

INTERVIEW WITH:

# Ambassador José Javier De La Gasca



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

To celebrate the relaunch of the *1540 Compass* and the 20<sup>th</sup> anniversary of United Nations Security Council resolution 1540 (2004) (UNSCR 1540), the *1540 Compass* is honoured to present a two-part interview series with the current Chair of the 1540 Committee, H.E. José Javier De La Gasca, speaking in his national capacity as Permanent Representative of Ecuador to the United Nations. With a nuanced understanding of the complexities of global security thanks to his extensive professional experience, Ambassador De La Gasca offers invaluable insights into the achievements of UNSCR 1540 and the immediate priorities of the Committee under his stewardship in this first instalment.

Ambassador De La Gasca holds a master's degree in Criminalistics and Forensic Sciences, as well as having diplomas in legal argumentation from academic institutions in the United States and Spain. He is also a former fellow of the Leadership for Global Competitiveness Program from Georgetown University.

Prior to his appointment as the Permanent Representative of Ecuador to the United Nations and the Chair of the 1540 Committee on 1 December 2023, Ambassador De La Gasca held various roles in both public and private entities, including serving as Anti-Corruption Secretary in 2020 for the Ecuadorian government. His experience includes teaching law at the Santiago de Guayaquil Catholic University, running his own law firm and acting as a respected political columnist for various Ecuadorian newspapers.

Be sure to anticipate the forthcoming issue of the *1540 Compass*, slated for publication in September 2024, for the next instalment of the interview, in which Ambassador De La Gasca will discuss the challenges of implementing non-proliferation measures and contemplate the future prospects of this seminal resolution.

**CHAIR OF THE 1540 COMMITTEE, SPEAKING IN HIS NATIONAL CAPACITY**

**To start, would you be able to give us a brief overview of the role of the 1540 Committee and resolution 1540?**

I would like to start by expressing my gratitude to UNICRI for its invitation to participate in this interview, particularly in the context of the 20th anniversary of resolution 1540 on 28 April 2004. The longevity of the resolution demonstrates that it continues to be an important pillar of the international non-proliferation architecture, but that its implementation remains a long-term task.

The Security Council Committee established pursuant to resolution 1540 (2004) affirms that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery to and by non-State actors continues to constitute a threat to international peace and security. Follow-up resolutions to UNSCR 1540 (2004) also underscore the continued need for all Member States, in accordance with their national procedures, to prohibit any non-State actor from acquiring, developing, trafficking in or using nuclear, chemical and biological weapons and their means of delivery, as well as related materials, equipment and technology, particularly for terrorist purposes.

These follow up resolutions, namely resolutions 1673 (2006), 1810 (2008), 1977 (2011), 2325 (2016), 2572 (2021), 2622 (2022) and the most recent resolution 2663 (2022) reaffirm and strengthen resolution 1540 (2004), which remains the core focus of the Committee. The Committee's focus is on the monitoring of national implementation, matchmaking for States seeking assistance, cooperation with international,

regional and subregional organizations, and transparency and outreach activities.

**Having assumed the role of Chair recently<sup>1</sup>, what immediate priorities have you identified for advancing the objectives of the 1540 Committee, and how do you plan to pursue these priorities during your tenure?**

While steady progress has been recorded by the Committee in the resolution's implementation, the Committee has also acknowledged the complexities of implementation across the resolution's obligations, weapons categories and regions, and that the full implementation of resolution 1540 (2004) remains a long-term task. Thus, the Committee continues to have a key role in supporting its implementation.

The progress recorded during the 2022 Comprehensive Review demonstrates the commitment of Member States and the effectiveness of the Committee in the promotion of full implementation of the resolution. While taking into consideration that there are variations among Member States in terms of their resources and capacities, overall, the number of measures taken by States to implement the resolution has increased. We hope, in fact, under our Chairmanship to slightly expand the number of measures in the 1540 Matrices so that it fully reflects the diversity of measures as voluntarily reported by States.

Given this context, the 1540 Committee has adopted a Programme of Work for 1 February 2024 to 31 January 2025, which defines the

<sup>1</sup> Ambassador De La Gasca assumed the post on 1 December 2023.

priorities of the Committee for that period. The Committee will intensify its efforts to promote the full implementation by all States of resolution 1540. The Programme of Work includes the compilation and general examination of information on the status of States' implementation of UNSCR 1540 and addresses all aspects of operative paragraphs 1, 2 and 3 of that resolution. In implementing its Programme of Work, the Committee will continue to work with States and will be guided in its approach by the principles of transparency, equal treatment, cooperation, and consistency.

