed between Israel and Lebanon” signed on 27 October 2022 (not ratified by Lebanon and not published in its Official Gazette but registered with the UN secretariat) and considered binding by both parties. The analysis of this treaty is of no relevance to this paper.

⁴ SCR 1701 refers to the farms by the name “Shebaa” (preamble (par. 7) and OP 10). I shall use the term “shab’a” because it is the one that is used in all of the Secretary General’s reports. Both terms refer to the same geographic area.

Agreement” require the disarmament of all armed groups including Hezbollah⁵? Is it only south of the Litani River or throughout Lebanon? What are the similarities between “the 2024 Cessation of Hostilities’ Agreement” and the abrogated “May 17th Agreement”? Is there a conflict between “the Armistice Agreement” and “the 2024 Cessation of Hostilities’ Agreement”? Is there a conflict between aforementioned SCRs and international treaties? In case of a conflict, which one prevails? What is the difference between the right to resistance and the right to self-defense in light of the Taif Accord⁶, Lebanon’s Constitution, treaties, the Charter of the United Nations (henceforth “the Charter”) and SCRs?

5. The answers to these questions will be provided through an examination of the key aspects of the aforementioned SCRs (Section 1) and treaties (Section 2), with a focus on the geographic scope of application (South of the Litani – the entire Lebanese territory), the timeframes for implementation, the concerned troops (the Lebanese and Israeli armed forces, armed groups, Hezbollah, and UNIFIL), and the assets of the armed groups and Hezbollah (weapons and infrastructure).

⁵ Hezbollah is selected to assess its legal status under SCRs and international treaties, as it is the only armed group explicitly mentioned in all these instruments (SCR 1701 and the 2024 Cessation of Hostilities’ Agreement). The findings of this paper equally apply to other armed groups in Lebanon, including Palestinian organizations, Amal, the Syrian Social Nationalist Party, and Al-Fajr Forces (Islamic Group).

⁶ An agreement entitled “National Reconciliation Accord” (*wasikat al wifak al watani*) was reached on 22 October 1989 in the city of Taif, in the Kingdom of Saudi Arabia, which ended the 15-year Lebanese civil war. It was adopted by the Parliament on 22 October 1989. Some of its provisions were adopted on 21 September 1990 by the Lebanese Parliament as an amendment to the Constitution (Law no. 18).

Section 1: Security Council Resolutions.

In the following, there will be an analysis of the legal effects of SCRs (paragraph 1) and all relevant SCRs -62, 425, 1559, 1680, 1701- (paragraph 2).

Paragraph 1: The legal effects of SCRs.

6.The United Nations is not entitled to intervene in matters which are essentially within the domestic jurisdiction of any State, but this principle shall not prejudice the application of enforcement measures taken by the Security Council (henceforth “SC”) under Chapter VII⁷ of the Charter⁸.

7.“However, this must be read in conjunction with Article 39 which empowers the Council to decide when a situation constitutes a threat to international peace and security. In UN law, ‘a threat to international peace’ is by definition not ‘a matter within the domestic jurisdiction of the state’. And it is the Council that decides when a situation constitutes a threat. Thus, the Council determines whether a matter is domestic or not, and so it gives meaning to the limit contained in Article 2(7), when the Council finds a threat to international peace, then the limits in Article 2(7) *ipso facto* do not apply to the situation.”⁹

8.SC adopts resolutions that “are not legislations”, “nor are they judgments or quasi-judgments”, “nor are they treaties”¹⁰. Rather, it adopts: decisions that create obligations under Chapter VII and Article 25 (a), recommendations that have no legal effect under Chapter VI (b) or half decisions and half recommendations commonly referred to as being adopted under “Chapter six and a half “(c).

a- Chapter VII and Article 25: Decisions.

9.Chapter VII is relevant to “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression”. “As general practice nowadays, when the Council intends a provision to be mandatory, the resolution contains or refers to an Article 39 determination, and includes the words “acting under Chapter VII, as well as the word “decides””.¹¹

⁷ In the following developments, wherever any Chapter is mentioned it would mean a Chapter of the Charter.

⁸ The Charter, Article 2 (par. 7).

⁹ Ian Hurd, “The UN Security Council and the International Rule of Law”, the Chinese Journal of International Politics, 2014, p. 4.

¹⁰ Michael C. Wood, “The Interpretation of Security Council Resolutions”, https://www.mpil.de/files/pdf2/mpunyb_wood_2.pdf, p. 77 – p 78 – p79. Consulted on 12 February 2025.

¹¹ Michael C. Wood, *op. cit.*, p 82.

10. The SCR is therefore binding when:

1- There is an express mention of Chapter VII, Articles 39¹², 40¹³, 41¹⁴ and 42¹⁵.

2- The wording of the relevant Operational Paragraphs (henceforth OPs) covers interventions such as:

- Actions with respect to threats to the peace, breaches of peace and acts of aggression.
- Measures taken to restore international peace and security.
- Provisional measures taken to prevent an aggravation of the situation.
- Measures taken to give effect to its decisions that could be: complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.
- Actions taken by air, sea, or land forces as may be necessary to maintain or restore international peace and security (demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations).

11. With regard to resolutions not expressly adopted under Chapter VII, it is conceivable to consider them binding not only but especially when the word “decides” is used (or “demands” or “calls upon in accordance with Article 25 of the Charter”). The legal basis of those decisions is Article 25, which states: “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.” This raises an important question: “does Article 25 of the Charter apply only

¹² “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”.

¹³ “In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures”.

¹⁴ “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”.

¹⁵ “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”.

to decisions taken by the Security Council under Chapter VII?”¹⁶. Can it, therefore, serve as the legal basis for both binding decisions? It is therefore a matter of interpretation.

12. The rules of interpretation of SCRs have neither been codified nor clearly established through judicial decisions or other authoritative sources¹⁷. Nevertheless, it is widely adopted that SCRs should be interpreted in good faith, in a way to make the SCR efficient.

13. “SCRs are frequently not clear, simple, concise or unambiguous. They are often drafted by non-lawyers, in haste, under considerable political pressure, and with a view to securing unanimity within the Council. This latter point is significant since it often leads deliberate ambiguity and the addition of superfluous material (presumably thought at the time to be harmless)”¹⁸.

14. SCRs should not be interpreted in the same manner as domestic legislations or even as treaties. Most of their provisions are not meant to impose binding rights or obligations on States, unlike treaties¹⁹. For instance, while the preamble of a treaty is binding, the preamble of an SCR can only offer guidance on their object and purpose, aiding interpretation: it should be treated cautiously, as it is often used as a dumping ground for proposals that are not acceptable in the operative paragraphs²⁰.

15. In principle, “It is an established principle that the right of giving an authoritative interpretation of a legal rule (*le droit d’interpréter authentiquement*) belongs solely to the person or body who has power to modify or suppress it”²¹. However, there are instances where the Security Council has not provided authoritative interpretations of specific terms in certain SCRs, which may be necessary not only to determine whether the SCR is binding but also to clarify the precise meaning of particular words.

16. In this context, the Advisory Opinion rendered by the International Court of Justice (henceforth ICJ) concerning the continued presence of South Africa in Namibia sheds lights on this matter: “It has been contended that

¹⁶ ROSALYN HIGGINS, “The advisory opinion on Namibia: which UN resolutions are binding under Article 25 of the Charter?”, *The International and Comparative Law Quarterly*, Vol. 21, No. 2 (Apr., 1972), Cambridge University Press, p 271.

¹⁷ *Ibid.*, p 74.

¹⁸ H. Freudenschuss, “Article 39 of the UN Charter Revisited: Threats to the peace and the recent Practice of the UN Security Council”, *Austrian J. Publ. Int. Law* 46 (1993), 1 et seq.

¹⁹ Michael C. Wood, *op. cit.*, p. 81.

²⁰ *Ibid*, p 87.

²¹ *Jaworzina* Advisory Opinion of 6 December 1923, PCIJ Series B, No. 8 and 37.

Article 25 of the Charter applies only to enforcement measures adopted under Chapter VII of the Charter. It is not possible to find in the Charter any support for this view. Article 25 is not confined to decisions in regard to enforcement action but applies to "the decisions of the Security Council" adopted in accordance with the Charter. Moreover, that Article is placed, not in Chapter VII, but immediately after Article 24 in that part of the Charter which deals with the functions and powers of the Security Council . . . The language of a resolution of the Security Council should be carefully analyzed before a conclusion can be made as to its binding effect. In view of the nature of the powers under Article 25, the question whether they have been in fact exercised is to be determined in each case, having regard to the terms of the resolution to be interpreted, the discussions leading to it, the Charter provisions invoked and, in general, all circumstances that might assist in determining the legal consequences of the resolution of the Security Council.”²²

b- Chapter VI: Recommendations.

17.SC can adopt resolutions that do not create obligations i.e., recommendations, based on Articles 36²³ and 38²⁴ of the Charter. The use of the words "encourages," "invites" or "urges" proves that the resolution is a recommendation.

c- “Chapter VI and a half”: half decisions-half recommendations.

18.“Former UN Secretary General Dag Hammarskjöld, recognizing the improvised nature of any type of UN collective security attempted during the Cold War, labeled UN peacekeeping operations as “Chapter Six and a Half” to characterize their tenuous legitimacy under the Charter. Council recommendations under Chapter Six during the Cold War were not

²² ICJ, *Legal consequences for States of the continued presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)*, advisory opinion of June 21st 1971, in: *ICJ Reports*, 1971, paragraph 114, p. 53.

²³ “1.The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment. 2.The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties. 3.In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court”.

²⁴ “Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute”.

enforceable, while fill-scale military intervention under Chapter Seven could never be agreed upon by the superpowers.”²⁵

19.More recently, some scholars have used this term to describe peacekeeping operations that fall into the "grey area" between traditional peacekeeping (under Chapter VI) and peace enforcement (under Chapter VII). These operations lack a clear doctrinal foundation and are increasingly associated with peacekeeping involving the use or implied threat of force, often launched as humanitarian interventions in civil wars or conflicts within societal breakdown²⁶.

20.Under this category, certain SCRs would include both binding obligations generated according to Article 25 of the Charter and non-binding recommendations. A typical example would be SCR 1244 relevant to the Kosovo crisis, adopted on 10 June 1999 which includes binding obligations in OPs 1²⁷, 3²⁸, 5²⁹, 6³⁰, 7³¹ and 11³² and non-binding-recommendations in OPs 2³³, 4³⁴, 8³⁵, 10³⁶, 12³⁷ and 13³⁸.

21.In the following paragraph and based on the aforementioned criteria, I will analyze SCRs 62, 425, 1559, 1680, and 1701 to assess whether each is binding and to interpret the relevant provisions concerning cessation of hostilities, security zones, official troops, armed groups (including fighters, weaponry, and infrastructure), Prisoners of War (henceforth POWs), United Nations forces and time limits.

²⁵ John F. Hillen III, "UN Collective Security: Chapter Six and a Half", The US Army War College Quarterly: Parameters, volume 24, Number 1 Parameters 1994, p. 28.

²⁶ <https://unterm.un.org/unterm2/en/view/1f708624-5138-454b-8ecb-c193f8530974>. Consulted on 14 February 2025.

²⁷ "Decides on the deployment of international civil and security presences in Kosovo".

²⁸ "Demands that the Federal Republic of Yugoslavia withdraw all military, police, and paramilitary forces".

²⁹ "Decides that UNMIK will be the international civil presence, with specific responsibilities".

³⁰ "Authorizes KFOR (Kosovo Force) to use force to maintain peace and security".

³¹ "Mandates KFOR to ensure a safe environment for all people in Kosovo".

³² "Directs UNMIK to establish an interim administration for Kosovo".

³³ "Calls for immediate and verifiable withdrawal of Yugoslav forces".

³⁴ "Calls upon Kosovo's communities to cooperate in the peace process".

³⁵ "Encourages states and organizations to provide humanitarian assistance".

³⁶ "Encourages refugee return and protection of minority communities".

³⁷ "Encourages participation of Kosovo's people in governance".

³⁸ "Calls for regional cooperation in maintaining stability".

Paragraph 2: The relevant SCRs.

a- SCR 62 of 16 November 1948

22.The resolution is binding, as demonstrated by:

1. Its preamble, which explicitly references Article 39 of the Charter, stating: “Recalling particularly its resolution 54 (1948) of 15 July 1948, which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter of the United Nations.”
2. OP 1, which uses the word “decides” and states: “Decides that, in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, an armistice shall be established in all sectors of Palestine.”
3. OP 2, which explicitly references Article 40, stating: “Calls upon the parties directly involved in the conflict in Palestine, as a further provisional measure under Article 40 of the Charter, to seek agreement forthwith, by negotiations conducted either directly or through the Acting Mediator, with a view to the immediate establishment of the armistice...”.

