

INTERVIEW WITH:

# Ambassador José Javier De La Gasca



## PART 2

### Charting the Path to Non-Proliferation: Ambassador De La Gasca's Insights on UNSCR 1540

In the [first issue of the 1540 Compass](#), published in April this year, the first part of a two-part interview series with the current Chair of the 1540 Committee, Ambassador José Javier De La Gasca, was featured. Speaking in his national capacity as Permanent Representative of Ecuador to the United Nations, Ambassador De La Gasca offered invaluable insights into the achievements of United Nations Security Council resolution 1540 (UNSCR 1540). He also reflected on the immediate priorities of the 1540 Committee during his tenure, which commenced in December 2023 and is set to conclude in December this year.

In this second instalment, Ambassador De La Gasca outlines the challenges faced by Member States in implementing the resolution, particularly due to financial and technical constraints and the tension between security measures and economic interests. Looking to the future, he underscores the need for continued support, tailored dialogue, and engagement among Member States to ensure the effective implementation of non-proliferation measures.

The reflections shared by Ambassador De La Gasca over this two-part series serve as a reminder of the critical role international collaboration plays in achieving a safer world free from the threat of proliferation of weapons of mass destruction (WMDs).

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**As the current Chair of the 1540 Committee, can you share some insights into the challenges and obstacles faced in mobilizing international cooperation towards non-proliferation goals?**

I think that, among the core issues, there is first a challenging balance between national security priorities and the economically and financially stressed contexts often faced by Member States. As mentioned in the conclusion of the 2022 Comprehensive Review, the Committee noted that some Member States have indicated that they have experienced difficulties in the full implementation of the resolution due to, *inter alia*, the lack of adequate financial resources, technical

expertise, legal frameworks and enforcement capabilities. The 2022 Comprehensive Review recognizes the particular assistance needs of developing countries and, in particular, least developed countries.

In addition, as you know, resolution 1540 (2004), in its preamble, affirms that the prevention of the proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes. Equally, the goals of peaceful utilization should not be used as a cover for proliferation. Nevertheless, I suspect that the implementation of resolution 1540 (2004) is considered by many States as

an additional constraint in commercial trade, for example, by imposing extra delays with regard to controls management.

In that context, I am pleased to note that, at national and regional events related to resolution 1540 (2004), there is a growing number of interventions by many international stakeholders—including NGOs and academia—highlighting opportunities to implement the resolution’s security requirements that, in turn, attract business investments in such countries. For example, in Asia in the 80’s, many States transitioned from developing to developed countries by manufacturing electronic dual-use components within strong export control standards. I would add that, in the post-COVID-19 global concerns, Member States can benefit from putting in place the domestic security controls required under resolution 1540 (2004) that can also have a positive impact on sanitary issues.

Because resolution 1540 (2004) imposes what to do, but not how to implement, it is, in my view, of high importance that, as recommended in the 2022 Comprehensive Review, the Committee should continue to support Member States in promoting the adoption, full implementation and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons. States should be encouraged to fulfil their commitment to multilateral cooperation, in particular within the framework of the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention, as important means of pursuing and achieving common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes.

**From your perspective, what are the most pressing gaps or deficiencies in the current global framework for preventing the proliferation of WMDs, and what steps do you believe are necessary to fill those gaps?**

The overall framework is robust, especially when considering the many treaties and conventions surrounding WMD-related material controls, and, especially, of the voluntary arrangements mentioned previously, as well as UNSCR 1540. To be sure, different States have different opinions as to which aspects of the framework should be obligatory that are not, or that should be voluntary, but are not. States will also differ over which areas of the framework might require further elaboration or delineation. But, the overall structure is there. Instead, and here I think my colleagues on the Committee would agree, the “gaps or deficiencies”, as you put it, really have more to do with the pace at which States are able and willing to implement obligatory provisions, such as those found in UNSCR 1540, and voluntary ones, many of which can likewise be found in the resolution.

For a preliminary understanding of which steps might be taken, I would commend to your readers the Committee’s Comprehensive Review, which was concluded in 2022.

Of course, no list of gaps or steps to address them can be fully comprehensive, since no one can ever have a comprehensive understanding of the threats that await us as regards the proliferation of WMDs and their means of delivery. But, this approach can help educate all of us as to the main areas of work requiring our further attention.

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**Considering the diverse geopolitical landscape and varying levels of capacity among Member States, how do you balance the need for a tailored approach to non-proliferation efforts with the imperative of maintaining a cohesive and unified front against WMD proliferation?**

While the Security Council, in resolution 1540 (2004) operative paragraph 8, calls upon all States to promote universal adoption and full implementation, the 2022 Comprehensive Review recognizes the continuing need for a tailored dialogue with and among States on the implementation of resolution 1540 (2004). The Committee encourages the exchange of information on effective practices, including through peer reviews and meetings of States. The Committee will continue its direct engagement with States, upon invitation, to discuss implementation measures, and optimize the use of the resources at its disposal to facilitate prompt and effective responses to assistance requests.

