President: Mr. Djani .................................................. (Indonesia)

Members: Belgium .................................................. Mr. Pecsteen de Buytswerve
China ........................................................................ Mr. Ma Zhaoxu
Côte d’Ivoire ............................................................. Mr. Adom
Dominican Republic ................................................... Mr. Singer Weisinger
Equatorial Guinea ...................................................... Mr. Ndong Mba
France ........................................................................ Mr. Delattre
Germany ....................................................................... Mr. Heusgen
Kuwait ........................................................................ Mr. Alotaibi
Peru ............................................................................. Mr. Meza-Cuadra
Poland ........................................................................ Ms. Wronecka
Russian Federation ..................................................... Mr. Nebenzia
South Africa ................................................................. Ms. Tshabalala
United Kingdom of Great Britain and Northern Ireland . Mr. Allen
United States of America .............................................. Mr. Cohen

Agenda

Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the Official Records of the Security Council. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).
The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The President: I give the floor to those members of the Council who wish to make statements in connection with the provisional agenda.

Mr. Delattre (France) (spoke in French): France objects to the adoption of the agenda for this meeting. The Russian delegation’s request that we hold an open meeting on the law on the use of Ukrainian as the national language specifically today, the day of the inauguration of Mr. Volodymyr Zelensky as the new President of Ukraine, democratically elected in a transparent electoral process, is clearly not intended to contribute to resolving the crisis between Russia and Ukraine.

While France supports retaining the crisis in Ukraine as an item on the Council’s agenda, we believe that the call for a meeting without prior notice by Russia, a party to the conflict, would not allow us to have an in-depth discussion and above all is clearly intended to make life difficult for the new President of Ukraine. The urgency of the law on the status of the Ukrainian language, which was enacted on 25 April and will enter into force on 16 July, is not comparable to that of the humanitarian and security situation in Donbas. The Council should remain focused on those two issues, where we continue to expect concrete action, as the lives of millions of Ukrainian citizens depend on it. The language question should be dealt with in accordance with the commitments that have already been made, including with respect to the ceasefire, the withdrawal of heavy weapons, disengagement, the restoration of control of the border to the Ukrainian Government, the implementation of decentralization, the departure of foreign armed forces and the dissolution of illegal armed groups.

What we expect today from Russia is genuine openness to dialogue with the new Ukrainian President. In his inaugural speech in Kyiv only this morning, the President of Ukraine spoke of restoring peace as one of his major objectives. We are sorry that the Council presidency did not respond to the proposal of six delegations to postpone this meeting to a later date. In that context, France objects to the adoption of the agenda of the meeting and calls on the members of the Council to vote against holding it.

Mr. Heusgen (Germany): As we are working very closely with France on this issue, I would like to express my support for the statement just made by my French colleague and say that Germany also objects to the adoption of the agenda item that you just read out, Mr. President.

Mr. Cohen (United States of America): As we have made clear to other members of the Council, we, like France and Germany, do not see a need for this briefing. In our view, Russia’s request for this meeting is a clear attempt to distract from the peaceful, democratic transfer of power happening today in Ukraine. The United States congratulates Mr. Zelensky on his inauguration today as President of Ukraine. We look forward to working with him and welcome his express commitment to promoting national unity. Accordingly, the United States joins our colleagues in urging Council members to vote against the adoption of this agenda.