23.The resolution covers therefore a transition from truce to permanent peace. It does not address armed groups but rather refers to the withdrawal of armed forces. It imposes a truce in Palestine and emphasizes in its OP 2 the necessity of concluding an armistice agreement that includes:” (a) The delineation of permanent armistice demarcation lines beyond which the armed forces of the respective parties shall not move; (b) Such withdrawal and reduction of their armed forces as will ensure the maintenance of the armistice during the transition to permanent peace in Palestine”. It makes no reference to displaced persons and POWs. This SCR has been implemented, with the signing of “the Armistice Agreement” being the most important factor in the implementation process.

b- SCR 425 of 19 March 1978.

24.The resolution “calls” for the respect of the territorial integrity of Lebanon and for the immediate cease of the military action of Israel against Lebanon (Ops 1 and 2). In addition to that, it establishes peacekeeping forces. Hence, OP 3 states: “*Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for Southern Lebanon for the purpose of confirming the

withdrawal of Israeli-forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States”.

25.The United Nations Interim Force’s (henceforth UNIFIL) mandate recalls measures of pacific settlement of disputes (Chapter VI) (confirming the withdrawal of Israeli Forces), and actions with respect to threats to the peace, and acts of aggression (Chapter VII) (restoration of international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area). Later on, there will be an explanation of “Chapter six and a half” under which SCR 425 was adopted.

26.The resolution does not address armed groups but rather refers to the cease of military action and the withdrawal of Israeli Forces that occupied Lebanese territories on 14 March 1978 and the deployment of UNIFIL in Southern Lebanon³⁹. It makes no reference to security zones, time limits, displaced persons and POWs.

27.In his report S/2000/590 of 16 June 2000 (paragraph 40), the Secretary-General of the United Nations confirmed that SCR 425 had been implemented. He stated: “I am writing to inform the Council that Israel has met the requirements defined in my report of 22 May. I am, therefore, in a position to confirm that Israeli forces have withdrawn from Lebanon in compliance with resolution 425 (1978)”⁴⁰. Following the withdrawal, a 120-kilometer Line namely, “the blue line” has been established by the United Nations, in coordination with Lebanese and Israeli officials, to confirm the withdrawal of Israeli forces from Lebanese territory in compliance with Security Council Resolution 425 (1978). This line does not represent an official border between Lebanon and Israel and does not prejudice future border agreements between the two states⁴¹.

28.Although the Lebanese Government considered that SCR 425 is not fully implemented due to the occupation of Shab’a Farms by the Israeli Forces, the United Nations considered that the Farms are part of the Syrian territory as stated in the report of the Secretary General on the implementation of the SCR 425 and 426 on 16 June 2000 which refers to the report of the Secretary General dated 22 May 2000 where he explained the factual

³⁹ “Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory” (OP 1).

⁴⁰ <https://digitallibrary.un.org/record/416349?ln=en&v=pdf>.

⁴¹ <https://unifil.unmissions.org/faqs>.

background of the decision: "...On 15 May 2000, the United Nations received a map, dated 1966, from the Government of Lebanon which reflected the Government's position that these farmlands were located in Lebanon. However, the United Nations is in possession of 10 other maps issued after 1966 by various Lebanese government institutions, including the Ministry of Defense and the army, all of which place the farmlands inside the Syrian Arab Republic. The United Nations has also examined six maps issued by the Government of the Syrian Arab Republic, including three maps since 1966, which place the farmlands inside the Syrian Arab Republic".

c- SCR 1559 of 2 September 2004

29.The resolution is non-binding. It does not expressly mention Chapter VII or any of the Articles 39, 40, 41 and 42 of the Charter. Add to this, it does not refer to any measures taken to restore international peace and security and does not use the word "decides" in any of its 8 OPs⁴².

30.The resolution does not address a cease of military action (there were no hostilities when the SCR was adopted) but rather refers to "disbanding and disarmament of all Lebanese and non-Lebanese militias"⁴³ and the withdrawal of foreign forces from Lebanon⁴⁴. Obviously, it makes no reference to security zones, time limits, displaced persons and POWs.

31.In this context, it is interesting to mention that in his 8th report of 18 November 2008 on the implementation of SCR 1701 (Paragraph 30), the Secretary-General of the United Nations used the word "contraventions" while describing the progress in the implementation process of SCR 1559 when he stated, for instance: "As indicated in my previous reports, Hizbullah continues to maintain a substantial military capacity distinct from that of the Lebanese State, in direct contravention of resolutions 1559 (2004) and 1701 (2006). I am concerned that Hizbullah may have sought to upgrade further those capabilities." On the other hand, he noted that "the requirements of the withdrawal of Syrian troops and military assets ... have been met."⁴⁵

⁴² The four verbs used are "Reaffirms, calls, declares, supports, requests".

⁴³ OP 3.

⁴⁴ OP 2.

⁴⁵ Letter dated on 26 October 2005 from the Secretary General addressed to the president of the Security Council (par. 53).

32.While I consider that SCR 1559 is non-binding, the only explanation to the use of the word “contravention” would be that the resolution reaffirms pre-existing obligations, such as 'the strict respect for the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon' (OP 1) which could be linked to Article 2 (Paragraph 4) of the Charter that states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

d- SCR 1680 of 17 May 2006

The resolution is non-binding for the same reasons outlined under SCR 1559 that apply to its 7 OPs⁴⁶.

33.The resolution does not address a cease of military action (there were no hostilities when the SCR was adopted) but rather refers to “the full implementation of all requirements of resolution 1559 (2004)”⁴⁷and the measures to be taken by Lebanon and Syria against movements of arms into Lebanese territory⁴⁸. Obviously, it makes no reference to security zones, time limits, displaced persons and POWs.

34.Even if SCR 1680 is non-binding, it still reaffirms pre-existing binding obligations, such as “the respect of territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders”.

35.SCRs 1559 and 1680 are therefore non-binding in the meaning that they do not generate binding obligations. However, in a certain extensive interpretation, they both could be considered as reaffirming pre-existing obligations in the Charter applicable to the respect of territorial integrity and sovereignty of Lebanon including the necessity to disband and disarm “Lebanese and non-Lebanese militias” and “the withdrawal of foreign forces from Lebanon”.

⁴⁶ The three verbs used are “Welcomes, Reiterates, encourages”. OP 8 is not considered because it only concerns the fact that SC “decides to remain seized of the matter”

⁴⁷ OP 2.

⁴⁸ OP 5.

e- SCR 1701 of 11 August 2006

The following factors would show that SCR 1701⁴⁹ (Annex 1) is adopted under “Chapter six and a half” for it includes binding obligations (under article 25 of the Charter) and mere recommendations.

36.As for the binding obligations:

- 1- Its preamble, does not include binding obligations, however it implicitly recalls Chapter VII of the Charter when it states: “*Determining* that the situation in Lebanon constitutes a threat to international peace and security”.
- 2- OPs 11⁵⁰, 15⁵¹ and 16⁵², which use the word “decides”.
- 3- The mandate of UNIFIL determined in OP 12, which covers taking “all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind, [and] to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of

⁴⁹ It was adopted following escalation of hostilities between Hezbollah and Israel on 12 July 2006.

⁵⁰ “11. *Decides*, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops, and that the force shall, in addition to carrying out its mandate under resolutions 425 and 426 (1978):

- (a) Monitor the cessation of hostilities;
- (b) Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon as provided in paragraph 2;
- (c) Coordinate its activities related to paragraph 11 (b) with the Government of Lebanon and the Government of Israel;
- (d) Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons;
- (e) Assist the Lebanese armed forces in taking steps towards the establishment of the area as referred to in paragraph 8;
- (f) Assist the Government of Lebanon, at its request, to implement paragraph 14”.

⁵¹ “15. *Decides* further that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

- (a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and
- (b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above; except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by UNIFIL as authorized in paragraph 11”.

⁵² “*Decides* to extend the mandate of UNIFIL until 31 August 2007, and *expresses its intention* to consider in a later resolution further enhancements to the mandate and other steps to contribute to the implementation of a permanent ceasefire and a long-term solution”.

United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence". Add to this, the assistance to the Lebanese government in preventing unauthorized weapons shipments (OP 15).

37.As for the recommendations:

- 1- OPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 17 and 18 are mere recommendations based on the word used at the beginning of each one of them: "calls for", "calls upon", "emphasizes", "Reiterates", "calls on", "affirms", "calls on", "invites", "requests" and "stresses".
- 2- The recommendation of appropriate procedures or methods of adjustment to settle the conflict between Lebanon and Israel, in OPs 8, 9, 10 (see below the "second phase")
- 3- Certain missions of UNIFIL which cover typical peacekeeping forces' activity such as monitoring, coordinating and assisting (OP 11).

38.In this context, Tarek Metri who was the Lebanese Government's special envoy to the United Nations during the adoption of SCR 1701, explains "We had agreed that day in the Cabinet to direct the diplomatic efforts toward the goal of obtaining a Security Council resolution under Chapter VI, not Chapter VII, so that the international force would not be just a weak, powerless monitoring force. This led someone to say that we were seeking a Security Council resolution under 'Chapter Six and a Half.' I was aware that the use of this phrase was not in the realm of verbal finesse or 'Lebanese humor.' In the glass building, several senior UN officials repeated the same phrase without much embarrassment or the smile of someone who puts words in the wrong place. When they spoke about the formation of the international peacekeeping force in southern Lebanon, they suggested that, if a Security Council resolution were passed to form it under Chapter VI, its mission would likely be detailed, in language not far from the language of Chapter VII."⁵³

⁵³ Tarek Metri, The war of Israel on Lebanon 2006: the story of decision 1701, Arab Center for Research & Policy Studies, P.112 (in Arabic).

39.It is important to emphasize that the resolution was unanimously ⁵⁴ adopted by the Lebanese Council of Ministers on 12 August 2006 and approved by the Israeli Council of Ministers on 14 August 2006, with one abstention.

40.SCR 1701 implicitly recalls the approach adopted by SCR 62, particularly in its two-phased approach to resolving the conflict: first, calling for a cessation of hostilities, and second, working toward a permanent ceasefire and a long-term solution.

41.The first phase involves the cessation of hostilities between Hezbollah⁵⁵ and Israel, starting with an immediate cessation, followed by a full cessation. Under the full cessation of hostilities phase, the Government of Lebanon and UNIFIL will deploy their forces together throughout the South, while Israel will withdraw its forces from southern Lebanon in parallel (OPs 1⁵⁶ and 2⁵⁷).

⁵⁴ Hezbollah first joined the Lebanese government in 2005, following Syria's withdrawal from Lebanon (in Najib Mikati's government). Since then, it has participated in every subsequent government.

⁵⁵ The party is referred to as 'Hezbollah' with an 'e' instead of an 'i' as in the 2024 Cessation of Hostilities' Agreement. It is the first time that Hezbollah is mentioned by name whether in SCRs or Treaties.

⁵⁶ "1. *Calls for* a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbollah of all attacks and the immediate cessation by Israel of all offensive military operations".

⁵⁷ "2. Upon full cessation of hostilities, *calls upon* the Government of Lebanon and UNIFIL as authorized by paragraph 11 to deploy their forces together throughout the South and *calls upon* the Government of Israel, as that deployment begins, to withdraw all of its forces from southern Lebanon in parallel".

42. The second phase (Ops 8⁵⁸, 9⁵⁹ and 10⁶⁰) concerns “a permanent ceasefire and a long-term solution”⁶¹, which will be achieved through the collaboration of the Secretary-General of the United Nations, relevant international actors, and the concerned parties. This will include:

- 1- the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL pursuant to “security arrangements” and “agreements in principle”.
- 2- the disarmament of all armed groups in Lebanon as there will be no weapons or authority in Lebanon other than that of the Lebanese State pursuant to the relevant provisions of the Taif Accord, and of resolutions 1559 (2004) and 1680 (2006) and the Lebanese cabinet decision of 27 July 2006.
- 3- the delineation of the international borders of Lebanon, especially in those areas where the border is disputed or uncertain (the Shab’a farms area).
- 4- The absence of foreign forces in Lebanon without the consent of its Government.

43. As for the implementation of the first phase (cessation of hostilities), the Secretary General affirmed that the instant cessation of hostilities was achieved when he stated that “on the heels of this intensive fighting, the guns

⁵⁸ “8. *Calls for Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the following principles and elements:*

- full respect for the Blue Line by both parties;
- security arrangements to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL as authorized in paragraph 11, deployed in this area;
- full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese State;
- no foreign forces in Lebanon without the consent of its Government;
- no sales or supply of arms and related materiel to Lebanon except as authorized by its Government;
- provision to the United Nations of all remaining maps of landmines in Lebanon in Israel’s possession.”