Resolution 2663 (2022), in its preamble, acknowledges the importance of improving the 1540 Committee’s outreach, dialogue and collaboration with regional and subregional organizations, recognizing the role they can play in facilitating the implementation of resolution 1540 (2004) and formulating tailored assistance requests. In its operative paragraph 10, the resolution stresses the importance of tailored dialogue and engagement with Member States, that recognizes the “specificity”<sup>1</sup> of States with regard to implementation and reporting. It also stresses the need to improve the development of customized assistance for effective implementation of resolution 1540 (2004).

<sup>1</sup> The term “specificity” in this case is used to denote national circumstances that might prompt States to prioritize implementation tactics based upon the proliferation risks they perceive in relation to UNSCR 1540 operative paragraph 3. For example, a small country that has foresworn nuclear weapon development and possesses no explosive or “fissile” nuclear materials might focus its efforts on the protection of other WMD-related material assets. This is not to say that any State would necessarily wish to ignore the threat posed by a non-State actor that may wish to use nuclear weapons on their territory or to trans-ship these weapons or related materials across their territory. But, it does suggest that it would prioritize other potential threats ahead of threats related to the protection of fissile materials.

**With advancements in technology and the increasing interconnectedness of global systems, how has the nature of WMD proliferation evolved since the adoption of UNSCR 1540?**

As mentioned in the 2022 Comprehensive Review, at the request of the Security Council in resolution 2325 (2016), the Committee continued to take note in its work, where relevant, of the continually evolving nature of the risks of proliferation of nuclear, chemical and biological weapons, their delivery systems, and related materials, equipment and technology, including the use by non-State actors of rapid advances in science, technology and international commerce for proliferation purposes, in the context of the implementation of resolution 1540 (2004). Member States were also called upon to take into account developments on the evolving nature of risk of proliferation and rapid advances in science and technology in their implementation of resolution 1540 (2004), and the Committee participated, within the scope of its mandate, in events organized by Member States that involved discussions by organizers and other participants on these topics. Furthermore, the Security Council also reaffirmed that the prevention of proliferation should not hamper international cooperation in materials, equipment and technology for peaceful purposes, while goals of peaceful utilization should not be misused for proliferation purposes.

In the follow up, in the preamble of resolution 2663 (2022), the Security Council stated it remains gravely concerned by the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their

means of delivery, and related materials, including by using the rapid advances in science, technology and international commerce to that end. Then, operative paragraph 14 “again calls upon States to take into account developments on the evolving nature of risk of proliferation and rapid advances in science and technology in their implementation of resolution 1540 (2004)” and operative paragraph 15 “reiterates it[s] request to the 1540 Committee to take note in its work, where relevant, of the continually evolving nature of the risks of proliferation, including the use by non-State actors of rapid advances in science, technology and international commerce for proliferation purposes, in the context of the implementation of resolution 1540 (2004).”

The current Programme of Work reflects that the Committee will take note, as appropriate, of the continually evolving nature of the risks of proliferation, including as a result of rapid advances in science and technology, in the context of the implementation of resolution 1540 (2004).

As you can see, the Committee answers questions about how the threat of WMD proliferation has evolved using the voice of States when they voluntarily report on the measures they take to address the threat. It is thus important for your readers to understand that while we make sure we are listening to the UN and other international organizations mandated to assess threats both through their official communications and by attending regional and sub-regional events, the 1540 Committee issues no assessment as to the comparative proliferation risks posed by existing, evolving or so-called “emerging” technologies.

**Looking ahead, what do you see as the most critical priorities for the 1540 Committee in the coming years, and how do you plan to mobilize support and resources to address these priorities effectively?**

The 2022 Comprehensive Review stated a need for a comprehensive approach to the implementation of the resolution across all weapon types, while also acknowledging that the highest number of measures were recorded in relation to nuclear weapons and related materials, followed by chemical weapons and related materials, and then by biological weapons and related materials. It also recommended that the regional approach should continue to be pursued, where appropriate, notably through the programmes of assistance by regional and subregional organizations, as well as through the sharing of best practices, including by Member States within a given region, which could help customize assistance to Member States and utilize the expertise available in the regions.

Resolution 2663 (2022), in its operative paragraph 12, “reiterates its decision that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its annual Programme of Work, which includes the compilation and general examination of information on the status of States’ implementation of resolution 1540 (2004) and addresses all aspects of paragraphs 1, 2 and 3 of that resolution, particularly noting the need for more attention on: enforcement measures; measures relating to biological, chemical and nuclear weapons; proliferation finance measures; accounting for and securing related materials; and national export and trans-shipment controls”.

In the framework of its Programme of Work, the Committee is then considering a set of activities addressing important matters to support the implementation of resolution 1540 (2004) by Member States. As regards your question’s emphasis on identifying priorities for work to take place beyond the current year, the Committee is discussing the development of a multi-year programme of outreach to Member States. The Committee will also continue to consider the format, scope and topics of voluntary technical guides, including implementation guidelines or other appropriate documents, which Member States could take into consideration in their implementation of resolution 1540 (2004). Finally, the Committee will make its expertise available, at States’ request, to support Member States in preparing, on a voluntary basis, national implementation action plans to map out their priorities and plans for implementing the key provisions of the resolution over multi-year periods.

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