Article 26 of the UN Charter

The United Nations Charter was negotiated by 50 governments and opened for signature in June 1945. Article 26 of the Charter offers evidence of assumptions made about this new institution and how nations united and working together could actually prevent conflict and deliver peace and security, not just talk about it. Article 26 gives the Security Council and the (now-defunct) Military Staff Committee the responsibility for creating a plan for regulating armaments and reducing military expenditures, a task it has neglected entirely. The text of Article 26 reads:

_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._

Article 26 directly challenges and addresses militarism—the concept that international relations and national security can only be determined through the threat of military force, as well as continuous preparation and readiness for armed conflict. Article 26 demands disarmament and reduced military expenditures as a precondition for increased security, development, and peace. Article 26 places the Security Council at the centre of enforcing disarmament and redirecting resources away from military security and towards human security.

The Military Staff Committee referred to in Article 26 is made up of the military Chiefs of Staff of the permanent members of the Security Council and is charged with advising and assisting the Security Council “on all questions relating to the Security Council’s military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulations of armaments, and possible disarmament.” It stopped functioning after 29 months, in July 1948, rendered defunct by the Cold War and the arms race it institutionalized.

Article 26 was further undermined by the UN Security Council’s presidential statement of 31 January 2002, S/23500. This statement arguably represents an agreement between the permanent members of the Security Council—China, France, Russia, the United Kingdom, and the United States—on the post-Cold War world order, in which proliferation of weapons of mass destruction constitutes a threat to international peace and security. The statement tacitly reaffirms the continuation of unchecked militarism and military spending, with the Council committing itself to take “appropriate action” to prevent the proliferation of WMD. While the statement calls on all UN member states to “fulfil their obligations in relation to arms control and disarmament,” it does not mention the Security Council’s own obligation under Article 26.

Instead of creating a plan for the control of armament and the reduction of military spending, the permanent members of the Security Council have engaged in weapons profiteering and arms races. These countries, which collectively spent US$725.2 billion on their own militaries in 2006, benefit the most from arms transfers to developing countries—in 2006, the United States, Russia, and the United Kingdom dominated the arms market in the developing world, with the US accounting for $10.3 billion or 35.8% of such transfers; Russia for $8.1 billion or 28.1%; and the UK for $3.1 billion or 10.8%[1]—
and therefore promote rather than regulate or reduce the manufacture and sale of weapons. The UN has not failed to deliver peace and security; powerful UN member states have failed the spirit and letter of the UN Charter. In so doing, they have failed to fulfill a mandate of the UN Charter.

**Consequences: over-armament and underdevelopment**

The failure to develop a sufficient plan to regulate armaments has undermined the goals of the United Nations and created crises of international, national, and human security, and of sustainable development.

Governments that spend excessive financial, technological, and human resources on their militaries divert resources from economic, social, and environmental programs. The military-industrial-academic complex, composed of a state’s armed forces, the government, suppliers of weapons systems and services (corporations), and academic institutions that conduct research on weapon systems and designs, absorbs vast amounts of funding that could otherwise be spent on human security, including education, health, housing, etc.

Furthermore, funds reserved for development initiatives are increasingly spent on emergency relief and rehabilitation operations to clean up after violent conflict. Armed conflict destroys lives and infrastructure, creating a culture of fear, violence, and instability. This impedes development by upsetting social programs, education, transportation, business, and tourism, which prevents economic stability and sustainable livelihoods. The manufacture and use of weapons also prevents sustainable ecological development and preservation, creating unequal access to resources.

Disarmament and development do not automatically trigger each other: disarmament must be accompanied by efforts to build or rebuild economic, social, and governing structures that foster political participation and social integration and equality, and that transfer resources effectively to the programmes and efforts that require them most. In addition, disarmament does not automatically result in a surplus of resources—the disarmament process can be expensive, and funds freed from a reduction in military spending will not necessarily be immediately plugged into disarmament measures.

However, reducing military expenditures does release funds to be used in other ways, and reducing armaments lowers levels of instability, violence, and death, which creates conditions more conducive to development.

**How to proceed?**

Civil society and governments alike should:

- Call on the Security Council to report on progress made towards a plan to reduce the human and economic resources spent on armaments;
- Request that the Office of Legal Affairs, Office for Disarmament Affairs, individual governments, and NGOs report on ways and means for implementing Article 26;
- Indicate an intention to evaluate the Security Council’s performance and initiatives towards advancing Article 26 in the next General Assembly session;
- Call on the world’s disarmament experts concentrated in Geneva at the Conference on Disarmament to report on various paths of action that could be taken up to ensure that the Article 26 obligation is fulfilled, in the interests of revitalizing the First Committee to undertake the tasks for which it was created, and revitalizing the Conference on Disarmament, which has been blocked for more than a decade.