⁵⁹ “9. *Invites the Secretary-General to support efforts to secure as soon as possible agreements in principle from the Government of Lebanon and the Government of Israel to the principles and elements for a long-term solution as set forth in paragraph 8, and expresses its intention to be actively involved.*”

⁶⁰ “10. *Requests the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border is disputed or uncertain, including by dealing with the Shebaa farms area, and to present to the Security Council those proposals within thirty days.*”

⁶¹ It is remarkable that the word “peace” is not used.

on all sides fell silent at 0500 hours GMT on 14 August, as agreed”⁶². However, the full cessation of hostilities has never been reached due to the continuous violations as explained by the Secretary General in all of his 56 reports on the implementation of resolution 1701 (2006), for instance:

- “UNIFIL has reported only a handful of isolated violations of the cessation of hostilities since it came into effect. In one incident on 15 August, UNIFIL learned that IDF and Hizbollah had exchanged fire in the area of Haddathah in the central sector. It immediately dispatched patrols to the scene, to find the dead bodies of four Hizbollah members, which were later taken away in an ambulance. In another incident on 16 August, an IDF tank positioned on the Israeli side fired one round across the Blue Line into Lebanese territory towards the village of Markaba in the central sector. There was no response from the other side and the situation in the area remained calm. UNIFIL observed one to four Israeli violations of Lebanese airspace daily”⁶³.
- “UNIFIL has reported a significant increase in Israeli air violations, through jet and unmanned aerial vehicle overflights of Lebanese territory. These violations occur on an almost daily basis, frequently numbering between 15 and 20 overflights, and even reaching 32, in a single day ... Notwithstanding the essential requirement to fully implement all provisions of resolution 1701 (2006), Israeli overflights not only constitute repeated violations of that and other relevant Security Council resolutions; they also undermine the credibility of both UNIFIL and the Lebanese Armed Forces in the eyes of the local population and negatively affect efforts to stabilize the situation on the ground”⁶⁴.
- “One year since the onset of the exchanges of fire across the Blue Line, in repeated breach of the cessation of hostilities and in violation of resolution 1701 (2006), Lebanon and Israel are on the precipice of an all-out conflict that risks plunging the region into catastrophe. This must be avoided at all costs”⁶⁵.

⁶² Report of the Secretary-General on the implementation of resolution 1701 (2006) of 18 August 2006 (Par. 11).

⁶³ *Ibid.*, par. 13.

⁶⁴ Report of the Secretary-General on the implementation of resolution 1701 (2006) of 28 June 2007 (Par. 16).

⁶⁵ Report of the Secretary-General on the implementation of resolution 1701 (2006) of 13 November 2024 (Par. 82).

It thus appears that, under SCR 1701, the cessation of hostilities has not moved beyond the stage of an immediate halt to become a full cessation, as violations of the Blue Line have continued.

44. As for the second phase that concerns the reaching of “a permanent ceasefire and a long-term solution”⁶⁶, it is relevant to mention that:

- “Security arrangements” have been accepted by the Lebanese Armed Forces and the Israeli Forces “to ensure that an officer at the rank of General, or his deputy, can be contacted at all times by the UNIFIL Force Commander so that any incident can be quickly resolved before it escalates” (OP 8 - paragraph 2)⁶⁷.
- Until the onset of the exchanges of fire across the Blue Line on 8 October 2023, no “agreements in principle” have been reached between Lebanon and Israel for the disarmament of all armed groups in Lebanon and for the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL (OP 8 (Paragraphs 2 and 3) and OP 9).
- There is a clear contradiction between OP 8 (paragraph 3)⁶⁸ which refers to “the full implementation of the relevant provisions of the Taif Accords, and of SCRs 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon” and OP 3⁶⁹ where SC mentions that groups can still hold arms if the Government gives its consent, thus it “*Emphasizes* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory in accordance with the provisions of resolution 1559 (2004) and resolution 1680 (2006), and of the relevant provisions of the Taif Accords, for it to exercise its full sovereignty, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon”.

⁶⁶ OPs 8, 9 and 10.

⁶⁷ Report of the Secretary-General on the Implementation of Security Council resolution 1701 (2006) (par. 18).

⁶⁸ “full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese State”

⁶⁹ “*Emphasizes* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory in accordance with the provisions of resolution 1559 (2004) and resolution 1680 (2006), and of the relevant provisions of the Taif Accords, for it to exercise its full sovereignty, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon”.

45.In this context, even in the absence of any “agreements in principle”, the Secretary General confirmed that both Lebanon and Israel have agreed to the establishment of an area free of armed personnel between Litani River and the Blue Line. Hence, he stated that “On 27 July, the Government of Lebanon decided “to extend its authority over its territory through its own legitimate armed forces, such that there will be no weapons or authority other than that of the Lebanese State”. This decision provides the necessary basis for the establishment of an area free of any armed personnel, assets and weapons between the Blue Line and the Litani River, as one of the elements of a permanent ceasefire set out in paragraph 8 of Security Council resolution 1701 (2006). Both the Government of Israel and the Government of Lebanon have expressed their agreement with this principle to me. UNIFIL is now assisting the Lebanese Armed Forces (LAF) in taking steps towards the establishment of this area following a full withdrawal of IDF from Lebanese territory”.⁷⁰

46.Subsequently, several questions have been raised regarding the legal impact of the general statements of policy⁷¹ adopted by all the consecutive governments, in which there was a clear endorsement of the SCR 1701, a reference to the Taif accord, and an explicit mention of the right to resistance was explicitly mentioned. In most of these statements, there was a mention of the “Triad of the People, Army, and Resistance” and the previous one emphasized on “the right of Lebanese citizens to resist Israeli occupation, repel its aggressions, and reclaim the occupied land”.

47.Can these ministerial statements be considered a revocation of the decision issued on 27 July 2006? Or is it considered a legal implementation of the right of resistance against thousands of recorded Israeli violations? Moreover, can they be seen as a government vision for implementing Article 8 of Resolution 1701 in the absence of any “agreements in principle” with the Israelis?

48.The fact is that the missing decisive element in answering these questions has always been the “agreements in principle” that would enable the two parties in the conflict to implement the second phase of SCR 1701, as stipulated in its OPs 8 and 9 and that in order to settle issues relevant to the:

⁷⁰ The second Report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) on 12 September 2006, par 26.

⁷¹ Article 64 (para. 2) of the Lebanese Constitution reads “... The government must present its general statement of policy to the Chamber to gain its confidence within thirty days of the date of issuance of the Decree in which the government was formed ...”.

- the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL.
- the disarmament of all armed groups in Lebanon.
- withdrawal of all foreign forces in Lebanon.
- ban of sales or supply of arms and related materiel to Lebanon except as authorized by its Government;
- provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession.

49.Therefore it could be said that the steps taken for implementing the second phase have not gone beyond adopting “security arrangements”, and the commitment of both the Lebanese and Israeli governments to implement the content of the resolution without any elaboration or specification of a supervisory or even guaranteeing party for its implementation.

50.Until the onset of exchanges of fire across the Blue Line, the United Nations considered the village of northern Ghajar and an adjacent area north of the Blue Line to be Lebanese territory occupied by Israeli forces. However, it has not changed the status of the Shab'a Farms, which are still considered Syrian territory due to the lack of delineation or demarcation of the border between Lebanon and the Syrian Arab Republic.⁷²

51.Currently, UNIFIL is deployed and operating in south Lebanon as detailed in the following map⁷³. It remains necessary to shed light on the aforementioned SCRs to assess their impact on one another, with the purpose of identifying the resolutions that may affect the legal effects of the treaties concluded between Lebanon and Israel. Ultimately, this will allow for the determination of the obligations that would provide an answer to the question posed in this paper's title.

52.SCRs 62 and 425 are therefore both implemented. The former adopted under Chapter VII led to the signature of “the Armistice Agreement” being the most important factor in the implementation process. The latter adopted under “Chapter six and a half” is implemented as detailed in the report of the Secretary General dated 22 May 2000. SCRs 1559 and 1680 both adopted under Chapter VI have been partially implemented with the withdrawal of Syrian troops. However the “disbanding and disarmament of all Lebanese and

⁷² Report of the Secretary-General on the implementation of resolution 1701 (2006) of 21 June 2024 (Pars. 49 and 86).

⁷³ <https://unifil.unmissions.org/unifil-maps>. Consulted on 13 February 2025.

non-Lebanese militias” remains a recommendation. As for SCR 1701 adopted under “Chapter six and a half”, its relevant to mention that the first phase relevant to the recommendation to reach “full cessation of hostilities” was not implemented and the second phase that concerns the reaching of “a permanent ceasefire and a long-term solution” required the conclusion of “agreements in principle” between Lebanon and Israel which was executed with the conclusion of “The 2024 Cessation of Hostilities’ Agreement” as will be seen later on.

Section 2: Treaties.

In the following, there will be an analysis of binding treaties (paragraph 1) and relevant treaties -the Armistice Agreement, May 17th agreement, the April Agreement and the 2024 Cessation of Hostilities’ Agreement- (paragraph 2).

Paragraph 1: what is a treaty?

53. In advisory opinions No. 30/97-98 and No. 60/98-99, the Lebanese State Council ruled that, based on Article 2 (1) (a) of the Vienna Convention⁷⁴, an international agreement qualifies as a treaty under Articles 52 and 65 (5) of the Lebanese Constitution if it meets three conditions: (1) it must be an agreement between States (or persons of International Law), (2) it must produce legal effects, and (3) it must be governed by international law. This interpretation was further confirmed by the Lebanese Council of Ministers in Decision No. 5 dated 5 March 2015, which reaffirmed that these criteria are decisive in determining the legal status of an agreement as a treaty.

54. Further, according to Article 52 of the Lebanese constitution “The President of the Republic shall negotiate and ratify international treaties in agreement with the Prime Minister. These treaties shall not be considered ratified except after approval by the Council of Ministers. They shall be communicated to the Chamber of Deputies when the interest and security of the State permit. However, treaties involving provisions related to the finances of the State, trade agreements, and all treaties that cannot be denounced at the end of each year shall not be ratified except after approval by the Chamber of Deputies.”

⁷⁴ “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.” Despite Lebanon not having ratified the Vienna Convention, its provisions have nonetheless become binding on Lebanon due to the fact that the convention has attained the status of customary international law, which applies to all States regardless of ratification.

55. In parallel, Article 102 of the UN Charter⁷⁵ mandates that every treaty or international agreement entered into by a UN member state must be registered with the UN Secretariat and published accordingly. However, failure to register a treaty does not annul its binding nature. Instead, the consequence is that the treaty cannot be invoked before any UN organ. This means that while Lebanon remains bound by its international agreements under domestic and international law, the failure to register a treaty simply limits its enforceability in certain international forums rather than voiding its legal effects altogether.

56. Additionally, according to Article 46 of the Vienna Convention on the Law of Treaties⁷⁶, a State cannot invalidate its consent to be bound by a treaty on the grounds of an internal legal violation unless the violation was manifest and concerned a fundamental rule of internal law. In this case, Lebanon and Israel explicitly accepted the obligations outlined in the document, and no claim was made that the agreement was concluded in violation of internal constitutional requirements of fundamental importance. Therefore, under international treaty law, the document remains binding regardless of whether it underwent formal ratification.

57. Hence, Lebanon's constitutional and legal framework, complemented by international legal norms, establishes a clear foundation for the recognition and enforcement of treaties. Treaties approved by the Council of Ministers generate binding obligations even if they are not published in the Official Gazette or registered with the UN. The consistent recognition of the Vienna Convention's principles by the Lebanese State Council and the Council of Ministers further reinforces the applicability of international treaty law in Lebanon's legal system. Thus, while procedural formalities like registration affect the opposability of treaties, they do not impair their validity or binding nature under international law.

Paragraph 2: Lebanon-Israel Armistice Agreement.

58. "The Armistice Agreement" (Annex 2), signed on 23 March 1949, is a treaty signed pursuant to SCR 62, adopted under Chapter VII of the Charter.

⁷⁵ "1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it. 2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

⁷⁶ "1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent, unless that violation was manifest and concerned a rule of its internal law of fundamental importance. 2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith".

This resolution called upon the parties to negotiate an armistice as a provisional measure under Article 40 of the UN Charter. As indicated in its preamble⁷⁷, the agreement is not merely a bilateral treaty between two subjects of international law that generates obligations under international law, but also a measure imposed by SC.

59. The agreement explicitly acknowledges that it establishes a transitional truce which was meant to last until a permanent peace is reached in Palestine. The transitional nature is defined in Article VIII (2) that states that the agreement “shall remain in force until a peaceful settlement between the Parties is achieved”. Accordingly, “the Armistice Agreement” remained in force as an interim measure and was supposed to be replaced by “The May 17th agreement” signed on 17 May 1983; however, the latter never entered into force and was abrogated on 5 March 1984. Notably, it is cited in SCR 1701 (OP 5) and referenced in several governmental general statements, including that of the Government⁷⁸ headed by Prime Minister Najib Mikati.

60. It is also significant that the agreement does not include provisions requiring the disbanding and disarmament of armed groups. Article III (2) prohibits⁷⁹ aggressive actions by any land, sea, or air military or paramilitary forces, including non-regular forces, but does not mandate their dissolution. This omission is significant, particularly when compared with “the 2024 Cessation of Hostilities’ Agreement” that explicitly addresses the dissolution of “unauthorized armed groups”.

