

INTERVIEW WITH:

Ambassador Mihnea Motoc



Shaping United Nations Security Council Resolution 1540:

Twenty years after it was first adopted, United Nations Security Council resolution 1540 (2004) stands as a cornerstone in the global security architecture. Its provisions mandate all States to adopt and enforce legislation to prevent the proliferation of weapons of mass destruction (WMDs) and their means of delivery to non-State actors. Yet, despite the crucial issues it addresses, its long-term standing and impact was not guaranteed at the outset. The resolution's successful implementation has been carefully guided by the 1540 Committee, formed by the members of the Security Council and chaired by a different member on two-year rotating basis.

At the Committee's helm during its first two formative years was Ambassador Mihnea Motoc of Romania, whose leadership and diplomacy laid the foundation for the Committee's continued work to combat the proliferation of WMDs. Ambassador Motoc's tenure as the first chair of the 1540 Committee coincided with a period of heightened global concern regarding the proliferation of WMDs. In the aftermath of the 9/11 terrorist attacks and amidst growing apprehensions about the spread of nuclear, chemical, and biological weapons, the international community recognized the urgent need for coordinated action.

Ambassador Motoc has had a distinguished diplomatic and governmental career, which – aside from his appointment as the Permanent Representative of Romania to the UN and the Chair of the 1540 Committee – has included appointments as the Permanent Representative of Romania to the EU and the Minister of Defence of Romania (2015–2017). In this interview, he offers his insights into the origins, challenges, and accomplishments of the 1540 Committee, as well as sharing other learnings from his impressive international experience.

Can you provide insights into the broader geopolitical context at the time of establishing UNSCR 1540?

Let me first recall the facts dating back to the early 2000s, when arguably the most salient concerns related to the serial proliferation shocks generated by non-State actors, involving illicit transfers of nuclear material and equipment to DPRK, Iran and Libya – among which the revelation of the A.Q. Khan network was probably the most far-reaching –, acts of terrorism – culminating with 9/11 – and the growing menace of nuclear terrorism.

The 2003 Proliferation Security Initiative (PSI) came as an initial and immediate response. However, it was non-binding in character and limited in scope, in the sense that the informal commitments it was based on were taken by only those States willing, capable and prepared to interdict proliferation-related shipments.

It was clear that a formal, legally binding, more inclusive and less flexible structure needed to be put in place. Additional measures to prevent the proliferation of WMDs and related materials and technologies were necessary.

The geopolitical context surrounding this growing concern with WMD proliferation to non-State actors, as reflected also in the atmospherics within the Security Council, was returning to a more cooperative and trustful matrix, as the strains around the second Iraq war were gradually subsiding. While the UN itself appealed to many as the locus for forging effective collective responses to global challenges, enlightened US leadership was once again effectively delivering.

Reflecting on the initial years of the 1540 Committee's establishment, what were some of the prevailing attitudes among Member States and the international community towards non-proliferation efforts, and how did these attitudes influence the Committee's early activities and strategies?

It was of paramount importance that UNSCR 1540 was adopted by unanimity, under Chapter VII – thereby affirming that the proliferation of WMDs and their means of delivery constitutes a serious threat to international peace and security. It was the second only such resolution to invoke those provisions without any tie to a specific time or place.

With resolute US leadership, the draft had received full support from France and UK, and eventually commanded buy-in from all the members of the Council at that time, thus overcoming certain concerns essentially related to the placing of the resolution under Chapter VII, and to the appropriateness of the Council taking decisive action in this sensitive area on behalf of the whole of the United Nations.

This bold attempt to ameliorate and bridge some gaps in the extant international non-proliferation regime was largely made possible by a conducive global political climate, in which there was increased awareness among States – including those which do not possess WMDs or related material and technologies – of the risks related to the spread of WMDs and related technologies. They had also grown more adept at preventing such risks from materializing, and more capable of discouraging others from engaging in nuclear proliferation.

The considerable investment placed in the drafting and negotiating stages in securing the widest possible buy-in was followed on with a resolute emphasis at the time of the setting up of the 1540 Committee on promoting, to the greatest extent possible, transparency and inclusiveness, and conducting meaningful, ample outreach.

As the first chair of the 1540 Committee, can you share some insights into the early challenges and obstacles faced in establishing the framework of UNSCR 1540 and mobilizing international cooperation towards non-proliferation goals?

The setting up of the 1540 Committee took a couple of months, which were devoted to discussing indispensable elements for effectively launching its activity, such as the work programme, working procedures, submission of national reports and the hiring of experts.

As the establishment of Security Council committees requires agreement by all members, it was only to be expected that some of the reservations voiced in the Explanation of Vote (EOV) at the time the founding resolution was adopted would be echoed in the setting up of the 1540 Committee. More generally, it took a lot of convincing to overcome a certain reluctance which persisted on the part of States, which were required to do things they have never done before.

Reflecting on the achievements of UNSCR 1540 over the years, what do you consider to be the most significant milestones or successes in preventing the proliferation of weapons of mass destruction and their means of delivery?

