

August 2020 Monthly Forecast

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In Hindsight: Six Days, Five Resolutions, One Border Crossing

During the second week of July, the Security Council struggled to re-authorise the Syria cross-border humanitarian aid delivery mechanism, which was set to expire at midnight on Friday, 10 July. Only after four draft resolutions failed to be adopted did the Council finally reach agreement. The process that eventually led to the adoption of resolution 2533 was acrimonious and not only resulted in the Council's re-authorising just a single border crossing—thus reducing the UN's capacity to deliver humanitarian assistance to Syria's north-west—but also laid bare the Council's deep divisions over Syria. Russia and China vetoed two resolutions in the course of the week, and two Russian-sponsored texts failed to reach enough votes to pass. The challenge of the week's negotiations and multiple failed votes was exacerbated by the way the Council has had to work during the COVID-19 pandemic, with a written voting procedure and lack of in-person meetings.

Background on the Cross-Border Mechanism

The UN cross-border aid delivery mechanism was established by resolution 2165, which was unanimously adopted on 14 July 2014. It authorised UN agencies and humanitarian partners, with notification to the Syrian authorities, to use the border crossings at Bab al-Salam and Bab al-Hawa (both on the Syrian-Turkish border), Al Yarubiyah (on the Syrian-Iraqi border) and Al-Ramtha (on the Syrian-Jordanian border) “to ensure that assistance, including medical and surgical supplies, reached people in need throughout Syria through the most direct routes”. The mechanism was subsequently renewed annually by unanimous vote in December 2014 (resolution 2191), December 2015 (resolution 2258) and December 2016 (resolution 2332). Beginning with resolution 2393 in December 2017, consensus on the Council began to unravel, with China and Russia (joined by Bolivia) abstaining on the mechanism's renewal. They abstained again on resolution 2449 in December 2018, which extended the mechanism for another year.

The stark cleavages that characterised last month's negotiations had been building over the previous years but became fully evident this past December and January. The Council failed to re-authorise the mechanism on 20 December 2019, as two competing draft resolutions—tabled by co-penholders Belgium, Germany and Kuwait and by Russia—were vetoed and received an insufficient number of affirmative votes, respectively. When resolution 2504 was adopted on 10 January, the mandate was renewed for only six months rather than 12, and while Bab al-Salam and Bab al-Hawa were re-authorised, the al-Ramtha and the Al Yarubiyah crossings were removed. Resolution 2504 was adopted by a vote of 11 in favour, none against, and four abstentions, including China and Russia; the UK abstained arguing that 2504 “reduce[d]s aid provision for vulnerable populations”

and the US, also abstaining, said that the resolution was “wholly inadequate to the needs of the Syrian people”. In short, though there had already been strong hints of Russia’s and China’s wish to move from cross-border to cross-line delivery of humanitarian assistance in previous years, the period from December 2019 to January 2020 brought this to the fore.

A Circuitous Path to Adoption

It was no surprise, then, that the process that led to the adoption of resolution 2533 on 11 July proved difficult. Negotiations began on 16 June, with the Syria humanitarian co-penholders (Belgium and Germany) circulating an initial draft that contained both the renewal of the Bab al-Salam and Bab al-Hawa crossings for 12 months and the re-authorisation of the Al Yarubiyah crossing for an initial period of six months in light of the impact of COVID-19, with a review to assess if another six months would be needed. It seemed that most Council members—including all ten elected members—supported keeping Bab al-Salam and Bab al-Hawa open. A number of members also argued that the Council should authorise the re-opening of Al Yarubiyah given the potentially devastating impact that COVID-19 could have on Syria’s north-east. No Council members officially commented on the text. Shortly before the second round of negotiations on the text, however, Russia informed Council members that its starting negotiating position was to close Bab al-Salam and renew only Bab al-Hawa for six months.

Recognising that including Al Yarubiyah was a clear red line for Russia and could also reduce the support of the Council’s elected members, on Saturday, 4 July, the co-penholders put under silence a draft text that would re-authorise the Bab al-Salam and Bab al-Hawa crossings for 12 months. Russia, China and the US broke silence on the text for different reasons, all of which would continue to bedevil the negotiations. Russia argued that the text did not take into account its positions on the initial draft circulated on 16 June, while China advocated for language supporting Secretary-General António Guterres’ call in March to waive sanctions, in general, to allow countries access to food, essential health supplies, and COVID-19 medical support, and requesting the Secretary-General to report on the impact of sanctions on Syria. The US wanted the text to also include the re-authorisation of the Al Yarubiyah crossing for six months.

With an impending expiration of the cross-border mandate, the co-penholders put in blue a draft resolution on Monday, 6 July. The Council had agreed in March to a 24-hour written adoption procedure in response to the COVID-19 pandemic, which meant that unlike normal circumstances, the Council would not be able to vote relatively swiftly on another draft resolution if this draft was not adopted. As had been widely anticipated, the draft resolution was vetoed by Russia and China.

On Wednesday, 8 July, a draft resolution circulated by Russia and calling for re-authorisation of one border crossing, at Bab al-Hawa, for six months, was not adopted, having received only four votes in favour (Russia, China, Viet Nam and South Africa), with seven against (Belgium, the Dominican Republic, Estonia, France, Germany, the UK and the US) and four abstentions (Indonesia, Niger, Saint Vincent and the Grenadines and Tunisia). On Friday morning, 10 July, a new co-penholders’ draft, calling for the re-

authorisation of the Bab al-Salam and Bab al-Hawa border crossings for six months instead of 12, was again vetoed by Russia and China, with all other Council members supporting the text. Later that evening, a second Russian draft resolution that would have re-authorised Bab al-Hawa for 12 months was voted down. China and Russia were again joined by South Africa and Viet Nam in supporting the text. Seven members voted against (Belgium, the Dominican Republic, Estonia, France, Germany, the UK and the US), and four abstained (Indonesia, Niger, Saint Vincent and the Grenadines and Tunisia).