61. A key feature of the agreement is the establishment of security zones in both Lebanon and Israel, where only designated “defensive forces” may be deployed. Article IV (2) defines the Armistice Demarcation Line as the boundary beyond which the armed forces of both parties are prohibited from advancing. Additionally, the annex to the agreement outlines specific restrictions on military deployments within designated areas: in Lebanon, south of the general line Elquasmie-Nabatiye Ett Tahta-Hasbaiya, and in Israel, north of the general line Nahariya-Tarshisra-Jish-Marus. The security

⁷⁷ “Responding to the Security Council resolution of 16 November 1948, calling upon them, as a further provisional measure under Article 40 of the Charter of the United Nations and in order to facilitate the transition from the present truce to permanent peace in Palestine, to negotiate an armistice; Having decided to enter into negotiations under United Nations Chairmanship concerning the implementation of the Security Council resolution of 16 November 1948; and having /appointed representatives empowered to negotiate and conclude an Armistice Agreement”.

⁷⁸ “Together for rescue”.

⁷⁹ “No element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party”.

zone extends beyond territorial boundaries to include airspace and maritime zones. Article III (2) explicitly prohibits military forces from crossing the armistice line "for any purpose whatsoever," including passage through the airspace or waters within three miles of the coastline of the other party. This broad restriction underscores the comprehensive nature of the security arrangements, covering all operational domains—land, sea, and air. The concept of a security zone in the Israeli territory will not figure in any of the following treaties signed with Lebanon. Furthermore, Article V (3) stipulates a 10-day withdrawal period, the shortest timeframe among the subsequent treaties. It also requires the removal of mines from evacuated areas and the exchange of information on minefield locations.

62.The agreement also addresses humanitarian concerns as well, particularly the issue of POWs and displaced persons. Article VI⁸⁰ mandates the exchange of all POWs, including those belonging to regular and irregular armed forces. Furthermore, Article VI (5) assigns responsibility to the Mixed Armistice Commission for locating missing persons, whether military or civilian, and facilitating their return. This provision reflects the humanitarian dimension of the agreement, ensuring that the armistice does not merely address military concerns but also seeks to mitigate the consequences of conflict for affected persons.

63.In addition to that, since it is signed pursuant to an SCR adopted under Chapter VII, it takes precedence in principle over treaties concluded in application of a Chapter VI resolution unless they are considered *lex specialis*, as well as other regular treaties. "A binding decision of the Security Council, adopted under Chapter VII of the Charter, prevails over any other international agreement or obligation that conflicts with it. The obligations imposed by Article 25 of the Charter extend to all Member States, requiring compliance with the measures decided upon by the Security Council."⁸¹ Therefore, Chapter VII-based treaties take precedence in principle over Chapter VI-based ones.

⁸⁰ "All prisoners of war detained by either Party to this Agreement and belonging to the armed forces, regular or irregular, of the other Party, shall be exchanged as follows: ... 5. The Mixed Armistice Commission established in Article VII of this Agreement shall assume responsibility for locating missing persons, whether military or civilian, within the areas controlled by each Party, to facilitate their expeditious exchange. Each Party undertakes to extend to the Commission full co-operation and assistance in the discharge of this function."

⁸¹ ICJ, *Legal consequences for States of the continued presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)*, *Op Cit.*, paragraph 115, p53. See also, Lockerbie case (Libya v. UK & Libya v. USA, ICJ reports, 1992).

64. Nevertheless, Article VIII (paragraph 3) of the “The Armistice Agreement” reads: “The Parties to this Agreement may, by mutual consent, revise this Agreement or any of its provisions, or may suspend its application, other than Articles I⁸² and III⁸³, at any time”. This means that while future treaties may revise or amend most Articles of “The Armistice Agreement”, Articles I and III remain binding. This issue will be examined in the context of “The 2024 Cessation of Hostilities’ Agreement”.

Paragraph 3: Lebanon-Israel peace agreement.

65. “The May 17th agreement”, is a bilateral treaty signed on 17 May 1983 between two subjects of international law that generates obligations under international law. As previously explained, it was supposed to replace “The Armistice Agreement” by ending the state of war between the two signatories. This is explicitly stated in Article 1 (2) of the agreement which states “the state of war between Israel and Lebanon has been terminated and no longer exists”. By setting withdrawal schedules, security zones, and demobilization commitments within its provisions, it underscores the intention of both parties to maintain enduring peace.

66. “The May 17th agreement” never entered into force. After the parliament authorized the government to ratify it on 14 June 1983, the latter did not ratify it and unilaterally abrogated the agreement on 5 March 1984. Nevertheless, a detailed analysis of its provisions is useful to interpret subsequent treaties. In particular, the words “Prevent”, “unauthorized” will

⁸² “With a view to promoting the return of permanent peace in Palestine and in recognition of the importance in this regard of mutual assurances concerning the future military operations of the Parties, the following principles, which shall be fully observed by both Parties during the armistice, are hereby affirmed: 1. The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both parties. 2. No aggressive action by the armed forces - land, sea or air - of either Party shall be undertaken, planned, or threatened against the people or the armed forces of the other; it being understood that the use of the term “planned” in this context has no bearing on normal staff planning as generally practiced in military organizations. 3. The right of each party to its freedom from fear of attack by the armed forces of the other shall be fully respected. 4. The establishment of an armistice between the armed forces of the two parties is accepted as an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine.”

⁸³ “1. In pursuance of the foregoing principles and of the resolution of the Security Council of 16 November 1948, a general armistice between the armed forces of the two Parties - land, sea and air - is hereby established. 2. No element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party; or shall advance beyond or pass over for any purpose whatsoever the Armistice Demarcation Line set forth in Article V of this Agreement; or enter into or pass through the air space of the other Party or through the waters within three miles of the coastline of the other Party. 3. No warlike act or act of hostility shall be conducted from territory controlled by one of the parties to this agreement against the other part.”

serve as key references for understanding “the 2024 Cessation of Hostilities’ Agreement”.

67.Concerning the word “prevent”, Article IV (1) commits both signatories to “prevent the existence or organization of irregular forces, armed bands, organizations, bases, offices or infrastructure, the aims and purposes of which include incursions or any act of terrorism into the territory of the other Party, or any other activity aimed at threatening or endangering the security of the other Party and safety of its people”. Lebanon's commitment to dismantling armed groups, whose activities aim to destabilize security in Israel, imposed a direct responsibility on the state for any military operation carried out by such groups within Lebanon. Additionally, the annex (D)⁸⁴ provides for the integration of existing local units into the Lebanese Army and the existing local civil guard into ANSAR, demonstrating a structured approach to absorbing paramilitary groups.

68.Regarding the term "unauthorized", its use is relevant to distinguish in the security zone, the forces explicitly designated by names that are organized under the full authority of the Government of Lebanon and the ones that should be dismantled or integrated in the Lebanese Army or Lebanese Auxiliary Force (ANSAR). Annex 2 specifies “The Lebanese authorities will enforce special security measures aimed at detecting and preventing hostile activities as well as the introduction into or movement through the Security Region of unauthorized armed men or military equipment. The following security arrangements will apply equally throughout the Security Region except as noted: A. [T]he Lebanese Army, Lebanese Police, Lebanese Internal Security Forces, and the Lebanese Auxiliary Force (ANSAR), organized under the full authority of the Government of Lebanon, are the only organized armed forces and elements permitted in the Security Region except as designated elsewhere in this Annex. The Security Arrangements Committee may approve the stationing in the Security Region of other official Lebanese armed elements similar to ANSAR”.

69.The treaty establishes a security zone exclusively in Lebanon, as specified in the annex under the section on Security Arrangements 1 (b). This region is demarcated in the north by "Line A" and extends south to the Lebanese international boundary. Notably, the security zone is confined to

⁸⁴ “The existing local units will be integrated as such into the Lebanese Army, in conformity with Lebanese Army regulations. The existing local civil guard shall be integrated into ANSAR and accorded a proper status under Lebanese law to enable it to continue guarding the villages in the Security Region. The process of extending Lebanese authority over these units and civil guard, under the supervision of the Security Arrangements Committee, shall start immediately after the entry into force of the present Agreement and shall terminate prior to the completion of the Israeli withdrawal from Lebanon”.

land territory, explicitly excluding airspace and maritime zones from its scope.

70. The combined effect of the two terms “prevent” and “unauthorized” reinforce Lebanon’s responsibility to ensure that the:

- armed groups other than the Lebanese Army, Lebanese Police, Lebanese Internal Security Forces, and the Lebanese Auxiliary Force (ANSAR) are disbanded, disarmed and dismantled.

- existing local units are integrated into the Lebanese Army and the existing local civil guard into ANSAR.

71. A key operational aspect of the agreement is the withdrawal of Israeli forces within 14 weeks, as detailed in Annex 6 (a)⁸⁵. This timeline ensures a phased and structured withdrawal, aligning with Lebanon’s objective of reclaiming full territorial control while allowing for the implementation of security measures to a power vacuum. The agreement does not address the issue of POWs, displaced persons, and missing persons.

Paragraph 4: The Lebanon-Israel Ceasefire Understanding.

72. “The April Agreement”, despite the fact that it is not officially signed, is a treaty. It was formally accepted by both Lebanon and Israel, with Lebanese Prime Minister Rafik Hariri and Israeli Prime Minister Shimon Peres simultaneously approving it on 26 April 1996, at 18:00 hours. The agreement creates obligations between two subjects of international law—Lebanon and Israel—governed by international law confirming its status as a treaty. Although the agreement was not subjected to formal ratification procedures, this does not preclude its characterization as a treaty pursuant to Article 46 of the Vienna Convention on the Law of treaties.

73. One of the interesting features of the agreement is its approach to “armed groups”. Unlike the abrogated “The May 17th agreement”, which placed an express obligation on Lebanon to prevent armed attacks on Israel and to dismantle “unauthorized” armed groups, this ceasefire understanding neither imposes an obligation to dismantle armed groups nor imposes an express obligation on Lebanon to prevent attacks on Israel. Instead, it establishes an obligation on armed groups within Lebanon to refrain from

⁸⁵ “Within 8 to 12 weeks of the entry into force of the present Agreement, all Israeli forces will have been withdrawn from Lebanon. This is consistent with the objective of Lebanon that all external forces withdraw from Lebanon”.

launching attacks into Israel. To a certain extent, the obligations generated by this agreement are coherent with “The Armistice Agreement”.

74. It is relevant to underline the difference between paragraph 1⁸⁶ which imposes on “Armed groups in Lebanon” the obligation not to carry attacks and paragraph 2⁸⁷ which imposes this obligation on “Israel and those cooperating with it”. Accordingly, “Hizbollah Secretary General Hassan Nasrallah announced that his organization would consider itself bound by it”⁸⁸ and indeed the organisation complied with the ceasefire upon its entry into force on 27 April 1996 at 16:00 hours. This compliance indicates that Hizbollah falls under the category of “armed groups” as understood in the context of this agreement pursuant to Article 31 (3-b) of the Vienna convention on the law of treaties relevant to interpretation of treaties which states “There shall be taken into account, together with the context: (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation”. This is particularly relevant for interpreting subsequent treaties and SCRs such as SCR 1701, where distinctions between Hezbollah on one hand and “other armed groups” on another hand have been debated.

75. It is important to note that Article 4⁸⁹ of the agreement refers to the “right of self-defense” rather than the “right of resistance”. This distinction will be explained in the conclusion of this paper to shed light on its implications.

76. It remains to mention that the agreement does not address issues relevant to security zones, troop withdrawals, POWs, displaced persons, and missing persons. In fact those matters remained governed by “The Armistice Agreement” and SCR 425, which called for Israel's withdrawal from Lebanese territory. The understanding was therefore focused mainly on establishing a ceasefire in the 1996 Lebanon-Israel war, commonly known as Operation “Grapes of Wrath” that lasted from 11 April to 27 April 1996.

⁸⁶ “Armed groups in Lebanon will not carry out attacks by Katyusha rockets or by any kind of weapon into Israel”.

⁸⁷ “Israel and those cooperating with it will not fire any kind of weapon at civilians or civilian targets in Lebanon”.

⁸⁸ Alan Sipress, “Hezbollah, Israel Agree to Cease-fire. The Two Sides Said They Would Halt Attacks on Civilians. They Also Won’t Launch Armed Operations from Populated Areas,” *The Enquirer*, April 27, 1996.

⁸⁹ “Without violating this understanding, nothing herein shall preclude any party from exercising the right of self-defense”.

Paragraph 5: The Announcement of a cessation of hostilities and related commitments on enhanced security arrangements in line with the implementation of UN Security Council Resolution 1701.

77. “The 2024 Cessation of Hostilities’ Agreement” (Annex 3) between Lebanon and Israel constitutes a binding treaty under Lebanese and international laws, despite not being ratified⁹⁰, published in the Official Gazette⁹¹, or registered⁹² with the United Nations. The agreement, approved by both Lebanon’s Council of Ministers (Decision No. 1, dated 27/11/2024) and Israel’s Council of Ministers, generates binding obligations between two subjects of international law—Lebanon and Israel. Unlike “The May 17th agreement”, which was a formal peace treaty (later abrogated), this agreement does not establish peace but instead serves as a continuation of SCR 1701.

