

August 2021 Monthly Forecast

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In Hindsight: Getting Across the Line on Syria's Cross-Border Mechanism

On 9 July, in an astonishing show of unity on a perennially contentious issue, the Council unanimously adopted [resolution 2585](#), re-authorising the cross-border mechanism to deliver humanitarian assistance into Syria's northwest. Not since the adoption of [resolution 2332](#) in December 2016 had the Council reached consensus on the cross-border humanitarian aid delivery mechanism for Syria. And, unlike in December 2019, January 2020 and again in July 2020, the Council voted only on one draft text.

While resolution 2585 offered the rarest of encouraging signs in the Council chamber on Syria, the unanimous adoption belied a difficult two weeks of negotiations. How the Council overcame its divisions to adopt this resolution is a classic diplomatic tale of compromise and constructive ambiguity. As one Council member noted privately, "every country got something it wanted in the end". But rifts may lie ahead: resolution 2585 also contains elements that Council members had fought against, sometimes vigorously. Against this backdrop, will the agreement allow the Council to put the acrimony on the cross-border mechanism behind it and find new ways to work together on Syria? The text, and the process by which the Council agreed on it, may offer some clues.

(For a detailed account of the background on the cross-border mechanism and the events surrounding last year's adoption, please see our "In Hindsight" from the August 2020 *Forecast*, titled: "[Six Days, Five Resolutions, One Border Crossing](#)".)

Lines Drawn

From the moment the Council renewed the cross-border mechanism with the adoption of resolution 2533 in July 2020, speculation about its future was rife. Month after month, the Council's regular sessions on the humanitarian situation in Syria painted an increasingly dire picture. Council members remained rooted in their diverging positions, notably over the impact of cross-line delivery of aid and of sanctions, the duration of the cross-border mechanism and the number of border crossings necessary to meet Syria's humanitarian needs, and the seemingly peripheral issue of early recovery funds.

Russia and China have consistently argued that sanctions against Syria should be lifted, saying that they exacerbate the country's worsening economic conditions. They maintained that improvements were needed in cross-line deliveries—humanitarian assistance that crosses a domestic frontline from Syrian government-held areas into areas outside government control. These deliveries, they argued, would be sufficient, obviating the need for assistance to flow into Syria's northwest from Turkey.

Secretary-General António Guterres told the Council on 23 June that "failure to extend the Council's authorization would have devastating consequences". While highlighting the importance of maintaining and expanding both cross-border and cross-line deliveries, the

Secretary-General said that member states “must recognize that [cross-line deliveries] will never be able to replace cross-border assistance at the present levels”. In addition, the P3 (France, the United Kingdom and the United States) have regularly pointed out that sanctions offer humanitarian exemptions, and thus have not had an undue effect on Syria’s humanitarian crisis. The matter of funding for early recovery projects, such as support for water, sanitation, health, education, and shelter has also been fraught, as the US and European members have been wary of backing recovery projects that they believe might strengthen the domestic political position of the Syrian government.

Russia and China have often sought shorter extensions of the cross-border aid mechanism than espoused by the penholders, with the length of the mandate a decisive factor during negotiations in 2019 and 2020. This time, as in past years, the Council’s other permanent members and several others argued forcefully for a 12-month renewal.

As the Council embarked upon negotiations in late June, the outcome was by no means a foregone conclusion. The P5’s positions were well-known. The Council’s ten elected members, whose collective position was for keeping the cross-border mechanism open for another 12 months, had, however, expressed differing views on the issue of sanctions and the role of cross-line deliveries. The co-penholders—Ireland and Norway, both fresh to the Council in 2021—aimed to sort out these differences, creating space for a deal while maintaining a position that would hold the elected members together.