Among activities within this Programme of Work, the Committee will deploy a number of different approaches.

On its implementation purview, the Committee will facilitate the voluntary sharing by Member States of experiences, lessons learned and best practices in relation to the implementation of resolution 1540 (2004), notably at the occasion of the UNSCR 1540 open briefing of States, mandated by UNSCR 2663, being organized by the Committee this year.

Moreover, by written correspondence, the Committee will continue to offer its expertise to the remaining States that have not yet presented a first report on steps that they have taken or intend to take to implement the resolution, as appropriate, to facilitate the submission of such reports.

The Committee will also encourage all States that have already submitted such national reports to provide, when appropriate or at its request, additional information on their implementation of resolution 1540 (2004), including, voluntarily, on their laws and regulations and on their

effective practices. Again, as called for in UNSCR 2663, the Committee will 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 the resolution.

On its assistance purview, the Committee will facilitate technical assistance to support the implementation of resolution 1540 (2004), in particular by using its expertise to assist Member States with the preparation of voluntary requests for assistance and to follow up on assistance requests, and by matching offers and requests for assistance.

The Committee is considering further ideas to review the efficiency of the assistance mechanism and will take steps to update its list of assistance providers and their offers by writing to potential new providers, and by writing to existing providers to encourage them to update their offers. This is a vital activity, since a streamlined approach to updating the 1540 Committee's website will provide Member States with information on assistance and capacity-building programmes in relation to the language of resolution 1540 itself, thus strengthening the Committee's ability to undertake follow-up matchmaking.

Finally, the Committee will promote the facilitation of technical assistance to support States in implementing resolution 1540 (2004), including, as appropriate, by organizing, participating in or supporting assistance conferences, in collaboration with international, regional, and subregional organizations.

On cooperation, the Committee will continue and further enhance its activities with the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning the Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism. The Chairs of the three Committees will jointly brief the Council on their cooperation. This cooperation will include, as appropriate, enhanced information-sharing; coordination on visits to States, in accordance with the Committee's mandate; and technical assistance.

Moreover, the Committee will convene regular meetings with relevant international, regional, and subregional organizations to strengthen cooperation and encourage such organizations to share information and experiences related to their efforts to facilitate implementation of resolution 1540 (2004). Summaries of meetings with these organizations and any materials that they provide to the Committee that explain their outreach strategies will be distributed within the Committee and will subsequently be made available on the Committee's website.

On transparency and outreach, the Committee will continue to discuss the development of a multi-year programme of outreach to Member States, in agreement with relevant Member States. It will also continue to update its point-of-contact database for States and international, regional, and subregional organizations. The Committee will organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional and as appropriate,

national levels, including on specific thematic and regional issues, and will invite, as appropriate, parliamentarians, as well as representatives of civil society, industry and academia. It will draw on the expertise of representatives of industry and scientific and academic communities, including through outreach activities and by inviting such representatives to participate in its meetings and activities, with their States' consent if appropriate, to assist States in implementing resolution 1540 (2004).

**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?**

As the Committee stated in the 2022 Comprehensive Review report, since the conclusion of the 2016 Comprehensive Review, further progress has been made towards the implementation of resolution 1540 (2004). The latest data and rate of progress reaffirm the Committee's view that the full and effective implementation of the resolution by Member States is a long-term task, which will require continuous efforts by States, with the support of the Committee, as well as in close cooperation with other components of the United Nations and relevant international and regional organizations.

The data in the Committee matrices, updated during the period 2019–2020, cover a total of 44,004 possible measures across all data fields (228 fields for each of the 193 Committee matrices). Of the total possible measures, the Committee identified 24,841, which is roughly 56 per cent, or an increase of around 6 per cent, compared with the data for the same matrix fields



in 2016. The increase recorded in 2016 compared with 2011 was 7 per cent. The data also indicate that, overall, a higher number of measures are in place related to national legal frameworks (59 per cent) compared with enforcement and civil or criminal penalty measures (54 per cent).

Per the report, most States strengthened their implementation of resolution 1540 (2004), in particular, measures to prohibit non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery. Overall, implementation increased globally by about 6 per cent since 2016, but the measures enacted differed with regard to the key obligations, weapon categories and the five United Nations regional groups.

The matrices showed that 79 per cent of possible measures were recorded for paragraph 1 of resolution 1540 (2004) on the obligation to refrain from providing support to non-State actors, 77 per cent for paragraph 2 on prohibitions, 51 per cent for paragraph 3 (c) and (d) on border and export controls, and 40 per cent for paragraph 3 (a) and (b) on measures to account for, secure and physically protect related materials.