78. As explained earlier, the implementation of the recommendations in OP 8 of SCR 1701 require two key elements: (1) “security arrangements” and (2) “agreements in principle” between Israel and Lebanon. Without these foundational elements, the “permanent ceasefire and [the] long-term solution” set out in OP 8 cannot be effectively achieved. “Security arrangements” have already been agreed between Lebanon and Israel⁹³ “to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL”. “The 2024 Cessation of Hostilities’ Agreement” is the first “agreement in principle” to be signed⁹⁴ after the adoption of SCR 1701. Although the words “announcement” and “arrangements” in its title might suggest that it is merely a simple declaration; however its preamble⁹⁵ -which refers to taking steps to “fully” implement SCR 1701, clearly indicate that it is signed in application of OP 9 and therefore an “agreement in principle”.

79. If the essence of this agreement could be captured in four key words, they would be “prevent,” “authorized”, “commencement” and “starting”. The

⁹⁰ Article 46 of the Vienna Convention on the Law of Treaties.

⁹¹ I used the English (only) version signed by the Secretary-General of the Lebanese Council of Ministers (in green) and attached to Cabinet Decision No 1, dated 27/11/2024.

⁹² Article 102 of the Charter. However, the agreement is included in a Letter (S/2024/870) dated 29 November 2024 addressed from the Permanent Representatives of France and the United States of America to the United Nations to the President of the Security Council.

⁹³ See above Paragraph 44.

⁹⁴ The negotiations were led on the Lebanese side by the Speaker of Parliament Nabih Berri, while mediation was conducted by the American Special Envoy Amos Hochstein.

⁹⁵ “These understandings reflect steps to which Israel and Lebanon are committed in order to implement fully United Nations Security Council Resolution 1701”.

term "prevent" holds a particular relevance in the context of the abrogated "May 17th agreement", in which Lebanon committed to preventing attacks from its territory, implying an obligation of active enforcement. This obligation was not expressly mentioned in "The April Agreement" where Article 1 merely mentioned that "armed groups in Lebanon will not carry out attacks by Katyusha rockets or by any kind of weapon into Israel". Therefore, the Lebanese government can no longer dissociate itself from any acts of war that will take place in southern Lebanon, like it did in 2006 when the "Lebanese Prime Minister Fouad Siniora denied any knowledge of the raid and stated that he did not condone it. An emergency meeting of the Government of Lebanon reaffirmed this position. Furthermore, in a letter dated 13 July 2006 to the Secretary-General and the President of the Security Council, the Government of Lebanon declared that "[T]he Lebanese Government was not aware of the events that occurred and are occurring on the international Lebanese border" and that "[T]he Lebanese Government is not responsible for these events and does not endorse them."⁹⁶

80. Similarly, the term "authorized" highlights several critical aspects. First, in line with OP 2 of SCR 1701 which states "... there will be no weapons without the consent of the Government of Lebanon", the Lebanese Government, in this agreement, does not give its consent to any forces to carry arms other than the "authorized" forces. Moreover, it goes further by listing these forces –namely, "the Lebanese Armed Forces (LAF), Internal Security Forces, Directorate of General Security, General Directorate of State Security, Lebanese Customs and Municipal Police"- mirroring the approach adopted in Annex (2-A) "The May 17th agreement"⁹⁷. Second, there can be no more controversy regarding any potential difference in legal status between "armed groups" and Hezbollah, as was previously debated in certain interpretations of SCR 1701, where "armed groups" were considered subject to disarmament while Hezbollah was not. Therefore, under "The 2024 Cessation of Hostilities Agreement", forces are now classified into two exclusive categories: "authorized forces", which comprise "Lebanon's official military and security forces"⁹⁸, and "unauthorized forces"⁹⁹, which include Hezbollah as well as other Lebanese and Palestinian "armed groups".

⁹⁶ <https://www.right-docs.org/doc/a-hrc-3-2/> (par. 42). Consulted on 13 February 2025.

⁹⁷ "The Lebanese Army, Lebanese Police, Lebanese Internal Security Forces, and the Lebanese Auxiliary Force (ANSAR)".

⁹⁸ Preamble.

⁹⁹ Articles 7, 9 (b) and 12.

81. The word "commencement" plays a critical role in determining the timeframe for the execution of various obligations generated in "The 2024 Cessation of Hostilities' Agreement". Specifically, Articles 7, 9, 11, and 12 all set their execution to begin "upon the commencement of the cessation of hostilities" as defined in Article 1 that reads : "Israel and Lebanon will implement a cessation of hostilities beginning at 4am, November 27, 2024 in accordance with the commitments detailed below." It follows that as soon as hostilities "commence" to cease, several obligations take effect. Under Article 7¹⁰⁰, "Upon the commencement of the cessation of hostilities according to paragraph one, the Government of Lebanon will provide all necessary authorities, including freedom of movement, to Lebanon's official military and security forces ... to: a. Monitor and enforce against any unauthorised entry of arms and related materiel into and throughout Lebanon, b. Starting with the Southern Litani Area, dismantle all existing unauthorised facilities involved in the production of arms and related materiel, c. Starting with the Southern Litani Area, dismantle all infrastructure and military positions, and confiscate all unauthorised arms ...".

82. Similarly, Article 9¹⁰¹ states "Upon the commencement of the cessation of hostilities according to paragraph one... Israel and Lebanon resolve, in coordination with UNIFIL, to reformulate and enhance the Tripartite Mechanism... The Mechanism will work with the MTC4L to strengthen the capacity and training of the LAF to inspect and dismantle unauthorized sites

¹⁰⁰ "In order to implement UNSCR 1701, and upon the commencement of the cessation of hostilities according to paragraph one, the Government of Lebanon will provide all necessary authorities, including freedom of movement, to Lebanon's official military and security forces, and instruct them, consistent with UNSCR 1701 and its predecessor resolutions to: a. Monitor and enforce against any unauthorised entry of arms and related materiel into and throughout Lebanon, including through all border crossings, and against the unauthorised production of arms and materiel within Lebanon. b. Starting with the Southern Litani Area, dismantle all existing unauthorised facilities involved in the production of arms and related materiel, and prevent the establishment of such facilities in the future. c. Starting with the Southern Litani Area, dismantle all infrastructure and military positions, and confiscate all unauthorised arms inconsistent with these commitments".

¹⁰¹ "Upon the commencement of the cessation of hostilities according to paragraph one, and without prejudice to Unifil and its mandate and responsibilities in UNSCR 1701 and its predecessor resolutions, Israel and Lebanon resolve, in co-ordination with Unifil, to reformulate and enhance the tripartite mechanism (hereinafter: "the Mechanism"). The reformulated and enhanced Mechanism, hosted by Unifil, chaired by the US, and including France, will monitor, verify, and assist in ensuring enforcement of these commitments. a. Israel and Lebanon will co-operate with and facilitate the work of the Mechanism and will ensure their safety. b. The Mechanism will work with the MTC4L to strengthen the capacity and training of the LAF to inspect and dismantle unauthorised sites and infrastructure, above and below ground, confiscate unauthorised weapons, and prevent the presence of unauthorised armed groups. c. Alongside the Mechanism's work, Unifil's work pursuant to its mandate will continue, including the efforts Unifil supports through its convening role that enhance the Mechanism's effectiveness".

and infrastructure." Under Article 11¹⁰², upon commencement of the cessation of hostilities, Lebanon must deploy its official security forces to all border areas, regulated and non-regulated crossings, and set checkpoints along the roads and bridges along the line delineating the Southern Litani Area.

83. However, the most critical contradiction between the agreement and SCR 1701 lies in Article 12¹⁰³. The agreement requires, within 60 Days, Israel to implement its withdrawal “upon the commencement of cessation of hostilities” in a phased manner south of the Blue Line, and in parallel the LAF will deploy to positions in the Southern Litani Area and “commence” the implementation of its obligations under the commitments. This contrasts with the recommendation in OP 2 of SCR 1701¹⁰⁴, which sets the moment of beginning of Israeli withdrawal and in parallel the deployment of the Lebanese official forces and UNIFIL forces throughout the south not at the commencement but rather at the “full cessation of hostilities”.

84. The distinction between “commencement of cessation of hostilities” in Article 12 and “full cessation of hostilities” in OP 2 has serious implications. Under Article 12, Israeli forces must begin withdrawing and the Lebanese official forces and UNIFIL forces should start deployment south of Litani, while hostilities are still ongoing—a condition that does not exist under OP 2, where withdrawal and deployment are tied to a *full cessation of hostilities*. This means that under “The 2024 Cessation of Hostilities’ Agreement”, withdrawal and deployment would occur “*under fire*”, whereas under SCR 1701, withdrawal is conditional on full cessation of hostilities, ensuring a more secure disengagement.

85. This difference calls for shedding light on a deeper divergence between Article 1 of the agreement and OP 1 of SCR 1701. While Article 1 of SCR 1701 distinguishes between an “immediate ceasefire” and a “full cessation of

¹⁰² “Upon the commencement of the cessation of hostilities according to paragraph one, Lebanon will deploy its official military and security forces to all borders, and to all regulated and non-regulated land, air and sea border crossings. In addition, the LAF will deploy forces, set road blocks and checkpoints on all the roads and bridges along the line delineating the Southern Litani Area”.

¹⁰³ “Upon the commencement of the cessation of hostilities according to paragraph one, Israel will withdraw its forces in a phased manner south of the Blue Line, and in parallel the LAF will deploy to positions in the Southern Litani Area shown in the attached LAF Deployment Plan, and will commence the implementation of its obligations under the commitments, including the dismantling of unauthorised sites and infrastructure and confiscating unauthorised arms and related materiel. The Mechanism will co-ordinate execution by the Israel Defence Forces and LAF of the specific and detailed plan for the phased withdrawal and deployment in these areas, which should not exceed 60 days.”

¹⁰⁴ “Upon full cessation of hostilities, calls upon the Government of Lebanon and UNIFIL as authorized by Paragraph 11 to deploy their forces together throughout the South and calls upon the Government of Israel, as that deployment begins, to withdraw all of its forces from southern Lebanon in parallel;”

hostilities”, with the Security Council later linking, in OP 2, the Israeli withdrawal and the deployment of the Lebanese Army and UNIFIL in the south to the “full cessation of hostilities”, the wording of Article 1 of the agreement is vague and lacks any reference to the type of ceasefire agreed upon. The phrase is left without any specification, whether “immediate” or “full”. However, the agreement later, in its Articles 7, 9, 11, and 12 makes the implementation of obligations conditional on “the commencement of cessation of hostilities according to paragraph 1”, which confirms that “the cessation of hostilities” referred to in the mentioned Article 1 is not a “full” and not even “immediate” but rather merely a “commencement”.

86. The importance of the categorization of “the cessation of hostilities” and distinguishing between its two types -immediate and full- is reflected during the negotiations that preceded the adoption of the final draft of SCR 1701. Tarek Mitri points out that the Arab-Lebanese delegation softened its stance “when the word ‘full’ was added to the “cessation of hostilities”, and it was agreed that all Israeli forces would withdraw from southern Lebanon in parallel with the deployment of the Lebanese army and international forces”¹⁰⁵. He adds “And when discussing the first operative paragraph, we - all members of the Lebanese-Arab delegation- insisted on the necessity of adding the word “immediate” to the phrase “cessation of military operations.” However, our proposal to add the same word to the Israeli withdrawal did not receive any response. Instead, the two drafters [The French and American delegates] of the resolution [SCR 1701] accepted that the words ‘synchronization’ or ‘parallel’ be mentioned in reference to the deployment of the Lebanese army alongside the deployment of international forces.”¹⁰⁶

87. Given this contradiction and Since OPs 1 and 2 of SCR 1701 consists merely of recommendations under Chapter VI, which do not create legal obligations -unlike OPs 11, 15, and 16, as previously demonstrated- the provisions of “The 2024 Cessation of Hostilities’ Agreement” shall therefore override in application these recommendations¹⁰⁷, given that the latter do not generate legal obligations.

88. The last word requiring particular attention is “starting” in Article 7 (paragraphs b and c). These two paragraphs state that “upon the commencement of the cessation of hostilities,” the Lebanese Government is committed, “starting” with the Southern Litani Area, to dismantling all

¹⁰⁵ Tarek Metri, *op. cit.*, P.155.

¹⁰⁶ Tarek Metri, *Ibid.*, P.156.

¹⁰⁷ and the recommendations under SCRs 1559 and 1680.

existing unauthorized facilities involved in the production of arms and related materiel, as well as all infrastructure and military positions, and to confiscating all unauthorized arms inconsistent with these commitments. The use of the word “starting” indicates that the dismantling obligation extends to the entire Lebanese territory, with the process beginning in the Southern Litani Area. While Article 12 sets a 60-day time limit for implementing the dismantling phase south of the Litani, no such time limit applies to the rest of the Lebanese territory.

