

ARTICLE 26

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TEXT OF ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

NOTE

1. Three Articles of the Charter refer specifically to the subject of disarmament. Article 11 provides that the General Assembly may consider, among the general principles of co-operation in the maintenance of international peace and security, specifically "the principles governing disarmament and the regulation of armaments and may make recommendations with regard to such principles". ^{1/} Article 26 provides that the Security Council shall be responsible for formulating plans for the establishment of a system for the regulation of armaments; while Article 47 provides that the Military Staff Committee is to "advise and assist the Security Council on all questions relating to ... the regulation of armaments, and possible disarmament".
2. The close interrelationship between the consideration of disarmament and the regulation of armaments in the Security Council and the General Assembly has been indicated in the study on Article 11.
3. In its decisions ^{2/} relating to the regulation of armaments, the Security Council has on no occasion made specific reference to Article 26. In its first substantive decision ^{3/} on the question on 9 January 1947, the Council formally accepted General Assembly resolution 41 (I), entitled "Principles governing the general regulation and reduction of Armaments", which contained certain recommendations concerning the implementation of Article 26. On 13 February 1947, the Council adopted a resolution ^{4/} by 10 votes to none, with 1 abstention, by which it recognized that the implementation of the above-mentioned General Assembly resolution was "one of the most urgent and important tasks before the Security Council" and which took certain measures in that connexion.
4. As indicated in the study on Article 11, the General Assembly, by resolution 1 (I) established the Atomic Energy Commission to deal with the problems raised by the

^{1/} See in this Repertory under Article 11, I, C.

^{2/} A tabulation of the decisions of the Security Council with respect to the regulation of armaments appears as an annex to this study.

^{3/} S C, 2nd yr., No. 2, 90th mtg., p. 42.

^{4/} S C, 2nd yr., Suppl. No. 5, pp. 58 and 59, annex 13 (S/268/Rev.1).

discovery of atomic energy. The Security Council, by its resolution of 13 February 1947, established the Commission for Conventional Armaments to prepare proposals concerning other matters relating to disarmament. Both these commissions were superseded by the Disarmament Commission which was established by General Assembly resolution 502 (VI). 5/ While the first two commissions reported only to the Security Council, the Disarmament Commission has reported to the General Assembly as well and has received instructions from the latter. 6/ The composition of these commissions has been the same as that of the Security Council, with the addition of Canada in the cases of the Atomic Energy Commission and the Disarmament Commission, when that State was not a member of the Security Council.

5. By paragraph 7 of resolution 41 (I) the General Assembly regarded "the problem of security as closely connected with that of disarmament" and recommended the Security Council "to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43". The Council, in paragraph 4 of its resolution of 13 February 1947, requested the Military Staff Committee to:

"submit to it, as soon as possible, and as a matter of urgency, the recommendations for which it has been asked by the Security Council on 16 February 1946 in pursuance of Article 43 of the Charter, and as a first step, to submit to the Security Council not later than 30 April 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations armed force."

6. It was contemplated in Article 26 that the Council would be assisted by the Military Staff Committee in formulating its plans, but no assistance from the latter has been called for or rendered. 7/

7. Article 26 provides for the submission of the plans formulated by the Security Council to the Members of the United Nations. The only decision taken by the Security Council bearing on this provision has been that of 9 January 1947, formally accepting General Assembly resolution 41 (I) which recommended that:

"The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter." 8/

5/ The Atomic Energy Commission was dissolved by General Assembly resolution 502 (VI). The Commission for Conventional Armaments was dissolved by the Security Council on 30 January 1952 (S C, 7th yr., 571st mtg., para. 4, S/2506) following a recommendation contained in General Assembly resolution 502 (VI).

6/ Reports of the Disarmament Commission to the Security Council and the General Assembly have not been included in the agenda of the Security Council.

7/ In its resolution of 13 February 1947 creating the Commission for Conventional Armaments, the Security Council instructed the Commission to "make such proposals as it may deem advisable concerning the studies which the Military Staff Committee ... might be asked to undertake". No proposals, however, were made.

8/ See also in this Repertory under Article 11, II, C.

