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SECURITY COUNCIL FAILS TO ADOPT TEXT URGING MEMBER STATES NOT TO RECOGNIZE PLANNED 16 MARCH REFERENDUM IN UKRAINE'S CRIMEA REGION

After weeks of intense diplomatic efforts to de-escalate tensions in Ukraine, the Security Council today failed to adopt a draft resolution that would have urged Member States not to recognize the results of the referendum planned for 16 March in that country's autonomous Crimea region, or any alteration of its status.

As a result of 13 votes in favour to 1 against (Russian Federation) and 1 abstention (China), the Council did not adopt the draft, by which it would have reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders.

The text would also have urged all parties immediately to pursue a peaceful resolution of the current dispute through direct political dialogue, to exercise restraint, to refrain from unilateral actions and "inflammatory rhetoric" that could increase tensions, and to engage fully with international mediation efforts.

By other terms, the text would have called upon Ukraine to continue to uphold its international legal obligations, and in that regard, would have welcomed statements by the transitional Government reaffirming its commitment to upholding the rights of all Ukrainians, including minorities, and to pursue an inclusive national political dialogue.

Speaking before the vote, the Russian Federation's representative said it had been no secret that he had intended to vote against the draft resolution because he could not support making the 16 March referendum illegal. That would contravene the principle of equal rights and self-determination, as enshrined in the United Nations Charter and confirmed by General Assembly decisions and the Helsinki Act of 1975.

Self-determination was an extraordinary measure applied when coexistence within a State became impossible, he said, a case that had arisen in Crimea from a legal vacuum following the unconstitutional coup d'état carried out by nationalist radicals. Recalling that Crimea had been part of his country until 1954, he said the rights of its people had been ignored when the region had automatically become part of Ukraine. The Russian Federation was attempting to defend their right of self-determination, he said, stressing that it would respect the will of the Crimean people as expressed in the referendum.

In the ensuing debate, many speakers decried the Council's inability to act, expressing support for Ukraine's sovereignty, independence and territorial integrity. Most speakers called for calm and an unswerving pursuit of a political solution to the crisis.

Ukraine's representative said he had received a call to the effect that Russian troops entered the Ukrainian mainland from Crimea, and called upon States to do their utmost to stop "the aggressor". Speaking in Russian, he quoted the Russian Federation's representative as having said that his country had obtained the right of veto with the blood spilled during the Second World War. Today, however, the Russian Federation had Ukrainian blood on its hands. Nonetheless, Ukraine took an optimistic view of

current events, he said, because his Russian counterpart had spoken with the voice of the former Soviet Union. The Russian Federation's real voice was to be found in the streets of Saint Petersburg, Moscow and Yekaterinburg.

The representative of the United States said the draft resolution was grounded in Article 2 of the United Nations Charter — prohibition of use of force to acquire territory — and such principles as territorial integrity, which the Russian Federation vigorously defended, except in when it was itself concerned. The text also recalled the Budapest Memorandum, in which the Government of the Russian Federation agreed to refrain from aggressive military action. Today's veto would have consequences, she said, declaring that Crimea was part of Ukraine unless and until its status was changed in line with Ukrainian and international law.

China's representative took a different view, saying that the text only would have complicated the situation in Ukraine, which was neither in line with the interests of the international community nor those of Ukrainians. As such, China had abstained from the vote and would continue its mediation efforts to help resolve the crisis. He suggested the creation of an international coordination mechanism to explore political solutions.

Luxembourg's representative, one of 41 co-sponsors of the draft resolution, said the planned referendum would be a unilateral act that could rapidly destabilize Ukraine and the region. The draft resolution would have helped to halt the stoking of nationalism. Today's inaction was a failure, not only for the Council, but also for the Russian Federation, she said.

Also speaking today were representatives of France, United Kingdom, Lithuania, Rwanda, Chile, Argentina, Australia, Republic of Korea, Nigeria, Chad and Jordan.

The representative of the Russian Federation took the floor a second time in response to his Ukrainian counterpart's statement.

The meeting began at 11:08 a.m. and ended at 12:17 p.m.

Background

The Security Council met this morning to take action on a draft resolution on the situation in Ukraine.