Mr. Nebenzia (Russian Federation) (spoke in Russian): I would first like to remind my French colleague that there is no Russian-Ukrainian conflict. There is an internal Ukrainian conflict and a crisis in the relations between Ukraine and Russia that was created by the former Ukrainian leadership. In the context that the representative of France referred to, it does not exist. If he continues to repeat it, I will continue to remind him of that. Secondly, the law that we are discussing was approved on 15 May, not 25 April. The Russian Federation asked for this meeting to be convened in connection with the signing on 15 May by Ukraine’s outgoing President, Petr Poroshenko, of a law establishing the status of the Ukrainian language as the country’s national language. It is true that the law does not come into force until mid-July, and it will be a number of years before some of its provisions come into force at all. However, that does not negate its essence. That is why we consider it essential for the Security Council to give its opinion of the law today, pre-emptively, because we firmly believe it is a direct violation of the spirit and letter of the package of measures for fulfilling the Minsk agreements, which the Security Council approved and supported through its adoption of resolution 2202 (2015) and its presidential statement of June 2018 (S/PRST/2018/12). We are therefore talking about a violation of Security Council decisions.
It may appear to some that a violation of the language provisions of the Minsk agreements is less significant against the backdrop of the Ukrainian armed forces’ daily shelling of the peaceful citizens of Donbas and of Kyiv’s unwillingness to establish a lasting ceasefire, legislate special status for parts of the Donetsk and Luhansk areas, finalize prisoner exchanges and so forth. However, the importance of the issue at hand goes far beyond the framework of this Ukrainian law. We want to point out that it is not accidental that the right to language self-determination is directly established in the package of measures. If we consider it carefully, the language issue is precisely what triggered the centrifugal trends in Ukraine in 2014.

As we know, one of the Maidan authorities’ first decisions was repealing the law on the status of the Russian language, officially entitled “On the principles of the State language policy”, which had come into force on 10 August 2012. It was after that decision that people’s silent dissatisfaction with the Maidan events began to be transformed in Ukraine’s eastern regions into a struggle to preserve their national and cultural identity. In other words, the language issue is one of the underlying causes of Ukraine’s internal conflict. We believe that it is essential that the Security Council send a clear message to Ukraine’s new leadership on the importance of setting a course of inclusion, aimed at unity and bringing Ukrainians together rather than dividing them. After all, a united society is the best guarantee of a lasting political settlement. As far as we can judge, that was the central message expressed today by Ukraine’s newly elected President, Volodymyr Zelensky, at his inauguration. However, for the time being that is far from everyone’s view, and the calls from nationalists for ousting the Russian language are as loud as ever.

We hope that Under-Secretary-General for Political and Peacebuilding Affairs Rosemary DiCarlo and Lamberto Zannier, High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, will provide an honest and objective assessment of Mr. Poroshenko’s swan song and the possible consequences of his actions and plans for a settlement in eastern Ukraine.

We know that not all the delegations around this table are dying to hold today’s meeting. I would like to remind them that a month ago (see S/PV.8516), when it was proposed that we discuss President Putin’s signing of a decree on the modalities of granting Russian passports to the citizens of Donbas, the Russian delegation did not object, despite the fact that the issue is strictly internal to our country and has nothing to do with the parties’ fulfilment of their obligations under the Minsk package of measures, as the ensuing discussion eloquently demonstrated. We firmly believe that every Council member has the right to submit for the Council’s consideration any issue that it believes could be a threat to international peace and security. A refusal to have that discussion today would not only be a gross example of double standards, it would also undermine the authority of the Security Council.

Ms. Wronecka (Poland): Like many of our colleagues on the Council, we were surprised by the Russian Federation’s request for holding a meeting today on Ukraine, as we strongly believe that Russia’s aggression against Ukraine’s sovereignty and territorial integrity is a direct threat to international peace and security, while the fact that Ukraine’s legitimate authorities have signed a bill into law is not. Like other Council members, Poland objects to having a discussion of this subject in the Council today.

The President: In view of the requests and comments by members of the Security Council, I intend to put the provisional agenda to a vote.

The Council is ready to proceed to a vote on the provisional agenda for today’s meeting. I shall put the provisional agenda to the vote now.

A vote was taken by show of hands.

In favour:
China, Dominican Republic, Equatorial Guinea, Russian Federation, South Africa

Against:
Belgium, France, Germany, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:
Côte d’Ivoire, Indonesia, Kuwait, Peru

The President: The provisional agenda received five votes in favour, six votes against and four abstentions. The provisional agenda has not been adopted, having failed to obtain the required number of votes.
I shall now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Nebenzia (Russian Federation) *(spoke in Russian)*: We deeply deplore the fact that a number of delegations have nonetheless displayed double standards with regard to our discussion of the issue of Ukraine in the Security Council. It is obvious to us that they find the subject unpleasant because it does not allow them to excuse their protégés in Kyiv. The gross violation of the rights and freedoms of millions of Ukrainian citizens is already all too clear.