The data also show that among the different weapon categories, on a global basis, 61 per cent of the possible measures were recorded in relation to nuclear weapons, compared with 58 per cent for chemical weapons and 50 per cent for biological weapons and their related materials.

Among the United Nations regional groups, the Group of Western European and Other States registered the highest overall recorded measures with 86 per cent, followed by the

Eastern European Group with 85 per cent, the Asia-Pacific Group with 53 per cent, the Latin American and Caribbean Group with 47 per cent and the African Group with 38 per cent. The largest increases were again, as in 2016, evident in regions with lower implementation rates. Compared with 2016, the Asia-Pacific Group and the African Group registered the highest increases with around 10 per cent and 8 per cent, respectively. The Eastern European Group and the Latin American and Caribbean Group both registered increases of around 4 per cent.

**What actions can international organizations, both within and outside the UN system, take to contribute to the implementation of resolution 1540 (2004)?**

In addition to the actions that I mentioned earlier when discussing the immediate priorities within the Committee, there are several steps international organizations, both within and outside the UN system, can take to contribute to the implementation of resolution 1540 (2004).

Resolution 2663 (2022), in its operative paragraph 21, urges the 1540 Committee, using its full expertise, to promote the facilitation of technical assistance through, as appropriate, organizing, co-organizing, participating in or supporting international and regional assistance conferences, which bring together Member States that request assistance with those offering assistance, and further encourages Member States, including those in the region with relevant expertise, and relevant international, regional and subregional organizations, in a position to do so, to support such efforts.

In its operative paragraph 23, resolution 2663 (2022) continues to call upon relevant international, regional and subregional organizations to designate, provide and update, as appropriate, the 1540 Committee with a Point of Contact or Coordinator for Resolution 1540 (2004); and encourages them to enhance cooperation and information sharing with the 1540 Committee and Member States on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004).

In its operative paragraph 25, resolution 2663 (2022) requests that the 1540 Committee continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national levels, including by, as appropriate, inviting parliamentarians, as well as representatives of civil society, such as industry and academia, and by promoting the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation.

Finally, in its operative paragraph 26, it directs the 1540 Committee to convene regular open briefings, at least once a year or as needed, for Member States and international, regional and subregional organizations, inter alia, on the margins of the relevant sessions of the General Assembly, to, among other things, provide an opportunity to present their offers of assistance.

**In your opinion, what role could the 1540 Compass play in improving the visibility of UNSCR 1540 (2004)? How can this platform be best leveraged for optimal impact?**

In the current Programme of Work, referring to resolution 2663 (2022) in its operative paragraph

27, the Committee will consider possible improvements to make information relevant to the implementation of resolution 1540 (2004) and assistance related programmes, as well as information related to paragraphs 14, 18 and 23 of resolution 2663 (2022), widely available and easily accessible to Member States, including through its website and other agreed means of communication.

Paragraph 14 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). Paragraph 18 requests that the Committee maintain an updated comprehensive list of assistance providers. It also requests that such assistance and capacity-building programmes which might facilitate the implementation of resolution 1540 (2004) are made available to Member States. On its side, paragraph 23 encourages relevant international, regional and subregional organizations to enhance cooperation and information sharing with the 1540 Committee and Member States on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004).

The Committee welcomes the *1540 Compass's* contribution to these goals by raising awareness and ensuring the sharing of relevant information among stakeholders, mostly centrally between Member States and international, regional and sub-regional organizations, but also by ensuring that States have access to relevant information about non-State actors, like industry and academia, and that they have access to implementation expertise generated by these non-State actors, including non-governmental organizations that focus on non-proliferation challenges.

**Given Ecuador's unique perspective and experience, how do you envision integrating regional perspectives and expertise into the Committee's efforts to prevent the proliferation of weapons of mass destruction?**

Overall, in the conclusions part of the 2022 Comprehensive Review report, the Committee recognized that there are variations in the implementation of the resolution by Member States and their industrial bases. Taking this into account enables the Committee to better support Member States in their implementation of the resolution in line with national priorities and specific needs, in particular those of developing countries and least developed countries. In that vein, the Committee recognized the importance of improving the cooperation of the Committee with relevant international, regional and subregional organizations and United Nations bodies and the role of relevant international organizations that provide technical support in the full implementation of resolution 1540 (2004), as well as the role of other international bodies with technical capacity and unique expertise in different aspects of non-proliferation of weapons of mass destruction. Concretely, the Committee noted that some international, regional and subregional organizations and multilateral arrangements have developed optional guidance documents relevant to the provisions of resolution 1540 (2004) that could serve as a potential source of information for Member States, where relevant, in strengthening their own implementation of the resolution.