89. A critical legal issue arises concerning the relationship between the “The 2024 Cessation of Hostilities’ Agreement” and “The Armistice Agreement”. Does the former replace the latter or at least amend it? If so, it might acquire its superior normative status compared to ordinary treaties, given that the conclusion of “The Armistice Agreement” was under Chapter VII of the Charter. In any event, does a normative conflict exist between the two instruments, or do they regulate distinct legal spheres?

90. “The 2024 Cessation of Hostilities’ Agreement” does not replace the “The Armistice Agreement”, as Article 8 (paragraph 2) of the latter explicitly states that “this agreement ... shall remain in force until a peaceful settlement between the parties is achieved ...”. Clearly, “The 2024 Cessation of Hostilities’ Agreement” does not constitute a peace agreement, which precludes it from being considered a substitute for “The Armistice Agreement”.

91. As for the revision, Article VIII (paragraph 3) of “The Armistice Agreement” states: “the parties to this agreement may, by mutual consent, revise this agreement or any of its provisions, or may suspend its application, other than Article I and III, at any time”. Two key factors confirm that “The 2024 Cessation of Hostilities’ Agreement” does not revise “The Armistice Agreement”: First, the parties did not explicitly state in the agreement that they intended to amend “The Armistice Agreement”. Second, The SC considers “The Armistice Agreement” valid and not subject to revision by any agreement signed in application of SCR 1701, which, in its operative paragraph 5, reiterates its strong support for Lebanon’s territorial integrity, sovereignty, and political independence within its internationally recognized borders, as contemplated by “the Israeli-Lebanese General Armistice Agreement of 23 March 1949”, confirming its continued validity and unaffected status despite any future agreement signed in application of SCR 1701 including “The 2024 Cessation of Hostilities’ Agreement”. The hierarchy of these agreements must take into account the principle of *lex*

specialis, which dictates that more specific treaty obligations govern over general ones, unless they conflict with fundamental norms of jus cogens. While “The 2024 Cessation of Hostilities’ Agreement” provides detailed provisions on disarmament and military authority, it cannot override peremptory norms such as the prohibition on aggression or the obligation to respect territorial integrity. Accordingly, these agreements can be ranked in order of application priority as follows: first, “The Armistice Agreement”, as it is based on Chapter VII of the UN Charter, granting it a superior normative status in matters of security and enforcement; second, “The 2024 Cessation of Hostilities’ Agreement”, which is concluded under "Chapter Six and a Half", serving as *lex specialis* regarding the disarmament process and military arrangements, provided it does not contradict jus cogens norms; and third, “The April Agreement”, which remains a regular treaty without the same level of enforceability or hierarchical precedence. This ranking ensures that while more specific agreements may regulate particular aspects of the conflict, they remain subordinate to fundamental principles of international law.

92.Regarding the disarmament of Hezbollah and other armed groups, there is no contradiction between these treaties, as “The Armistice Agreement” and “The April Agreement” did not address this issue. Consequently, the provisions of “The 2024 Cessation of Hostilities Agreement” become applicable, making the disarmament of Hezbollah and other armed groups mandatory in a first phase south of the Litani River, followed by its implementation across the entirety of Lebanon. As for the 60-day period from the commencement of the cessation of hostilities, contrary to the provisions of “The 2024 Cessation of Hostilities Agreement”, which implicitly allowed military operations during this period, “The Armistice Agreement” takes precedence in prohibiting any military actions during this period based on the jus cogens norm crystallized in its Article III¹⁰⁸. Regarding the withdrawal of the Israeli Forces from the Lebanese territory, there is a complementary relationship between “The Armistice Agreement” and “The 2024 Cessation of Hostilities Agreement”. As a result, the withdrawal must take place within 60 days south to the Blue Line, followed by a withdrawal south of the international border without a defined timeframe. Accordingly, the ICJ considered that “The Court observes that the prohibition against aggression is a peremptory norm of general international law (jus cogens). Consequently, no derogation is permitted from this prohibition, and it has overriding force

¹⁰⁸ See above paragraph 60.

over other treaty obligations in case of conflict. In this regard, the principle of *lex specialis* applies only insofar as it does not contradict fundamental norms of international law, including obligations under *jus cogens*.”¹⁰⁹

93.Beyond treaty law, Customary International Law (henceforth “CIL”) further reinforces Lebanon’s obligations regarding territorial integrity, the monopoly in use of force and the disarmament of “unauthorized armed groups”. In fact, ICJ observed “that the principle of the non-use of force is enshrined in the United Nations Charter and has become a cornerstone of customary international law. This principle entails the duty of every State to respect the territorial integrity of other States and not to intervene in matters within their domestic jurisdiction. Moreover, the Court recalls that the maintenance of territorial integrity and the prohibition of armed force by non-State actors within a State’s territory are essential components of State sovereignty”¹¹⁰. Add to this that in cases of conflict between treaty obligations and customary norms, the principle of *lex specialis* applies, meaning that specific treaty provisions govern unless they contradict fundamental norms of CIL. Accordingly, ICJ stated that “in principle, the legality of the use of a weapon can only be determined in accordance with the applicable law at the relevant time. In this regard, the Court notes that the existence of customary rules has been recognized in the domain of the law of armed conflict, and that these rules co-exist with treaty law. The Court considers that the two branches of law are not mutually exclusive, but rather that one may be considered as the *lex specialis* with regard to the other.”¹¹¹ As such, Lebanon’s treaty-based obligations on disarmament, Israeli withdrawal, and military authority align with broader customary rules, reinforcing their binding nature.

¹⁰⁹ ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, para. 216.

¹¹⁰ International Court of Justice (ICJ), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, p. 136, para. 87.

¹¹¹ International Court of Justice (ICJ), *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports 1996, p. 226, para. 25.

Conclusion

94. So, who is entitled to have boots on the Lebanese ground? The main body of binding rules of international law which should be relied on to answer the question is composed of: “The Armistice Agreement”, “The April Agreement”, “The 2024 Cessation of Hostilities’ Agreement”, OPs 11, 15 and 16 of SCR 1701. Hence, the answer is:

- 1- UNIFIL according to SCR 1701 (OPs 11 and 16), “The 2024 Cessation of Hostilities’ Agreement” (Articles 5, 9 and 10) and SCR 2749¹¹², and
- 2- “Lebanon’s official military and security forces”, which have the exclusive monopoly on the possession and use of arms, that are composed exclusively of “the Lebanese Armed Forces (LAF), Internal Security Forces, Directorate of General Security, General Directorate of State Security, Lebanese Customs and Municipal Police” according to “The 2024 Cessation of Hostilities’ Agreement” (preamble), however
- 3- Hezbollah and other Lebanese and Palestinian armed groups are not “authorized” to hold arms or maintain military infrastructure. They must be disarmed south of the Litani River within 60 days from the commencement of the cessation of hostilities at 4:00 on 27 November 2024¹¹³, as stipulated in “The 2024 Cessation of Hostilities Agreement” (Articles 5 and 12). Their disarmament across the entire Lebanese territory, however, is mandated without a specified time limit under the same agreement (Article 7(b) and (c)). Add to this that,
- 4- The withdrawal of the Israeli Forces south of the Blue Line should be within 60 days from the commencement of the cessation of hostilities at 4:00 on 27 November 2024¹¹⁴, as stipulated in “The 2024 Cessation of Hostilities Agreement” (Article 12) and south of the armistice demarcation line that follows the international boundary between the two parties according to the “The Armistice Agreement” (Articles III and V).

95. It remains essential to determine the extent to which the above answer, particularly its second and third aspects concerning the monopoly on the

¹¹² extending the mission’s mandate until 31 August 2025

¹¹³ This period has been extended to 18 March 2025. The Lebanese Council of Ministers has not given its formal approval to this extension.

¹¹⁴ Extended till 18 February 2025.

possession and use of arms by the Lebanese official military and security forces and regarding the disarmament of Hezbollah and other armed groups, remain valid in light of the Taif Accord on the one hand and the Lebanese Constitution on the other.

96. The Taif Agreement, adopted by the Parliament pursuant to a Law issued on 22 October 1989 and partially incorporated into the Lebanese Constitution pursuant to Law No. 18 issued on 21 September 1990, stipulates in its second¹¹⁵ and third parts¹¹⁶ -both of which were not included in the Constitution- respectively the “dissolution of all Lebanese and non-Lebanese militias” and “Taking all necessary measures to liberate all Lebanese territories from Israeli occupation”. The Constitutional Council has ruled that the provisions of the Taif Agreement that were not incorporated into the Constitution do not have constitutional value but retain the status of ordinary law. Hence, in its decision No. 1/2002 dated on 31 January 2002, the Council stated “Upon reviewing the principles and steps outlined in the National Reconciliation Accord, it does not appear that all of them were incorporated into the preamble or body of the Constitution as stated in the document, nor do they all constitute general principles with constitutional value. The Council believes that to the extent that the National Reconciliation Agreement includes provisions incorporated into the preamble or body of the Constitution, or general principles with constitutional value, any violation of these provisions and principles would fall under the Constitutional Council's

¹¹⁵ “Second: Extending the sovereignty of the Lebanese state over its entire territory.

Since the Lebanese parties have agreed to establish a strong and capable state based on national reconciliation, the National Reconciliation Government shall develop a detailed one-year security plan. The objective of this plan is to gradually extend the authority of the Lebanese State over its entire territory using its own forces. The plan's key features are as follows:

Announcing the dissolution of all Lebanese and non-Lebanese militias and handing over their weapons to the Lebanese State within six months starting from the ratification of the National Reconciliation Accord, the election of the President of the Republic, the formation of the National Reconciliation Government, and the constitutional approval of political reforms”.

¹¹⁶ “Third: Liberating Lebanon from Israeli occupation.

Restoring the authority of the State up to the internationally recognized Lebanese borders requires the following:

- a. Working on the implementation of UN Security Council Resolution No. 425 and all other resolutions calling for the full removal of Israeli occupation.
- b. Adhering to the Armistice Agreement signed on 23 March 1949.
- c. Taking all necessary measures to liberate all Lebanese territories from Israeli occupation, extend the state's sovereignty over all its territories, deploy the Lebanese Army in the area of the internationally recognized Lebanese borders, and strengthen the presence of international peacekeeping forces in southern Lebanon. This aims to secure Israeli withdrawal and restore security and stability to the border area”.

jurisdiction."¹¹⁷ Therefore, based on Article 2 of the Civil Procedures Code¹¹⁸ that reads "...In case of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence in their application over the latter ...", the provisions of "The 2024 Cessation of Hostilities' Agreement" concluded in application of SCR 1701 prevail over the Taif Accord as to the disarmament of Hezbollah and other armed groups. It can be argued that the Taif Accord is an "extraordinary law" that prevails in its application over "The 2024 Cessation of Hostilities' Agreement", particularly regarding the issue of "taking all necessary measures to liberate all Lebanese territories from Israeli occupation". This could provide Hezbollah and other armed groups with a legal justification to retain their weapons. The phrase "all available means" extends beyond the right to resistance to primarily encompass the right to self-defense, as I will demonstrate below.

97.As for the Lebanese Constitution, its Preamble states "...Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants [Charter] and by the Universal Declaration of Human Rights..."¹¹⁹ Accordingly, the Charter has a Constitutional value in the Lebanese legal framework. Relevant to the two topics tackled above are the right of self-defense as derived from Article 51 of the Charter¹²⁰, and the right to resistance, as established under Article 1, paragraph 2 of the Charter¹²¹.

98.There is an inverse proportional relationship between the right of self-defense exercised by States and the right to resistance exercised by peoples, with the former having the supremacy over the latter. A State's inability to exercise its right to self-defense due to external domination creates a legal vacuum that allows the people to invoke their right to self-determination

¹¹⁷ See also decision No. 2/2002 dated on 3 July 2002.

¹¹⁸ "The courts must adhere to the principle of the hierarchy of rules. In case of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence in their application over the latter. Courts are not permitted to declare the actions of the legislative authority invalid due to the non-compatibility of domestic laws with the constitution or international treaties".

¹¹⁹ "(B) Lebanon is Arab in its identity and in its affiliation. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception".

¹²⁰ "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security".

¹²¹ "2.To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

through resistance, including armed struggle¹²². Moreover, resistance, especially armed struggle, is permitted when the State's sovereignty and independence are suppressed by foreign control, rendering the government ineffective in defending its territory and people¹²³. The existence of an armed group prepared for self-defense or resistance to foreign occupation is legitimate when the State is unable to fulfill its duties to protect its people and sovereignty¹²⁴.

99. Accordingly, the Lebanese State has a constitutionally recognized right, enshrined in International Law, to defend itself against any Israeli aggression. Likewise, the Lebanese people have the right to engage in armed resistance to the extent that the Lebanese State fails to exercise its right to self-defense, ensuring respect for State sovereignty even in the exercise of the right to self-defense.