We cannot accept the arguments we have heard that delegations need more time to study the law. That is all just weaselling and excuses. The text of the Ukrainian law exists and has been publicly available since the autumn of last year. The fact that it threatens Kyiv’s ability to fulfil its obligations under the Minsk agreements has long been well known, which is why a number of politicians and international officials have already spoken about it, including Mr. Zannier, who was invited to participate here today, and who will now obviously not be able to express his position on it, although this issue falls directly under his purview. Not to mention that the law has already been discussed by the Committee of Ministers of the Council of Europe on 2 May.

It is also extremely odd to hear it claimed that the Ukrainian law has not been translated into English. I do not recall similar comments when the Council was preparing to discuss President Putin’s decree granting Donbas residents Russian passports the very day after he had signed it. How did those members arrive at their decision then? Were they criticizing a document that they had not even read? The question seems to be what the connection is between language and the Security Council. It is a direct one. We believed it necessary to propose the convening of this meeting considering that the latest move by the Verkhovna Rada and the outgoing President, Petr Poroshenko, exiting in shame, directly undermines the spirit and letter of the Minsk agreements, approved in resolution 2202 (2015). The fact is that the issue of language rights was one of the main reasons that led to Ukraine’s loss of Crimea and the conflict in Donbas.

On 15 May, Mr. Poroshenko played yet another dirty trick on his successor by signing a decree on the entry into force of the law establishing the status of the Ukrainian language as the country’s national language. The Verkhovna Rada had enacted it not long before, rejecting the majority of the amendments aimed at somehow or other giving a nationalistic masterpiece a civilized veneer. The law violates Ukraine’s own Constitution and many of the international obligations whereby Kyiv has to guarantee respect for national minority rights. This move is hugely worrying for Ukraine’s Russian-speaking citizens, who in the recent presidential elections categorically rejected the policies of the now former President of Ukraine, which artificially incited and cultivated hostility towards Russia. I would like to point out that practically every Ukrainian citizen understands and speaks Russian. According to the most conservative estimates, Russian is the first and mother tongue for more than a third of Ukrainians, and the real number is higher than that. Incidentally, that includes the former and the newly elected President.

In spite of all the Maidan authorities’ efforts for the past five years to eliminate Russian from the public and indeed the personal arena, they have not succeeded. This event was a particularly sensitive one for the residents of the southern and eastern parts of the country, who have not given up hope that in living in a so-called renewed Ukraine they can preserve their identity, continuing to educate their children in Russian and communicate in Russian in their daily lives and in State and municipal bodies. The Ukrainians living in those regions clearly expressed those hopes through their votes for Mr. Zelensky, who, unlike the outgoing Head of State, is not afraid to speak Russian, as he demonstrated during today’s inauguration ceremony.

The President: I wish to remind Council members to consider limiting their statements to issues of a procedural nature.

Mr. Nebenzia (Russian Federation) *(spoke in Russian)*: During his inauguration today, President Zelensky spoke out specifically against attempts to sow division in Ukrainian society based on language. The fight against Russian language and culture and the desire to destroy the all-embracing ties between these two brother countries became the hallmark of the outgoing Kyiv regime.

The Maidan authorities built their policies on a total rejection of everything Russian and of everything in common with Russia. They rejected our common origin from a single ancient Russian root with Kyiv as the mother of Russian cities, accused us of
Mr. Allen (United Kingdom): The Council has voted on whether to have a meeting on this subject, and we know the result. There is no meeting on the subject. The representative of the Russian Federation is not giving an explanation of vote. He is giving a substantive intervention on a meeting that is not happening. In so doing, Mr. President, he shows disrespect for the Council and for the rules that you just gave him, asking him to limit his remarks to procedural concerns. I would therefore like to ask you to ensure that the Russian representative follows the rules of the Council, limits his remarks to an explanation of vote and does not give a substantive intervention for a meeting that is not happening.

Mr. Nebenzia (Russian Federation) (spoke in Russian): I have a rhetorical question for my British colleague. What are his criteria for judging whether my statement is substantive or an explanation of vote? I consider it to be an explanation of vote and I would be grateful for a ruling from you permitting me to complete my statement, Mr. President.