ANNEX

Tabulation of decisions of the Security Council with respect to the regulation of armaments a/

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>Vote b/</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
Report of the Chairman of the Atomic Energy Commission to the President of the Security Council concerning the provisional rules of procedure for the Atomic Energy Commission (S C, 1st yr., 2nd Series, Suppl. No. 1, pp. 1-8, annex 1 (S/102))	Provisional rules of procedure for the Atomic Energy Commission, submitted by the Commission	50th mtg., 10 July 1946	Unanimous			Adopted
**Statement made by the representative of the Union of Soviet Socialist Republics at the 57th meeting of the Security Council (S C, 1st yr., 2nd Series, Suppl. No. 5, pp. 151 and 152, annex 9 (S/144))	Proposal to include the proposals contained in the statement of the USSR in the agenda	72nd mtg., 24 Sept. 1946	2	7	2	Rejected
Resolution of the General Assembly on the "Principles governing the general regulation and reduction of armaments" (document S/231) and proposals regarding its implementation	Proposal by the President (Australia) that the Council formally register acceptance of the resolution of the General Assembly (S C, 2nd yr., No. 2, 90th mtg., p. 42)	90th mtg., 9 Jan. 1947	Unanimous			Adopted

a/ This list includes all decisions relating to the regulation of armaments, except certain procedural decisions such as adoption of the agenda (one such decision included is marked with two asterisks), deferment of consideration, voting procedure, invitation to participate et cetera. As indicated in the text, none of the decisions contained specific reference to Article 26.

b/ In cases when a proposal received a majority of seven votes in the Security Council and was not adopted because of the negative vote of one or more permanent members, the figure under the vote against is marked with an asterisk.

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>Vote b/ For Against Abstentions</u>			<u>Result of vote</u>
Resolution of the General Assembly on the "Principles governing the general regulation and reduction of armaments" (document S/231) and proposals regarding its implementation ...	Draft resolution resulting from the consultation of the President (Belgium) with the representatives of Australia, Colombia, France, USSR and United States (S C, 2nd yr., No. 11, 102nd mtg., pp. 193 and 194)					
and						
Resolution of the General Assembly concerning "information on armed forces of the United Nations" (document S/230)	Preamble	104th mtg., 12 Feb. 1947	Unanimous			Adopted
	Paragraph 1		Unanimous			Adopted
	Paragraph 2		Unanimous			Adopted
	Amendment submitted by Australia to paragraph 3 (S C, 2nd yr., No. 12, 104th mtg., pp. 232 and 251)		2	5	4	Rejected
	Amendment submitted by USSR to paragraph 3 (<i>ibid.</i> , p. 242)		2	8	1	Rejected
	Paragraph 3		9	0	2	Adopted
	Amendment submitted by United Kingdom to paragraph 4 (S C, 2nd yr., No. 13, 105th mtg., p. 273)	105th mtg., 13 Feb. 1947	9	0	2	Adopted
	Amendment submitted by Australia to paragraph 4 (<i>ibid.</i> , p. 274)		Unanimous			Adopted
	Paragraph 4 as amended		9	0	2	Adopted

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>Vote b/ For Against Abstentions</u>			<u>Result of vote</u>
			For	Against	Abstentions	
	Draft resolution as amended and as a whole		10	0	1	Adopted Final text in S C, 2nd yr., Suppl. No. 5, pp. 58 and 59, annex 13 (S/268/Rev.1).
Letter from the Chairman of the Atomic Energy Commission to the President of the Security Council enclosing the First Report of the <u>Atomic Energy Commission to the Security Council</u> (document S/239)	Amendment submitted by USSR to delete the second paragraph of the draft resolution by United States (S C, 2nd yr., No. 24, 117th mtg., p. 511)	117th mtg., 10 Mar. 1947	4	6	1	Rejected
	Draft resolution submitted by United States (<u>ibid.</u> , pp. 487 and 488) with modifications accepted by the sponsor	117th mtg., 10 Mar. 1947	Unanimous			Adopted Final text in document S/296
Letter dated 25 June 1947 from the Chairman of the Commission for Conventional Armaments to the President of the Security Council and enclosed report (document S/387)	Plan of work adopted by the Commission, attached as appendix A to its report (S C, 2nd yr., Suppl. No. 14 (annex 37, S/387) pp. 142 and 143)	152nd mtg., 8 July 1947	9	0	2	Adopted
Letter dated 26 May 1948 from the Chairman of the Atomic Energy Commission, addressed to the President of the Security Council, transmitting the Third Report of the Commission (documents S/812 and AEC/31)	Draft resolution submitted by United States (S C, 3rd yr., No. 88, 325th mtg., pp. 11 and 12, S/836)	325th mtg., 22 June 1948	9	2*	0	Not adopted
	Draft resolution submitted by Canada (<u>ibid.</u> , pp. 13-20, S/852)	325th mtg., 22 June 1948	9	0	2	Adopted