Negotiations Begin

On 25 June, the co-penholders circulated a zero draft of their resolution. One round of in-person negotiations among Council experts took place on 30 June. The co-penholders’ zero draft was nearly identical to resolution 2533 of 2020—which re-authorised one border crossing (Bab al-Hawa) for 12 months—but included the authorisation of Al Yarubiyah, one of the four border crossings originally authorised by the Council. The P3, along with Estonia, reiterated their position that the resolution should authorise three border crossings (Bab al-Hawa, Al Yarubiyah and Bab al-Salam) for a period of 12 months, while China, India and Russia raised concerns that the zero draft referred neither to the need for increased cross-line deliveries nor the adverse humanitarian effects of unilateral sanctions. Earlier that day, Russia’s permanent representative, Ambassador Vassily Nebenzia, had described reopening the closed cross-border points as “really a non-starter”.

A number of Council members privately characterised the days between the 30 June informal reading of the draft text and 6 July as the proverbial calm before the storm. On 6 July, the Council held closed consultations on Syria’s humanitarian situation, following which the co-penholders placed their unchanged zero draft under silence until 7 July. Russia did not explicitly address the contents of the text or offer revisions, but China broke silence, saying that it could not accept an additional border crossing and calling for the text to include language on the expansion of cross-line deliveries and the adverse effects of unilateral sanctions.

With the clock ticking (the mandate was set to expire on 10 July) and Russia refusing to formally engage on the text, the co-penholders removed the language re-authorising the Al Yarubiyah crossing but made no further textual changes. They then placed the updated draft under silence until 10 am on 8 July. China maintained its position from the previous day. Nonetheless, the co-penholders decided to put the draft text in blue during the afternoon of 8 July, with the vote scheduled for 9 July.

Shortly after the co-penholders put their text in blue, Russia circulated—and put in blue—a rival draft text. It called for the authorisation of the Bab al-Hawa crossing for only six months, with the “anticipation of renewal subject to the Secretary General’s report on transparency in operations and progress on cross-line access”, seemingly conditioning future renewal of the cross-border mechanism upon the evolution of cross-line deliveries. The Russian text also encouraged “efforts to improve cross-line delivery of humanitarian assistance” and welcomed “all efforts and initiatives to broaden the humanitarian activities in Syria, including...early recovery projects”. There was, however, no reference to sanctions.

The Deal Gets Done

That Thursday evening (8 July), with two votes—both expected to fail—scheduled for Friday morning, the Council’s permanent members met over dinner. Russia and the US appeared to be on the cusp of an agreement that could help forge a text which neither would veto and which could gain the support of all other Council members.

Since the 16 June summit between US President Joe Biden and Russian President Vladimir Putin, there had been signs that the Russia-US bilateral talks might bear fruit, including on the issue of humanitarian access in Syria. This optimism was furthered after the 2 July meeting between Russian Special Presidential Envoy on Syrian Reconciliation Alexander Lavrentiev and US National Security Council Coordinator for the Middle East and North Africa Brett McGurk. The broad contours of what would eventually become resolution 2585 were apparently discussed there. These included Russian proposals strengthening language on cross-line deliveries, early recovery projects and new reporting requirements. It seems other issues, such as sanctions, were also in the Russian proposal. The US made clear that this was a red line. The length of the renewal remained unresolved.

With two texts in blue, the co-penholders worked late into the night on Thursday, putting together a compromise draft, while Russia and the US continued to talk. By early Friday morning, a deal had been struck. The other permanent members and the co-penholders were informed, and at 9:30 am the P5 met again to discuss a new text—largely the work of the co-penholders, who had merged the Russian proposals on issues such as early recovery projects, reporting requirements and COVID-19. Operative paragraph two, which addresses the length of the mandate, was drafted by Russia and the US. The agreed language, a stroke of diplomatic constructive ambiguity, calls for the Bab al-Hawa crossing to be extended for six months (until 10 January 2022) with an extension of an

additional six months (until 10 July 2022) “subject to the issuance of the Secretary General’s substantive report, with particular focus on transparency in operations, and progress on cross-line access in meeting humanitarian needs”.