Matters were coming down to the wire, with the expiry of the existing cross-border authorisation only hours away. The penholders floated the idea of a new draft resolution that would include the re-authorisation of the Bab al-Hawa crossing for 12 months and the Bab al-Salam crossing for three months. When it became clear that Russia would not accept the three-month re-authorisation for Bab al-Salam, the penholders put in blue on Friday evening a draft that did not include it. As Russia had already proposed a text that included only Bab al-Hawa for 12 months, it seemed plausible that it would not veto the co-penholders' new draft. Finally, on Saturday, 11 July, the Council adopted resolution 2533, renewing the Bab al-Hawa border crossing until 10 July 2021. Twelve members voted in favour of the resolution, while three members (China, the Dominican Republic and Russia) abstained. The abstention by the Dominican Republic, which supports the cross-border mechanism, came as a surprise to many. In its explanation of vote, it noted that it had abstained because of the Council's "failure to re-open the border crossing of Al Yarubiyah and [the] decision to close the Bab al-Salam crossing, [which would] have terrible consequences to the lives of hundreds of thousands of children".

Key Points of Contention

During the negotiations, two main points of contention emerged: as in past renewals, the mechanism itself (its duration and the number of border crossings to be authorised) and the impact of sanctions. Russia has regularly argued against the ongoing need for the cross-border aid delivery mechanism, and in its explanation of vote on 9 July noted that the "mechanism was established in 2014 as an urgent and temporary exceptional measure..." and that its "position on the mechanism has always been clear—the gradual closure of the crossing points and phasing-out of the whole mechanism based on the assessment of the situation in the country". China, on the other hand, has often argued, as it did following the vote on 10 January, that it "has always had reservations regarding the establishment of a Syrian cross-border humanitarian assistance mechanism" and that "cross-border humanitarian assistance is a special relief method adopted under specific circumstances". It reiterated its long-held view that the "sovereignty and territorial integrity of the country concerned, and the will of its Government must be respected".

The second contentious issue was the impact of unilateral sanctions on Syria. Russia and China, in particular, argued throughout the negotiations that sanctions have had a severely negative impact on Syria's humanitarian situation, while the US and European members of the Council maintain that critical humanitarian goods and medical supplies are exempt from sanctions. The two failed Russian drafts included language requesting the Secretary-General to provide a report by the end of August on the "direct and indirect

impact of unilateral coercive measures imposed on Syria on its socio-economic situation and humanitarian deliveries from outside Syria”; and to “continue to include in his reports the humanitarian impact of unilateral coercive measures”.

Just before the final vote on 11 July, both China and Russia put forward amendments, that were put to a vote the same day: China proposed that the draft text include language from resolution 2532 on COVID-19 of 1 July “recognizing efforts and measures proposed by the Secretary-General concerning the response to the potential impact of the COVID-19 pandemic to conflict-affected countries”, apparently an indirect reference to the Secretary-General’s March call to waive sanctions because of the impact of COVID-19. Russia requested that the draft text include language reflecting “improvements of cross-line deliveries of UN humanitarian assistance” as well as a second amendment requesting that the Secretary-General report on “the humanitarian impact of unilateral coercive measures” (that is, unilateral sanctions). Though none of these amendments were adopted, they garnered stronger support than anticipated, with the Russian amendment referencing cross-line deliveries and the Chinese amendments each receiving eight votes in favour, one short of being added to the resolution. This suggests that, while several Council members found the addition of language on sanctions inappropriate in a resolution on humanitarian assistance, a significant number did. The issue of sanctions on Syria is likely to continue to dominate Syria discussions in the coming months.

The Dominican Republic’s abstention on the final draft resolution notwithstanding, the elected members remained largely unified over the course of the week, a signal to the permanent members that they placed a high priority on the preservation of the cross-border mechanism. But the elected members did not form a monolith: South Africa and Viet Nam were the only two elected members that voted in favour of the two Russian drafts, suggesting that they were prepared to vote for any text that would have kept the cross-border mechanism, in whatever form, functioning. There were also differences within the group on the issue of sanctions and the role of cross-line deliveries: six elected members voted in favour of the Russian and Chinese amendments noted above.

Finally, the Council is operating in uncharted territory vis-à-vis working methods. The new cumbersome working methods do not allow a quick turnaround of drafts and votes and may have made compromise more difficult. The Council often works under tight deadlines that can exacerbate stark political differences, as is the case with Syria. With the looming expiration of resolution 2504, virtual negotiations and a 24-hour voting procedure for both resolutions and amendments placed even greater stress on the Council’s capacities. Council members showed creativity and flexibility in agreeing to alterations to its procedures when they had reviewed the drafts and determined their positions. On the penholders’ second draft resolution, for example, Germany used its prerogative as Council president to reduce the time allotted to vote on amendments to 12 hours, and on the second Russian text was able to compress the voting timeline to two hours. This helped expedite the circulation and consideration of the next draft resolution. The presidency also expedited the vote on the Russian and Chinese amendments to the final draft resolution. Adjusting its rules of procedure in the midst of a global pandemic, the Council finally had an agreed text, announced by the president at 1730 hours on

Saturday, 11 July. In the end, while resolution 2533 may not be what the majority of members wanted, it prevented a nearly complete dismantling of a mechanism that has been responsible for providing humanitarian aid to the Syrian people for six years.