The President: The representative of the Russian Federation may continue his statement.

Mr. Nebenzia (Russian Federation) (spoke in Russian): What will the Russian-speaking Ukrainians have to deal with once the new law comes into force? Let me say it straight out, they will be dealing with the forced total Ukrainianization of social life. In a short time they will be able to use Russian only in private conversations and religious rites. A commissioner in charge of protecting the State language, with a broad range of controlling functions, will monitor compliance with the law. He will be permitted to interfere in the activity of social organizations and political parties by requiring internal efforts to comply with the established rules. There will be a draconian system for enforcing measures through stiff administrative fines for breaking the law. Concern about a nation’s primary language is a responsibility of the Government of any country, but let us call a spade a spade. What is happening before our eyes in Ukraine is a language inquisition.

Council members may consider that normal, but that situation does not work for Russian-speaking Ukrainians. It is putting a time-bomb under all the efforts to restore stability and social unity in our neighbouring State, for which the new President of Ukraine has appealed many times. We believe it is essential to bring what is going on in Ukraine to the attention of our colleagues on the Council, which is, essentially, a guarantor of the Minsk agreements and responsible for ensuring compliance with its measures by all parties. That is because what is involved is a measure that directly contradicts paragraph 11 of the package of measures for the fulfilment of the Minsk agreements and the right of the inhabitants of various districts of the Donetsk and Luhansk areas to linguistic self-determination. No more than a month ago everyone in this Chamber was criticizing the decision by Russia’s President to introduce a simplified procedure for granting Russian citizenship to the residents of these regions (see S/PV.8516), despite the fact that it does not damage the Minsk agreements in any way. And today we are dealing with a direct attack on those agreements, not a speculative one.

Furthermore, the new law also signals an end to Kyiv’s fulfilment of other obligations under the package of measures, such as paragraph 8, on assistance for the economic and social development of the eastern regions, and paragraph 5, on banning the persecution and punishment of individuals in relation to events in Donbas. But the law is also an open violation of Ukraine’s own Constitution, in particular part 2 of article 10,
which states that Ukraine guarantees the freedom to develop, use and protect Russian and other languages of Ukrainian national minorities. Article 11 establishes that the Government will assist in the development of the ethnic, cultural, linguistic and religious identity of the native peoples and national minorities of Ukraine. According to article 22, any enactments of laws or changes in existing legislation should not reduce the content or scope of rights and freedoms. Article 24 states that citizens have equal constitutional rights and freedoms and are equal before the law, including linguistically. In addition, the new law is a violation of article 6 of Ukraine’s law on national minorities, which enables them to receive schooling in their native language in State educational institutions. I should also point out that the Ukrainian law was not submitted for evaluation by the Venice Commission and does not meet basic European standards.

It would be interesting to take advantage of this occasion to ask our Belgian colleagues how they would react if for some reason Brussels suddenly decided to ban French or Flemish in their country, and how people would react to that in Paris or The Hague. And how would our German colleagues react if German were suddenly outlawed in Switzerland? Imagine if Swedish were banned in Finland, where about 10 per cent of the population speaks Swedish. I am giving these absurd examples so that the Council can fully understand the level of disappointment and concern that the Russian-speaking people of Ukraine are feeling now. The enactment of this law is an obstacle to attaining peace and social comity in Ukraine, leading to excessive polarization of its peoples, not to mention the fact that for a country that has declared its aspiration to the highest European standards, such steps are unacceptable.

Against that backdrop, it is even more understandable why the Crimeans made a historic choice to rejoin Russia and thereby preserve the possibility of using the Russian language, which is the mother tongue of an overwhelming majority of the peninsula’s inhabitants. Incidentally, Ukrainian and Crimean Tatar are also State languages in Crimea, and the representatives of those communities, however few their numbers, have no problems preserving their identity.

I propose that we undertake a frank, impartial and fair assessment of the Ukrainian law and the linguistic inquisition it provides for with the aim of prevent any further deterioration in the social and political situation in Ukraine, which is creating a real risk of civil confrontation throughout the country, not just in the east.