Statements

VITALY CHURKIN (Russian Federation), taking the floor before the vote, said it was no secret that his delegation would vote against the draft resolution submitted by the United States, which described the proposed 16 March referendum in Crimea as illegal. Crimean people had a right to determine their future, as well as an equal right to self-determination — principles enshrined in the United Nations Charter. The Russian Federation was not disputing the principle of territorial integrity, but when it became impossible to enjoy such rights within a single State, people could seek the right to self-determination, which was the case in Crimea now. Radicals had assumed power through an illegal coup d'état, thereby creating an illegal political vacuum. Generally agreed principles should be considered on a case-by-case basis, taking political and historical specificities into account. The Crimean peninsula had previously been part of the Russian Federation, and had declared autonomy within Ukraine in 1991, he said, adding that the Russian Federation would respect the will of Crimea's people, to be expressed in Sunday's referendum.

SAMANTHA POWER (United States), speaking after the vote, said, "This is a sad and remarkable moment." The Council's job was to stand up for peace and to defend those in danger, and history had lessons for those willing to listen. Unfortunately, "not everyone was willing to listen today", she said. The Russian Federation did not have the power to veto the truth, or *Pravda*, which had a prominent place in the story of that country, as the name of the Soviet communist regime's house newspaper. Today, however, one would search in vain "to find *pravda* in *Pravda*," she said. The resolution should not have been controversial, since it was grounded in Article 2 of the United Nations Charter — prohibition of the use of force to acquire territory — and such principles as respect for

territorial integrity, which the Russian Federation had vigorously defended, except when such principles concerned itself. In the Budapest Memorandum, the Government of the Russian Federation had agreed to refrain from aggressive military action, she recalled, noting that today's resolution also called on Ukraine to protect the rights of all the people in that country.

The text also noted that the planned referendum would have no legal effect on Crimea, she continued. The Russian Federation had denied having carried out a military intervention, yet its troops had helped to shut airports and prevent the entry of both international observers and human rights monitors. It had shown little interest in diplomatic efforts by the United Nations, the European Union and the United States, and had refused Ukraine's outstretched hand, all the while extending Russian forces over the neighbouring country's eastern border, she said. The Russian Federation had rejected a resolution that had "peace at its heart and law flowing through its veins", thereby demonstrating that it was "isolated, alone and wrong", and placing itself outside international norms that were the bedrock of peaceful international resolutions. Recalling that veto power had been granted 70 years ago to the countries that had led an epic fight against aggression, she said that today's veto would have consequences. Crimea was part of Ukraine unless and until its status was changed in line with Ukrainian and international law, she stressed, pointing out that there was overwhelming opposition to the Russian Federation's dangerous actions.

GÉRARD ARAUD (France) said that the masquerade of a referendum had reduced an electoral campaign to "a choice between two yeses". France almost felt pity in listening to Russian diplomats and seeing Moscow so willing to grasp at straws. While agreeing with his Russian counterpart in respect of the 1975 Helsinki Final Act — to the effect that destroying territorial integrity contravened the United Nations Charter — today's resolution recalled fundamental Charter principles, he said the day's headlines would read: "Russia has vetoed the Charter".

He went on to note that the Russian Federation had invoked the pretext of protecting Russians apparently threatened in Crimea, while no such violence had been observed by the Organization for Security and Cooperation in Europe (OSCE). The hundreds of thousands of refugees cited by the Russian representative had never existed.

The fact that Crimea had been part of the former Soviet Union was irrelevant, he continued, pointing out that the peninsula had been under Turkish rule for three centuries. The Russian Federation could not justify the unjustifiable. Its veto said that force trumped law, he said, stressing: "We cannot trample law." The Council's duty was to uphold the fragile barrier of law, and accepting the planned referendum would turn the Charter into a farce. Annexation was an international concern and the Security Council must remain firm in its adherence to the principle that such actions must be denied.

MARK LYALL GRANT (United Kingdom) said the draft resolution invited the Council to reaffirm core United Nations principles. The Russian Federation was isolated, and the message that it was violating international law would be heard beyond the walls of the Council chamber. Tomorrow's planned referendum would have no credibility, and thus no recognition by the international community. Ukraine was ready for direct dialogue, and "the ball is in Russia's court", he said, urging the latter to grasp the former's outstretched hand. The Russian Federation's military adventurism would further escalate the tension, he said, demanding that it rethink its actions and seek a peaceful solution.

RAIMONDA MURMOKAITