

Syria: Vote on a Resolution Demanding an End to Military Flights over Aleppo

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What's In Blue

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The Council is expected to vote on a draft resolution focused on the situation in Aleppo tomorrow (8 October). Since the rupture of the cessation of hostilities, agreed between Russia and the US on 9 September, there has been a massive military escalation by the Syrian government and Russia against opposition-held eastern Aleppo. At the heart of the draft resolution is the demand that the aerial bombardment of Aleppo stop.

The military escalation against rebel-held eastern Aleppo has been described as a “slaughterhouse” by the Secretary-General. High Commissioner for Human Rights Zeid Ra’ad Al Hussein has said these attacks may constitute war crimes and crimes against humanity. Head of OCHA Stephen O’Brien has designated eastern Aleppo as a besieged area, reporting that 275,000 civilians, including 100,000 children, are trapped and adding that we are in a race against time to protect and save civilians there. Special Envoy Staffan de Mistura has said that Aleppo could be destroyed by the end of the year if the offensive continues. It is against this backdrop, as well as the US formally suspending its bi-lateral engagement with Russia on Syria, that Council members began negotiations this week on a draft resolution, circulated by France and Spain.

The draft resolution explicitly references Article 25 of the UN Charter, i.e. that member states are obligated to accept and carry out Council decisions. This draft, much of which is based on previously agreed language, includes new elements:

- demanding that all parties immediately end all aerial bombardment of and military flights over Aleppo city;
- requesting the Secretary-General to propose options for monitoring the cessation of hostilities;
- underlining that humanitarian access should be to the full number of people in need as identified by the UN; and
- urging all parties to cooperate with the Secretary-General’s Board of Inquiry into the attack on a UN/Syrian Arab Red Crescent humanitarian convoy on 19 September.

The decision to table the draft resolution for a vote followed Special Envoy Staffan de Mistura’s briefing to Council members in consultations this morning. During the meeting, he called for the bombing to stop, and France and Spain announced they would put their draft resolution in blue for a vote tomorrow.

Russia had called for these emergency consultations following de Mistura’s remarks to the press yesterday, to the effect that he would personally escort 900 Al-Nusra fighters out of Aleppo to secure an end to aerial bombardment. In comments to the press after the

consultations, Russian Ambassador Vitaly Churkin expressed support for de Mistura's "Aleppo initiative," in as much as it called for removing Al Nusra fighters from Aleppo, as a better plan for the Council to rally around than the French and Spanish draft. He indicated that Russia would not be able to agree to the draft resolution demanding that Russia cease its military operations in Aleppo. He said the draft was meant to cause a Russian veto.

The first round of negotiations on the draft resolution was held this past Monday (3 October). France and Spain believed that the Council could not remain trapped between Russian and US divisions, and could not stay silent as the onslaught unfolded in Aleppo. They circulated a text, largely based on already agreed language, in the hope of garnering consensus among all Council members to address the military escalation, the need to renew the cessation of hostilities, the need for unfettered humanitarian access, and the need to resume political talks.

Monday's negotiations were acrimonious, with contrasting views expressed on key issues. The UK and the US wanted explicit references to Russian and Syrian military operations in Syria. Nevertheless the generic reference to "all parties to the conflict" was maintained the draft. In addition, following Monday's negotiations, references to both the 9 September cessation of hostilities arrangement and to the work of the UN-OPCW Joint Investigative Mechanism, the body instructed to determine responsibility for the use of chemical weapons in Syria, were removed from the draft.

Meanwhile, Russia was not open to having any demand placed on it to cease military operations, or to a mechanism to monitor violations of the cessation of hostilities. It also insisted on stronger language on terrorism and the removal of any reference to the use of incendiary bombs.

Negotiations reconvened yesterday (6 October) at permanent representative level and were largely constructive among the majority of Council members. Egypt became more comfortable with the draft after language on terrorism was strengthened, in particular the need for members of the International Syria Support Group to dissuade any party from fighting in collaboration with Security Council-sanctioned terrorist groups, such as Al Nusra and ISIS. However, the negotiations ended without any sign that Russia was willing to change its position, despite discussions between French Foreign Minister Jean-Marc Ayrault and Russian Foreign Minister Sergei Lavrov held that same day in Moscow, where Lavrov said Russia was willing to work on the draft.

Most Council members thus anticipate that Russia will cast its fifth veto on Syria tomorrow. What is less clear is how isolated Russia will be in its position. It is possible that some elected Council members may abstain from the vote. It seems China was quiet during negotiations over the past week, and many Council members are curious whether China will abstain at tomorrow's vote or cast its fifth veto on Syria alongside Russia.

Shortly after the vote on this draft resolution was scheduled, Russia put its own draft resolution in blue and scheduled a vote on it directly after the vote on the French-Spanish draft. Many aspects of the Russian draft resolution are identical to the French-Spanish

draft, in as much as it reflects previously agreed language. What the Russian draft resolution excludes are all of the new elements highlighted above with the exception of the Secretary-General's Board of Inquiry. It adds references to the 9 September agreement on the cessation of hostilities and annexes the agreement to its draft resolution. The Russian draft is also more explicit about prioritizing the separation of armed opposition groups from Al Nusra. It welcomes de Mistura's "Aleppo initiative" and requests the Secretary-General to present the Council with options to "normalize the situation in Aleppo".

This development has raised the possibility of vetoes involving all P5 members being cast tomorrow on two different resolutions addressing Aleppo. However, it is also a possibility that the Russian draft will not garner the required nine votes to be adopted, meaning that any "no" vote by the P3 would not be considered to be a veto.

If tomorrow's votes end with the resolutions vetoed or not adopted, it seems likely that other initiatives on Aleppo may emerge in the Council. New Zealand is fully supportive of the French and Spanish resolution but, in light of the anticipated veto, stands ready to put forth another draft resolution in cooperation with other Council members that would also seek to stop aerial bombardment, get humanitarian aid flowing and address the need of separating terrorist fighters from other armed opposition groups.

Postscript: The vote on the draft resolution tabled by France and Spain (S/2016/846) was 11-2-2. It had 43 co-sponsors. Russia cast its fifth veto on a Syria draft resolution and China abstained, the first time it has not vetoed a Syria draft resolution alongside Russia. Elected member Venezuela voted no and elected member Angola abstained. The vote on the draft resolution tabled by Russia (S/2016/847) was 4-9-2. It was not open for negotiation or co-sponsorship. China, Egypt, Russia and Venezuela voted yes and Angola and Uruguay abstained. Nine Council members, including the P3, voted no. Because the Russian draft did not get the 9 positive votes to pass, the negative votes by the P3 are not considered a veto.

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