Lastly, in spite of the fact that we did not have a full discussion of this issue in the Council today, we are not disappointed. In their attempt not to allow a discussion, the members have once again demonstrated their hypocrisy with regard to discussing Ukraine in the Council, a subject they have often convened us for. They felt that their Ukrainian protégés would find the subject of today’s meeting would be unpleasant, and the result clearly highlighted the true goals of the outgoing Ukrainian Government, which are to sow enmity between Russians and Ukrainians and drive two brother peoples even further apart. They have thereby once again confirmed before the whole world that they have no interest in Ukraine and Ukrainians. They are concerned only about their geopolitical aims and their ability to inflict even more pain on Russia. I thank them from the bottom of my heart for such a clear demonstration of double standards.

Mr. Pecesteen de Buytswerve (Belgium) (spoken in French): Belgium was compelled to vote against the adoption of the agenda today. We have called several times for today’s meeting to be postponed for a few days, for two reasons. First, there is a lack of information on the law in question and we wanted delegations to be able to prepare as well as possible. Secondly, as has been noted, the new President of Ukraine took office today. We do not feel that holding a briefing on the very day he takes office creates an environment conducive to resuming dialogue. We regret that such considerations were not taken into account, which is what led us to vote against holding a briefing today.

Mr. Ma Zhaoxu (China) (spoken in Chinese): The letter from the Permanent Representative of Russia addressed to the President of the Security Council and contained in document S/2014/264 is an item on the Council’s agenda. Russia, as a member of the Security Council, asked for a meeting to be held under this agenda item and proposed a time for the meeting, in line with the rules of procedure. China therefore supports the decision by Indonesia, President of the Council for this month, to convene a meeting this afternoon. We regret the fact that the meeting cannot be held as scheduled. We hope that Council members will respect one another, maintain their solidarity and effectively implement and fulfil their obligation to maintain international peace and security. China voted in favour of the provisional agenda based on the following three considerations.
First, on the question of Ukraine, China has always maintained an objective and impartial position, respecting the sovereignty and territorial integrity of all countries, including Ukraine.

Secondly, China believes that the parties concerned should work to implement resolution 2202 (2015) and the Minsk agreements comprehensively, keep to the general direction of a political settlement and actively seek a comprehensive, lasting and balanced solution to the issue of Ukraine. The situation in Ukraine has a complex background, both historically and today. China supports all parties concerned in their efforts to resolve their differences as soon as possible and reach a final settlement that is acceptable to the parties through dialogue and negotiations, taking into account and accommodating the legitimate concerns of all the various regions and ethnic groups in Ukraine.

Thirdly, and more importantly, we believe that the Council should play a constructive role by creating an external environment conducive to the proper resolution of the relevant issues, promoting peace, stability and development in Ukraine and achieving harmonious coexistence among Ukraine's various ethnic groups, as well as peaceful coexistence between Ukraine and other countries in the region.

Ms. Tshabalala (South Africa): We supported the request for this meeting on the basis of consistency, having acceded to requests from other delegations for briefings on matters that they regard as urgent and important. We also support the meeting based on the fact that Ukraine is on the agenda of the Security Council and on rule 2 of the provisional rules of procedure, which provides for such a meeting.

With regard to the matter brought to our attention today, South Africa continues to encourage all the parties to strengthen all their diplomatic efforts to avert an escalation of tensions and work for an inclusive, sustainable and peaceful solution based on cooperation and dialogue. We want to encourage all the parties to approach their dialogue in a spirit of compromise, in order to move the process forward. My delegation would like to reiterate that a failure to implement the existing agreements will unfortunately lead to unintended consequences. In this regard, we emphasize the obligations of all the parties to fully implement their respective commitments under the Minsk agreements, which provide the most promising road map for the peaceful settlement of the current hostilities, including in eastern Ukraine, and to advance the cause of peace and stability in the border region.

Mr. Heusgen (Germany): I should like to respond to the accusation that we are applying double standards and to say that we are very consistent in our policy here. As my French colleague said earlier, we were not against the agenda item, we just wanted to postpone it. Why did we want to postpone it? Because today is the day on which President Zelensky assumes office. But Russia insisted on holding it today.