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>Vote b/</u> <u>For Against Abstentions</u>			<u>Result of vote</u>
Letter dated 14 January 1949 from the Secretary-General addressed to the President of the Security Council, transmitting the resolution [192 (III)] adopted by the General Assembly at its 163rd meeting, 19 November 1948, concerning the prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council (S/1216)	Draft resolution submitted by United States (S C, 4th yr., No. 11, 408th mtg., p. 2, S/1248)	408th mtg., 10 Feb. 1949	9	0	2	Adopted
	Draft resolution submitted by USSR (<i>ibid.</i> , p. 17, S/1249)	408th mtg., 10 Feb. 1949	3	0	8	Not adopted
	Draft resolution submitted by USSR (S C, 4th yr., No. 10, 407th mtg., pp. 2-4, S/1246/Rev.1)	408th mtg., 10 Feb. 1949	2	0	9	Not adopted
Letter dated 29 July 1949 from the Chairman of the Atomic Energy Commission addressed to the President of the Security Council (S/1377)	Draft resolution submitted by Canada (S/1386) including amendment submitted by Ukrainian SSR (S/1392) accepted by the sponsor (S C, 4th yr., No. 43, 447th mtg., p. 24)	447th mtg., 16 Sept. 1949	9	0	2	Adopted Final text in document S/1393 (S C, 4th yr., No. 43, 447th mtg., p. 24)
	Draft resolution submitted by USSR (<i>ibid.</i> , p. 28, S/1391/Rev.1)	447th mtg., 16 Sept. 1949	2	0	9	Not adopted
Regulation and reduction of armaments and armed forces: (a) Letter dated 4 August 1949 from the Chairman of the Commission for Conventional Armaments addressed to the President of the Security Council (S/1371) transmitting the second progress report of the Commission	Draft resolution submitted by United States (S C, 4th yr., No. 46, 450th mtg., pp. 2 and 3, S/1398)	450th mtg., 11 Oct. 1949	9	2*	0	Not adopted
	Draft resolution submitted by United Kingdom (<i>ibid.</i> , p. 15, S/1403)	450th mtg., 11 Oct. 1949	9	0	2	Adopted

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>Vote b/</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
Regulation and reduction of armaments and armed forces: (a) Letter dated 4 August 1949 from the Chairman of the Commission for Conventional Armaments addressed to the President of the Security Council transmitting a working paper and other documents (S/1372)	Draft resolution submitted by France (S/1399/Rev.1)	452nd mtg., 18 Oct. 1949	9	2*	0	Not adopted
	Draft resolution submitted by USSR (S C, 4th yr., No. 47, 451st mtg., p. 6 S/1405/Rev.1)	452nd mtg., 18 Oct. 1949	3	1	7	Not adopted
	Draft resolution submitted by France (<i>ibid.</i> , p. 6, S/1408/Rev.1)	452nd mtg., 18 Oct. 1949	8	2*	1	Not adopted
	Draft resolution submitted by France (S C, 4th yr., No. 48, 452nd mtg., p. 24, S/1410)	452nd mtg., 18 Oct. 1949	9	0	2	Adopted
Letter dated 6 December 1949 from the Secretary-General addressed to the President of the Security Council transmitting the text of a resolution concerning the regulation and reduction of conventional armaments and armed forces adopted by the General Assembly at its 268th meeting on 5 December 1949 (S/1429)	Draft resolution submitted by France (S C, 5th yr., No. 3, 461st mtg., p. 17, S/1445)	462nd mtg., 17 Jan. 1950	9	0	0 <u>c/</u>	Adopted

c/ One member not voting and one permanent member absent.

<u>Title of agenda item</u>	<u>Proposal</u>	<u>Meeting and date of vote</u>	<u>For</u>	<u>Vote b/ Against</u>	<u>Abstentions</u>	<u>Result of vote</u>
Letter dated 12 January 1952 addressed to the President of the Security Council from the Secretary-General, transmitting the resolution adopted by the General Assembly at its 358th plenary meeting held on 11 January 1952 (S/2478)	Draft resolution submitted by the President (France) (S C, 7th yr., 571st mtg., para. 4, S/2506)	571st mtg., 30 Jan. 1952		Unanimous		Adopted
Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	Draft resolution submitted by USSR (S C, 7th yr., 577th mtg., para. 111, S/2663)	583rd mtg., 26 June 1952	1	0	10	Not adopted
Question of a request for investigation of alleged bacterial warfare	Draft resolution submitted by United States (S C, 7th yr., Suppl. for April, May and June, p. 17, S/2671)	587th mtg., 3 July 1952	10	1*	0	Not adopted
	Draft resolution submitted by United States (S C, 7th yr., 587th mtg., para. 23)	590th mtg., 9 July 1952	9	1*	1	Not adopted