It is clear for me that regional organizations are in a privileged position to, first of all, understand local security contexts in their complexities and related risks, and, second of all, to address these

specificities in implementing resolution 1540 (2004), through a common cultural approach, taking into consideration Member States' geographical and size features, industrial and technological assets, commercial flows and other interactions through their borders. As Representative of my country, Ecuador, I think that the Organization of American States (OAS) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) have been playing a useful and fruitful role of facilitator in the interaction of Member States with the Committee, including by maintaining a continuous initiative of outreach and support on implementation activities.

I am then satisfied that resolution 2663 (2022), in its preamble, acknowledged the importance of improving the 1540 Committee's outreach, dialogue and collaboration with regional and subregional organizations, and recognized the role they can play in facilitating the implementation of resolution 1540 (2004) by Member States in their respective regions and in supporting them to formulate tailored assistance requests. In its operative paragraph 10, it stresses the importance of tailored dialogue and the engagement of the 1540 Committee with Member States, which recognizes the specificity of States with regard to implementation and reporting, to also improve the development of customized assistance for effective implementation of resolution 1540 (2004).

And the Committee should go further ahead. As recommended in the 2022 Comprehensive Review report, the Committee, within its mandate, should continue enhancing and strengthening coordination with international and regional organizations through information-sharing, cross-



participation in events and the co-organization of projects, to ensure complementarity, and encourage more effective participation in matchmaking between offers and requests. The expertise and practical experience of relevant organizations, institutions and multilateral arrangements should be taken into account.

The Committee, in the conclusion part of this report, also noted that peer reviews, which may include the engagement of a variety of relevant stakeholders as determined by the participating Member States, have been useful in addressing areas of opportunity in terms of implementation, as well as in sharing knowledge and experience at bilateral, regional and international levels. I think that the Committee should continue to strengthen its promotion of peer review exercises between neighbouring countries that share some common challenges in the framework of their interaction.

I also support that the Committee should resume its practice of holding annual regular meetings in New York with relevant organizations and bodies, or otherwise request further information on avenues for cooperation. Such meetings could be undertaken as open briefings of the Committee as well as internal briefings for Committee members. As Chair, I run a continuous proactive engagement to support the Committee's consideration for holding such an open briefing later this year.

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, while 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, in imposing extra delays with regard to controls management.

**What lessons or insights from your previous roles do you believe will be most valuable in guiding your leadership of the 1540 Committee, and how do you plan to apply them to achieve tangible progress in preventing the proliferation of WMDs?**

As you may know, my country is facing a threat in the purview of narco-trafficking and related criminality and terrorism poses a problem, in addition and among others, with small arms proliferation.

We are all concerned that non-State actors may acquire and use weapons of mass destruction, this becomes a growing risk because these actors may take advantage of emerging technologies such as artificial intelligence, 3D printing or other means of delivery, like drones that are today commonly used in agriculture, for example. Also, crypto-currencies may be diverted to finance proliferation, with new challenges for detecting such activities.

I think the Committee must strengthen its engagement with other UN Committees dedicated to countering terrorism. I am pleased to refer, in that context, to the recommendation in the 2022 Comprehensive Review report stipulating that the Committee should consider, on a case-by-case basis, continuing to participate in joint visits to States, at their invitation, to better assist them in their implementation and assistance needs pertaining to resolution 1540 (2004). The

Committee should work closely with the ISIL (Da'esh) and Al-Qaida Sanctions Committee and the Counter-Terrorism Committee to ensure, also on a case-by-case basis, that any such visits address the different mandates of all three Committees and that the participation of the Committee is understood to be in the context of non-proliferation.

Nevertheless, as you know, resolution 1540 (2004) is not a sanctions resolution, and it instead promotes international cooperation in the implementation of requirements that aim to prevent and combat the proliferation of nuclear, chemical, and biological weapons and their means of delivery to and by non-State actors. I think that the continuous progress on implementation of resolution 1540 (2004) demonstrates that it is a good approach.

In that context, I would like to draw the attention of readers to the fact that 1540-approved matrices validate a requirement when at least one relevant measure has been taken by a Member State. This means that resolution 1540 (2004) is not necessarily implemented in full for such requirements and that Member States should continue to strengthen their legislative assets where needed, in accordance with their assessment of domestic risks.

**The prevention of the proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes, while goals of peaceful utilization should not be used as a cover for proliferation.**