The resolution filled a major gap in the international non-proliferation regime by providing legal basis to counter and prosecute non-State actors engaged in WMD-related materials and technologies. All UN Member States were asked to enact legislation for criminalizing proliferation, and to institute effective checks against WMD proliferation within their borders through international collaboration.

The 1540 Committee's work throughout the years has led to a considerable increase in the record of State compliance with the provisions of the resolution, and a significantly higher degree of alignment of national legislations needed to prevent and combat acts of proliferation, for instance by harmonizing international and national export controls.

The two comprehensive reviews of the resolution's implementation have both evidenced that its provisions have been widely observed by the international community and that they effectively contributed to the creation of functioning regulatory regimes.

As far as the European Union is concerned, it has taken steps to integrate, as early as 2003, a non-proliferation clause in its Common Foreign and Security Policy.

There is, however, no room for complacency here, as the number, capabilities and transnational connections of susceptible non-State actors, as well as the global availability of dual-use materials, are on the rise. The Committee needs therefore not only continue its oversight of national safeguards against WMD proliferation to non-State actors, but also ensure the proper correlation and adjustment of preventive efforts to the changing and evolving threats.

Could you share insights into how the experiences and lessons learned in your role as the first Chair of the 1540 Committee have informed or influenced your subsequent work in the field of international diplomacy?

Essentially, I took away two main lessons from the 1540 Committee days. First is that even in the thorniest and most sensitive of areas, international and multilateral cooperation is possible and ultimately always pays off, provided that it is carefully and persistently organized. Secondly, ever since serving as Chair of this seminal Committee, I am always poised to investigate the WMD proliferation angle of even the most conventional of security environments I am dealing with.

How do you perceive the evolving role of the 1540 Committee in adapting to the changing global landscape concerning non-proliferation efforts?

While I have not been in a position to continue to follow closely the most recent evolutions in the life of the 1540 Committee, I remain persuaded that the great value of the Committee relates to its ability to persistently foster the criminalization of proliferation acts. It has thus become a cornerstone of the overall global non-proliferation regime, enabling resolution 1540 to stay firmly on track and complementing other initiatives such as the PSI, the Convention on the Physical Protection of Nuclear Material, its Amendment and the International Convention to Suppress Acts of Nuclear Terrorism.

It is precisely this role of lynchpin of the global non-proliferation regime, as well as its

universality, that should be safeguarded as extremely valuable in a global climate that is radically different from that prevailing at the time of its launch, given that we are now confronted with a multi-front situation, a mushrooming of conflicts and crises spanning most of the globe, great power contestation (fuelled by the race to achieve advanced technological superiority), unprecedented disruptions of the global order as we have known it for over seven decades, and – what is most relevant to the point here – the progressive erosion of arms control and the loss of strategic stability at the macro level.

Considering the complexities of emerging threats and risks related to WMD proliferation, what strategies do you believe the international community should prioritize to enhance the effectiveness of UNSCR 1540 and related non-proliferation initiatives?

UNSCR 1540 is an invaluable connecting dot in the web of UNSCRs, bridging those dealing with counter-terrorism and non-proliferation. It is of particular benefit in curbing the proliferation of biological weapons/agents, as the relevant Convention (the BWC – Biological Weapons Convention) lacks any implementation and verification body.

Ultimately, there are two conceivable strategies that would help preserve the unique value of the regime and discipline put in place by UNSCR 1540: on the one hand, provide a basis for strengthening States’ reporting on actual enforcement compliance with a view to getting a more realistic picture of the implementation progress; on the other, generate global consensus to insulate the 1540 ecosystem from the impact

of the current challenges to the global rules-based order and the narrowing down of the space for international cooperation and understanding, since it is undoubtedly playing to the benefit of most, if not all, governments.

Drawing from your experience as the inaugural Chair of the 1540 Committee, what advice would you offer to future chairs in effectively advancing the objectives of UNSCR 1540 amidst evolving global challenges?

The global security environment has considerably deteriorated since the adoption of UNSCR 1540. While the painful memories of the terrorist attacks in Paris, Istanbul, Mogadishu, Brussels and London, as well as the series of “lone wolf” strikes, are still vivid, we need to remain alert to the fact that presently the potential for major such attacks is even further magnified by the proliferation of wars and conflicts. Complex security dynamics in different regions of the world – which generate at the same time increased fragmentation and polarization in our societies – multiply the opportunities for malicious intervention by non-State actors.

This increasingly more precarious background (including the fragilization of arms control, along with the considerable assault on the rules-based global order), combined with the ever-greater accessibility, equipment- and knowledge-wise, of nuclear, biological and chemical components, as well as the ever-greater possibilities of cyber/AI-enabling of any kind of weaponry, is likely to severely increase the risks of WMD proliferation.

Against this backdrop, future chairs of the 1540 Committees can only double down on stimulating

the collaborative efforts among States, and relevant international, regional and sub-regional organizations, which have made the progressive implementation of resolution 1540 possible.

Distinguished representatives who will serve in this demanding position will need to constantly engage in a full horizon-scanning of ever faster geopolitical, political and technological changes to make optimal use of the potential that the 1540 Committee has been given to serve as a bulwark against WMD proliferation.

Even in the thorniest and most sensitive of areas, international and multilateral cooperation is possible and ultimately always pays off.