100. The right to self-defense is, therefore, the primary right to be invoked in the event of any aggression against Lebanon, with recourse to armed resistance being justified only after confirming the State's inability to exercise its right to self-defense. This likely explains why treaties refer to the right of self-defense rather than the right to resistance¹²⁵. Accordingly ICJ stated that "The Court observes that it is for the State in whose territory those non-State actors are operating to address the threat they pose, in accordance with its own sovereignty and legal framework. It does not follow that another State may intervene militarily in disregard of that sovereignty under the pretext of responding to non-State actors. The rights and duties of self-defense remain with the State, and non-State actors cannot assume such a role in contravention of that sovereignty."¹²⁶ It is noteworthy that none of the ministerial statements have referenced the right of self-defense.

101. It is worth noting that in all of his 56 reports on the implementation of SCR 1701, the Secretary General of the United Nations states: "I remain convinced that the disarming of Hizbollah and other militia should take place through a political process that will lead to the full restoration of the authority of the Government of Lebanon so that there will be no weapons or authority

¹²² Ian Brownlie Q.C., *Principles of Public International Law* 7th Edition, oxford university press, p. 734

¹²³ Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal*, Cambridge University Press, 1995, p. 223

¹²⁴ *Ibid.*, p. 159.

¹²⁵ "The 2024 Cessation of Hostilities' Agreement" (Article 4), "The May 17th agreement" (Article 4 (3)), "The Armistice Agreement" (Article I (3)) and "the April Agreement" (Article 4).

¹²⁶ International Court of Justice (ICJ), *Case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, ICJ Reports 2005, p. 168, Par 147.

other than its own”¹²⁷. This disarmament could be implemented in application of Article 65¹²⁸ of the Constitution which gives the executive authority, among other powers, the one of setting the general defensive policy of the Government.

102. On the day SCR 1701 was adopted, the late journalist Robert Fisk said, “Tragically, and fatally for all involved, the real Lebanon war does indeed begin today”¹²⁹. I wonder if he would have said the same upon the conclusion of “the 2024 Cessation of Hostilities’ Agreement” that might face a fate similar to that of the “May 17th Agreement” if the Israeli Forces fail to withdraw from Lebanese territory by February 18, 2025 and the Mechanism fail to address this violation pursuant to Article 10 of The agreement.

It is a blessing that Lebanon is the phoenix that rises from its ashes every time it burns, yet it is painful that fire remains his perpetual fate.

¹²⁷ The second Report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) on 12 September 2006, par 26.

¹²⁸ “The Executive authority shall be vested in the Council of Ministers. It shall be the authority to which the armed forces are subject. Among the authorities that it shall exercise are the following:
It shall set the general policy of the Government in all fields, draw up Bills and organizational Decrees and take the decisions necessary for implementing them”.

¹²⁹ Robert Fisk, “As the 6am ceasefire takes effect... the real war begins” Independent, <https://www.independent.co.uk/voices/commentators/fisk/robert-fisk-as-the-6am-ceasefire-takes-effect-the-real-war-begins-411776.html>.

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Annex 1

United Nations

Nations Unies

UNRESTRICTED

SECURITY
COUNCILCONSEIL
DE SECURITES/1296
23 March 1949

ORIGINAL: ENGLISH

CABLEGRAM DATED 22 MARCH 1949 FROM THE
ACTING MEDIATOR TO THE SECRETARY-GENERAL TRANSMITTING
THE TEXT OF AN ARMISTICE AGREEMENT BETWEEN LEBANON AND ISRAEL

For the President of the Security Council:

"I have honour to inform the Security Council that a general armistice agreement, in pursuance of the resolution of the Security Council of sixteen November 1948, was signed by the delegations of Israel and Lebanon at Ras En Naqura on twentythree March 1949. The text of the agreement is as follows:

LEBANESE-ISRAELI GENERAL ARMISTICE AGREEMENT

PREAMBLE

The Parties to the present agreement, responding to the Security Council resolution of 16 November 1948 calling upon them, as a further provisional measure under Article 40 of the Charter of the United Nations and in order to facilitate the transition from the present truce to permanent peace in Palestine, to negotiate an Armistice; having decided to enter into negotiations under United Nations Chairmanship concerning the implementation of the Security Council resolution 16 November 1948; and having appointed representatives empowered to negotiate and conclude an armistice agreement;

The undersigned representatives, having exchanged their full powers found to be in good and proper form, have agreed upon the following provisions:

Article I

With a view to promoting the return of permanent peace in Palestine and in recognition of the importance in this regard of mutual assurances concerning the future military operations of the Parties, the following principles, which shall be fully observed by both Parties during the Armistice, are hereby affirmed:

1. The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both Parties.
2. No aggressive action by the armed forces - land, sea, or air - of either Party shall be undertaken, planned, or threatened against

The text of this Agreement was received by cable and is subject to corrections upon the receipt of the original text by mail.

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the people or the armed forces of the other; it being understood that the use of the term "planned" in this context has no bearing on normal staff planning as generally practised in military organizations.

3. The right of each Party to its security and freedom from fear of attack by the armed forces of the other shall be fully respected.

4. The establishment of an armistice between the armed forces of the two Parties is accepted as an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine.

Article II

With a specific view to the implementation of the resolution of the Security Council of 16 November 1948, the following principles and purposes are affirmed:

1. The principle that no military or political advantage should be gained under the truce ordered by the Security Council is recognized.

2. It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question;

(a) The provisions of this agreement being dictated exclusively by military considerations.

Article III

1. In pursuance of the foregoing principles and of the resolution of the Security Council of 16 November 1948, a general armistice between the armed forces of the two Parties - land, sea and air - is hereby established.

2. No element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party; or shall advance beyond or pass over for any purpose whatsoever the Armistice Demarcation Line set forth in Article V of this Agreement; or enter into or pass through the air space of the other Party or through the waters within three miles of the coastline of the other Party.

3. No warlike act or act of hostility shall be conducted from territory controlled by one of the parties to this Agreement against the other Party.

Article IV

1. The line described in Article V of this Agreement shall be designated as the Armistice Demarcation Line and is delineated in pursuance of the /purpose

purpose and intent of the resolutions of the Security Council of 16 November 1948.

2. The basic purpose of the Armistice Demarcation Line is to delineate the line beyond which the armed forces of the respective Parties shall not move.

3. Rules and regulations of the armed forces of the Parties, which prohibit civilians from crossing the fighting lines or entering the area between the lines, shall remain in effect after the signing of this Agreement with application to the Armistice Demarcation Line defined in Article V.

Article V

1. The Armistice Demarcation Line should follow the international boundary between Lebanon and Palestine.

2. In the region of the Armistice Demarcation Line the military forces of the Parties shall consist of defensive forces only as is defined in the Annex to this Agreement.

3. Withdrawal of forces to the Armistice Demarcation Line and their reduction to defensive strength in accordance with the preceding paragraph shall be completed within ten days of the signing of this Agreement. In the same way the removal of mines from mined roads and areas evacuated by either Party and the transmission of plans showing the location of such minefields to the other Party shall be completed within the same period.

Article VI

All prisoners of war detained by either Party to this Agreement and belonging to the armed forces, regular or irregular, of the other Party shall be exchanged as follows:

1. The exchange of prisoners of war shall be under United Nations supervision and control throughout. The exchange shall take place at Ras En Naqura within twenty-four hours of the signing of this Agreement.

2. Prisoners of war against whom a penal prosecution may be pending, as well as those sentenced for crime or other offense, shall be included in this exchange of prisoners.

3. All articles of personal use, valuables, letters, documents, identification marks, and other personal effects of whatever nature, belonging to prisoners of war who are being exchanged, shall be returned to them, or, if they have escaped or died, to the Party to whose armed forces they belonged.

/4. All matters

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4. All matters not specifically regulated in this Agreement shall be decided in accordance with the principles laid down in the International Convention Relating to the Treatment of Prisoners of War, signed at Geneva on 27 July 1929.

5. The Mixed Armistice Commission established in Article VII of this Agreement shall assume responsibility for locating missing persons, whether military or civilian, within the areas controlled by each Party, to facilitate their expeditious exchange. Each Party undertakes to extend to the Commission full co-operation and assistance in the discharge of this function.

Article VII

1. The execution of the provisions of this Agreement shall be supervised by a Mixed Armistice Commission composed of seven members, of whom each Party to this Agreement shall designate three, and whose Chairman shall be the United Nations Chief of Staff of the Truce Supervision Organization or a senior officer from the Observer personnel of that Organization designated by him following consultation with both Parties to this Agreement.

2. The Mixed Armistice Commission shall maintain its headquarters at the frontier post North of Metulla and the Lebanese frontier post at En Naqoura, and shall hold its meetings at such places and at such times as it may deem necessary for the effective conduct of its work.

3. The Mixed Armistice Commission shall be convened in its first meeting by the United Nations Chief of Staff of the Truce Supervision Organization not later than one week following the signing of this Agreement.

4. Decisions of the Mixed Armistice Commission, to the extent possible, shall be based on the principle of unanimity. In the absence of unanimity, decisions shall be taken by a majority vote of the members of the Commission present and voting.

5. The Mixed Armistice Commission shall formulate its own rules of procedure. Meetings shall be held only after due notice to the members by the Chairman. The quorum for its meetings shall be a majority of its members.

6. The Commission shall be empowered to employ Observers, who may be from among the military organizations of the Parties or from the military personnel of the United Nations Truce Supervision Organization, or from both, in such numbers as may be considered essential to the performance of its functions. In the event United Nations Observers should be so employed, they shall remain under the command of the United Nations Chief of Staff of the Truce Supervision Organization. Assignments of a general

/or special

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or special nature given to United Nations Observers attached to the Mixed Armistice Commission shall be subject to approval by the United Nations Chief of Staff or his designated representative on the Commission, whichever is serving as Chairman.

7. Claims or complaints presented by either Party relating to the application of this Agreement shall be referred immediately to the Mixed Armistice Commission through its Chairman. The Commission shall take such action on all such claims or complaints by means of its observation and investigation machinery as it may deem appropriate, with a view to equitable and mutually satisfactory settlement.

8. Where interpretation of the meaning of a particular provision of this Agreement, other than the Preamble and Articles I and II, is at issue, the Commission's interpretation shall prevail, subject to the right of appeal as provided in paragraph 4. The Commission, in its discretion and as the need arises, may from time to time recommend to the Parties modifications in the provisions of this Agreement.

9. The Mixed Armistice Commission shall submit to both Parties reports on its activities as frequently as it may consider necessary. A copy of each such report shall be presented to the Secretary-General of the United Nations for transmission to the appropriate organ or agency of the United Nations.

10. Members of the Commission and its Observers shall be accorded such freedom of movement and access in the areas covered by this Agreement as the Commission may determine to be necessary, provided that when such decisions of the Commission are reached by a majority vote United Nations Observers only shall be employed.

11. The expenses of the Commission, other than those relating to United Nations Observers, shall be apportioned in equal shares between the two Parties to this Agreement.

Article VIII

1. The present Agreement is not subject to ratification and shall come into force immediately upon being signed.

2. This Agreement, having been negotiated and concluded in pursuance of the resolution of the Security Council of 16 November 1948 calling for the establishment of an Armistice in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, shall remain in force until a peaceful settlement between the Parties is achieved, except as provided in paragraph 3 of this Article.

/3. The Parties

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3. The Parties to this Agreement may, by mutual consent, revise this Agreement or any of its provisions, or may suspend its application, other than Articles I and III, at any time. In the absence of mutual agreement and after this Agreement has been in effect for one year from the date of its signing, either of the Parties may call upon the Secretary-General of the United Nations to convoke a conference of representatives of the two Parties for the purpose of reviewing, revising or suspending any of the provisions of this Agreement other than Articles I and III. Participation in such conference shall be obligatory upon the Parties.

4. If the conference provided for in paragraph 3 of this Article does not result in an agreed solution of a point in dispute, either Party may bring the matter before the Security Council of the United Nations for the relief sought on the grounds that this Agreement has been concluded in pursuance of Security Council action toward the end of achieving peace in Palestine.

5. This Agreement is signed in quintuplicate, of which one copy shall be retained by each Party, two copies communicated to the Secretary-General of the United Nations for transmission to the Security Council and to the United Nations Conciliation Commission on Palestine, and one copy to the Acting Mediator in Palestine.

Done at Ras En Naqoura on 23 March 1949 in the presence of the Personal Deputy of the United Nations Acting Mediator in Palestine and the United Nations Chief of Staff of the Truce Supervision Organization.

FOR AND ON BEHALF OF THE
GOVERNMENT OF LEBANON

FOR AND ON BEHALF OF THE
GOVERNMENT OF ISRAEL

/ANNEX

ANNEX

Definition of Defensive Forces

I. The military defensive forces referred to in Article V, paragraph 2, shall not exceed:

1. In the case of the Lebanon:

(1) Two battalions and two companies of Lebanese regular army infantry, one field battery of four guns and one company of twelve light armoured cars armed with machine guns and six light tanks armed with light guns (20 vehicles).

Total: 1500 officers and enlisted men.

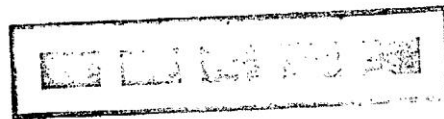
(2) No other military forces than those mentioned in (1) above, shall be employed south of the general line Elquasmie Nabatiye Ett Tahta Hasbaiya.