The co-penholders put the draft in blue, and Russia and the US (but no other Council members) co-sponsored the text. Closed consultations were announced for 10 am, during which the co-penholders announced that there was a potential third draft, and both the penholders and Russia withdrew their draft texts in blue. Consultations were then adjourned while the co-penholders introduced the draft text to the E10. When Council members resumed consultations, the co-penholders circulated the new draft text and asked for it to be put in blue. At 11:25 am, the Council met in the Chamber to vote, adopting resolution 2585 by a vote of 15-0. Speaking to the Council afterwards, most Council members lauded the cooperation and consensus-building that enabled the unanimous passage of resolution 2585. Nebenzia, the Russian ambassador, described it as a historic moment, and hoped “that this kind of day will be a turning point”.

Points of Contention

Council members, while hailing the outcome, also raised concerns about the text. China, speaking in the Council after its vote, drew attention to the Council’s having “acted on elements [that] included...enhancing cross-line delivery, strengthening the transparency of the cross-border mechanism, [and] post-war reconstruction”, while also regretting that the text had not dealt with unilateral sanctions. France made clear that, along with its European partners, it would “not fund reconstruction and we will not lift sanctions until a credible political process is firmly in place...nor will we fund development activities that would help strengthen the Syrian regime in the absence of progress towards a political solution”.

Despite the enhanced language on cross-line deliveries in the resolution, the P3 and numerous elected members did not mention it in their explanations of the vote. In contrast, Russia proclaimed that the Council had given “the green light for the cross-border mechanism to be gradually supplemented and then replaced by supplies across the contact lines”, and China stressed that the “cross-line mechanism should be the dominant channel for delivering humanitarian assistance”. Others were more muted. India, which had strongly supported language on cross-line deliveries, noted that “concrete steps need to be taken to address the hurdles that are obstructing the functioning of cross-line operations”. Tunisia proclaimed simply that it was “totally satisfied” with the references on cross-line deliveries. And Kenya said that it supported all modalities, including both cross-border and cross-line deliveries.

It is clear from the Council’s deliberations and post-meeting press encounters on 9 July that the starkest differences had always been on the length of the mandate. While ambiguous language enabled an agreement, does resolution 2585 extend the mandate for 12 months, or for six months plus an additional six months contingent on certain conditions?

In the Chamber on 9 July, the P3 were joined by Estonia and Mexico in stating categorically that the renewal was for 12 months, while Russia said nothing about the length of mandate. Some members, including the penholders, understand that the second six months will automatically follow the Secretary-General's report; for others, the report's "particular focus on transparency in operations, and progress on cross-line access in meeting humanitarian needs" is the condition by which the Council will grant the additional six months. A third interpretation is that the decisive factor will be progress on the ground, not simply what the Secretary-General reports. In an exchange with the press after the Council's vote, Nebenzia left the door open, responding to a question about his previous statement that "12 months won't fly" by saying, "six plus six is twelve. But mind the way it is phrased—it was not unintentional. It is not straight twelve months. And that was our red line, because you cannot expect that it will go without any assessment and reassessment of what's happening on the ground. That's why the second six-month period will be conditional on progress which we'll make in other areas of humanitarian and political situation in Syria.....There will be twelve months...provided that we see real progress on the ground and in the work of the UN in that area".

Conclusion

Members are united in satisfaction at seeing two key Council members cooperate on the most troublesome of files. The backroom deal may have ruffled some diplomatic feathers: France and China made it known that they were unhappy with aspects of the agreement and, joined by the UK, might have preferred to be more involved in the final, bilateral discussions. The elected members appear to have been kept informed of developments by the penholders. Having a resolution emerge through a direct bilateral agreement and diligent effort by penholders could portend an era of constructive engagement on Syria. The continuation of cross-border deliveries through Bab al-Hawa into July 2022 may hinge on a report, its contents or progress on the ground in Syria. But it may also hinge on the state of US-Russia relations and whether the cooperation shown in early July is built upon over the next six months or, given a raft of other contentious bilateral matters, proves a short-lived fillip that loses its momentum by then.