To come back to what I said about consistency, Russia is very consistent. It is very consistent, because right after President Zelensky won the election, as a first welcoming step Russia announced its new decree on passport procedures and, in a cynical move, saw it signed by the President on the day on which the United Nations celebrated the International Day of Multilateralism and Diplomacy for Peace. So having this debate today, and insisting on having it today, is again consistent with Russian policy, which is to welcome the new Ukrainian President with an act of intimidation.

I should point out that as my Russian colleague said, it is not a Russian-Ukrainian conflict but an internal Ukrainian conflict. However, I also want to remind members that four years and two months ago, when the Minsk agreements were signed — and today Russia has been invoking the Minsk agreements and their implementation — a ceasefire was agreed to, but it was Russian forces that violated that agreement on the very first day by attacking the town of Debaltseve and fighting until it was taken. So it was violated from the very beginning, and to this very day the Russian troops and their allies have not respected the ceasefire. To this very day there has been no withdrawal of heavy weapons, and we know where those heavy weapons come from. To this very day — and we heard this last time, when Mr. Apakan, the head of the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission, briefed the Council (see S/PV.8516) — Russia's allies in Luhansk and Donetsk are making the lives of the OSCE observers very difficult by obstructing their work.

So instead of appealing here for Minsk to be implemented, I think that Russia should focus on itself and ensure that its allies actually implement what is contained in the Minsk agreements — establishing a ceasefire, withdrawing heavy weapons and allowing the OSCE Special Monitoring Mission to actually do its job.
There is perhaps one point on which we can agree, which is to return to the Minsk agreements and to Normandy format meetings and to make real, substantive progress. But that progress can be achieved only if Russia and its allies actually respect the ceasefire, withdraw heavy weapons from where they are supposed to be withdrawn, and allow the OSCE Mission to do its work.

Ms. Wronecka (Poland): We fully support all the arguments presented by the representative of the United Kingdom. The statement just delivered by the Russian Federation pertained to substance and was not an explanation of vote.

The President: The representative of the Russian Federation has asked to make a further statement.

Mr. Nebenzia (Russian Federation) (spoke in Russian): I will be very brief, Mr. President. Today we have witnessed an attempt to introduce censorship into the Security Council. We do not consider that the way it was done helps to maintain a businesslike atmosphere in the Security Council. That is my first point. Secondly, I have no illusions that I will succeed in changing the views of my German colleague about who is complying with the Minsk agreements and who is not. He will still say that he sees things the way he sees them, which is apparently through the prism of the hourglass, which somewhat distorts his perspective, although it is true that it is no longer in the Security Council Chamber.

I wanted to ask one question and make one comment. It is a rhetorical question, because the answer is obvious. I want to ask the Permanent Representative of Germany where he saw any intimidation of President Zelensky in our statement. Perhaps he did not listen to us very carefully. On the contrary, we said that with respect to the issue that we wanted to consider today, President Zelensky had demonstrated good instincts, and not merely good instincts but good sense, which was completely absent in the preceding President.

Secondly, we have taken note of the view expressed by several delegations to the effect that today’s discussion was not well timed, but that there is nothing to prevent us from discussing the issue at an appropriate moment. We reserve the right to return to this issue when the Council feels that the time has come to discuss it. We would like to think that the most appropriate time will be when that law enters into force. We are grateful for the suggestion.

The President: I shall now make a statement in my capacity as the representative of Indonesia.

We note that the request from the Russian delegation was addressed to the Council. In accordance with rule 2 of the Council’s provisional rules of procedure, “[t]he President shall call a meeting of the Security Council at the request of any member of the Security Council”. The President has done so in previous cases, as requested by various members of the Council.

At the same time, we strongly believe that the discussion in the Council can be efficient and effective only if all Council members have had enough time to consider all developments in the field. Moreover, the discussion can be effective and productive only if all members of the Council are united in the decision to proceed with the discussion.

Based on those considerations, we abstained in the voting on the provisional agenda of this meeting.

I now resume my functions as President of the Council.

There are no more names inscribed on the list of speakers.

The meeting rose at 3.50 p.m.