2. In the case of Israel:

(1) One infantry battalion, one support company with six mortars and six machine guns, one reconnaissance company with six armoured cars and six armoured jeeps, one battery of field artillery with four guns, one platoon of field engineers and service units as quartermaster and ordnance, total not to exceed 1500 officers and enlisted men.

(2) No other military forces than those mentioned in 2 (1) above shall be employed north of the general line Nahariya Tarshisra Jish Marus.

II. There shall be no restriction of movement imposed on either side in connection with the supply and/or movement of these defensive forces behind the Demarcation Line.



Annex 2

United Nations

S/RES/1701 (2006)


Security Council

 Distr.: General
 11 August 2006

Resolution 1701 (2006)

**Adopted by the Security Council at its 5511th meeting, on
11 August 2006**

The Security Council,

Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978), 426 (1978), 520 (1982), 1559 (2004), 1655 (2006) 1680 (2006) and 1697 (2006), as well as the statements of its President on the situation in Lebanon, in particular the statements of 18 June 2000 (S/PRST/2000/21), of 19 October 2004 (S/PRST/2004/36), of 4 May 2005 (S/PRST/2005/17), of 23 January 2006 (S/PRST/2006/3) and of 30 July 2006 (S/PRST/2006/35),

Expressing its utmost concern at the continuing escalation of hostilities in Lebanon and in Israel since Hizbollah's attack on Israel on 12 July 2006, which has already caused hundreds of deaths and injuries on both sides, extensive damage to civilian infrastructure and hundreds of thousands of internally displaced persons,

Emphasizing the need for an end of violence, but at the same time *emphasizing* the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the abducted Israeli soldiers,

Mindful of the sensitivity of the issue of prisoners and *encouraging* the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel,

Welcoming the efforts of the Lebanese Prime Minister and the commitment of the Government of Lebanon, in its seven-point plan, to extend its authority over its territory, through its own legitimate armed forces, such that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon, *welcoming also* its commitment to a United Nations force that is supplemented and enhanced in numbers, equipment, mandate and scope of operation, and *bearing in mind* its request in this plan for an immediate withdrawal of the Israeli forces from southern Lebanon,

Determined to act for this withdrawal to happen at the earliest,

Taking due note of the proposals made in the seven-point plan regarding the Shebaa farms area,

Welcoming the unanimous decision by the Government of Lebanon on 7 August 2006 to deploy a Lebanese armed force of 15,000 troops in South Lebanon as the Israeli army withdraws behind the Blue Line and to request the assistance of

06-46503 (E)



S/RES/1701 (2006)

additional forces from the United Nations Interim Force in Lebanon (UNIFIL) as needed, to facilitate the entry of the Lebanese armed forces into the region and to restate its intention to strengthen the Lebanese armed forces with material as needed to enable it to perform its duties,

Aware of its responsibilities to help secure a permanent ceasefire and a long-term solution to the conflict,

Determining that the situation in Lebanon constitutes a threat to international peace and security,

1. *Calls for* a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbollah of all attacks and the immediate cessation by Israel of all offensive military operations;

2. Upon full cessation of hostilities, *calls upon* the Government of Lebanon and UNIFIL as authorized by paragraph 11 to deploy their forces together throughout the South and *calls upon* the Government of Israel, as that deployment begins, to withdraw all of its forces from southern Lebanon in parallel;

3. *Emphasizes* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory in accordance with the provisions of resolution 1559 (2004) and resolution 1680 (2006), and of the relevant provisions of the Taif Accords, for it to exercise its full sovereignty, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon;

4. *Reiterates* its strong support for full respect for the Blue Line;

5. *Also reiterates* its strong support, as recalled in all its previous relevant resolutions, for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders, as contemplated by the Israeli-Lebanese General Armistice Agreement of 23 March 1949;

6. *Calls on* the international community to take immediate steps to extend its financial and humanitarian assistance to the Lebanese people, including through facilitating the safe return of displaced persons and, under the authority of the Government of Lebanon, reopening airports and harbours, consistent with paragraphs 14 and 15, and *calls on* it also to consider further assistance in the future to contribute to the reconstruction and development of Lebanon;

7. *Affirms* that all parties are responsible for ensuring that no action is taken contrary to paragraph 1 that might adversely affect the search for a long-term solution, humanitarian access to civilian populations, including safe passage for humanitarian convoys, or the voluntary and safe return of displaced persons, and *calls on* all parties to comply with this responsibility and to cooperate with the Security Council;

8. *Calls for* Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the following principles and elements:

- full respect for the Blue Line by both parties;
- security arrangements to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any

armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL as authorized in paragraph 11, deployed in this area;

- full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese State;
- no foreign forces in Lebanon without the consent of its Government;
- no sales or supply of arms and related materiel to Lebanon except as authorized by its Government;
- provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession;

9. *Invites* the Secretary-General to support efforts to secure as soon as possible agreements in principle from the Government of Lebanon and the Government of Israel to the principles and elements for a long-term solution as set forth in paragraph 8, and *expresses* its intention to be actively involved;

10. *Requests* the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border is disputed or uncertain, including by dealing with the Shebaa farms area, and to present to the Security Council those proposals within thirty days;

11. *Decides*, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops, and that the force shall, in addition to carrying out its mandate under resolutions 425 and 426 (1978):

- (a) Monitor the cessation of hostilities;
- (b) Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon as provided in paragraph 2;
- (c) Coordinate its activities related to paragraph 11 (b) with the Government of Lebanon and the Government of Israel;
- (d) Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons;
- (e) Assist the Lebanese armed forces in taking steps towards the establishment of the area as referred to in paragraph 8;
- (f) Assist the Government of Lebanon, at its request, to implement paragraph 14;

12. Acting in support of a request from the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, *authorizes* UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations

S/RES/1701 (2006)

is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence;

13. *Requests* the Secretary-General urgently to put in place measures to ensure UNIFIL is able to carry out the functions envisaged in this resolution, *urges* Member States to consider making appropriate contributions to UNIFIL and to respond positively to requests for assistance from the Force, and *expresses* its strong appreciation to those who have contributed to UNIFIL in the past;

14. *Calls upon* the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel and *requests* UNIFIL as authorized in paragraph 11 to assist the Government of Lebanon at its request;

15. *Decides* further that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

(a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and

(b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above;

except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by UNIFIL as authorized in paragraph 11;

16. *Decides* to extend the mandate of UNIFIL until 31 August 2007, and *expresses its intention* to consider in a later resolution further enhancements to the mandate and other steps to contribute to the implementation of a permanent ceasefire and a long-term solution;

17. *Requests* the Secretary-General to report to the Council within one week on the implementation of this resolution and subsequently on a regular basis;

18. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1515 (2003) of 19 November 2003;

19. *Decides* to remain actively seized of the matter.

Annex 3

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Announcement of a Cessation of Hostilities and Related Commitments on
Enhanced Security Arrangements and Toward the Implementation of
UNSCR 1701

After discussions with the governments of the Republic of Lebanon (hereinafter "Lebanon") and the State of Israel (hereinafter "Israel"), the United States of America and France understand that Lebanon and Israel seek a sustainable end to the current escalation of hostilities across the Blue Line and are each prepared to take steps to promote conditions for a permanent and comprehensive solution. These understandings reflect steps to which Israel and Lebanon are committed in order to implement fully United Nations Security Council Resolution (UNSCR) 1701, recognizing that UNSCR 1701 also calls for full implementation of its predecessor UNSC resolutions, including "disarmament of all armed groups in Lebanon," so that the only forces authorized to carry arms in Lebanon will be the Lebanese Armed Forces (LAF), Internal Security Forces, Directorate of General Security, General Directorate of State Security, Lebanese Customs, and Municipal Police (hereinafter "Lebanon's official military and security forces"). To that end, the United States and France understand the following:

1. Israel and Lebanon will implement a cessation of hostilities beginning at 04:00 hours (IST/EET), November 27, 2024 in accordance with the commitments detailed below.
2. From 04:00 hours (IST/EET), November 27, 2024 forward, the Government of Lebanon will prevent Hezbollah and all other armed groups in the territory of Lebanon from carrying out any operations

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against Israel, and Israel will not carry out any offensive military operations against Lebanese targets, including civilian, military, or other state targets, in the territory of Lebanon by land, air, or sea.

3. Israel and Lebanon recognize the importance of UNSCR 1701 to achieving lasting peace and security and commit to taking steps towards its full implementation, without violation.
4. These commitments do not preclude either Israel or Lebanon from exercising their inherent right of self-defense, consistent with international law.
5. Without prejudice to the United Nations Interim Force in Lebanon (UNIFIL) and its responsibilities, or to commitments in UNSCR 1701 and its predecessor resolutions, Lebanon's official military and security forces, infrastructure, and weaponry will be the only armed groups, arms, and related materiel deployed in the southern Litani area shown in the attached LAF Deployment Plan (hereinafter "the Southern Litani Area").
6. Consistent with UNSCR 1701 and its predecessor resolutions, in order to prevent the reestablishment and rearmament of non-state armed groups in Lebanon, any sales or supply of arms and related materiel into Lebanon will be regulated and controlled by the Government of Lebanon. Additionally, all production of arms and related materiel within Lebanon will be regulated and controlled by the Government of Lebanon.



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7. In order to implement UNSCR 1701, and upon the commencement of the cessation of hostilities according to paragraph 1, the Government of Lebanon will provide all necessary authorities, including freedom of movement, to Lebanon's official military and security forces, and instruct them, consistent with UNSCR 1701 and its predecessor resolutions to:
 - a. Monitor and enforce against any unauthorized entry of arms and related materiel into and throughout Lebanon, including through all border crossings, and against the unauthorized production of arms and materiel within Lebanon.
 - b. Starting with the Southern Litani Area, dismantle all existing unauthorized facilities involved in the production of arms and related materiel, and prevent the establishment of such facilities in the future.
 - c. Starting with the Southern Litani Area, dismantle all infrastructure, and military positions, and confiscate all unauthorized arms inconsistent with these commitments.
8. The United States and France intend to work within the Military Technical Committee for Lebanon (MTC4L) to enable and achieve a total LAF deployment of 10,000 soldiers to southern Lebanon as soon as possible. Further, the United States and France intend to work with the international community to support the LAF as appropriate to achieve such an increase in its deployment levels in Lebanon, and to improve its capabilities.



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9. Upon the commencement of the cessation of hostilities according to paragraph 1, and without prejudice to UNIFIL and its mandate and responsibilities in UNSCR 1701 and its predecessor resolutions, Israel and Lebanon resolve, in coordination with UNIFIL, to reformulate and enhance the tripartite mechanism (hereinafter: "the Mechanism"). The reformulated and enhanced Mechanism, hosted by UNIFIL, chaired by the United States, and including France, will monitor, verify, and assist in ensuring enforcement of these commitments.
- a. Israel and Lebanon will cooperate with and facilitate the work of the Mechanism and will ensure their safety.
 - b. The Mechanism will work with the MTC4L to strengthen the capacity and training of the LAF to inspect and dismantle unauthorized sites and infrastructure, above and below ground, confiscate unauthorized weapons, and prevent the presence of unauthorized armed groups.
 - c. Alongside the Mechanism's work, UNIFIL's work pursuant to its mandate will continue, including the efforts UNIFIL supports through its convening role that enhance the Mechanism's effectiveness.
10. Israel and Lebanon will report any alleged violations to the Mechanism and UNIFIL without prejudice to their respective rights to communicate directly with the UN Security Council. The Mechanism will develop appropriate procedures to consult, inspect, gather



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information, and assist in ensuring the enforcement of these commitments.

11. Upon the commencement of the cessation of hostilities according to paragraph 1, Lebanon will deploy its official military and security forces to all borders, and to all regulated and non-regulated land, air, and sea border crossings. In addition, the LAF will deploy forces, set road blocks and checkpoints on all the roads and bridges along the line delineating the Southern Litani Area.
12. Upon the commencement of the cessation of hostilities according to paragraph 1, Israel will withdraw its forces in a phased manner south of the Blue Line, and in parallel the LAF will deploy to positions in the Southern Litani Area shown in the attached LAF Deployment Plan, and will commence the implementation of its obligations under the commitments, including the dismantling of unauthorized sites and infrastructure and confiscating unauthorized arms and related materiel. The Mechanism will coordinate execution by the Israel Defense Forces (IDF) and LAF of the specific and detailed plan for the phased withdrawal and deployment in these areas, which should not exceed 60 days.
13. Israel and Lebanon request that the United States – with the partnership of the United Nations – facilitate indirect negotiations between Israel and Lebanon with the objective of resolving remaining disputed points along the Blue Line, consistent with resolution 1701.

The United States and France understand that the above commitments will be accepted by Israel and Lebanon concurrently with this announcement.



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These commitments strive to enable civilians on both sides of the Blue Line to return safely to their lands and homes. The United States and France further intend to lead international efforts to support capacity-building and economic development throughout Lebanon to advance stability and prosperity in this region.

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