

**ARTICLE 26**

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## ARTICLE 26

### 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.

### INTRODUCTORY NOTE

1. During the period under review, no decision requiring treatment under Article 26 was taken by the Security Council. The General Assembly adopted one resolution in which Article 26 was explicitly mentioned. That resolution is dealt with in the summary of practice.
2. There was no constitutional discussion of Article 26. For this reason, the present study consists only of a summary of practice.

### SUMMARY OF PRACTICE

3. At the thirty-ninth session, at its 97<sup>th</sup> plenary meeting, held on 12 December 1984, the General Assembly, on the recommendation of its First Committee, adopted resolution 39/63 K in connection with the item "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly". The resolution, entitled "Disarmament and international security", reads as follows:

*"The General Assembly,*

*"Gravely concerned over the sharp deterioration in world affairs characterized by the continued recourse to the use of force, in violation of the Charter of the United Nations, and the escalation of the arms race, particularly in new and more destructive nuclear weapons, adding to their quantity and quality,*

*"Concerned also over the vast expenditure, amounting to many billions of dollars, in escalation of the arms race while millions are dying from famine this year,*

*"Bearing in mind that under Article 26 of the Charter the Security Council shall be responsible for formulating plans for the establishment of a system for the regulation of armaments,*

*"Considering that in these circumstances, coinciding as they do with the fortieth anniversary of the*

United Nations, the international community must cross the threshold and take a historical decision to bring the arms race, particularly the nuclear-arms race, to a halt before it is too late,

*"1. Calls upon the Security Council to hold a series of meetings devoted to the consideration of the escalating arms race — particularly the nuclear-arms race — with a view to initiating due procedures, in accordance with the Charter of the United Nations, for bringing it to a halt;*

*"2. Requests the Secretary-General to report thereon to the General Assembly at its fortieth session."*

4. Although Article 26 was invoked<sup>1</sup> when the draft resolution was introduced in the First Committee, there was no constitutional discussion regarding its application or interpretation.

5. It should be noted that the Concluding Document of the Twelfth Special Session of the General Assembly<sup>2</sup> made no reference to Article 26 or to the role of the Security Council under that Article.

<sup>1</sup> G A (39), 1<sup>st</sup> Comm., 39<sup>th</sup> mtg.: Cyprus, pp. 33-35.

<sup>2</sup> The Concluding Document (A/S-12/32) is embodied in G A decision S-12/24, which was adopted at the 28<sup>th</sup> plenary meeting of the twelfth special session, on 10 July 1982.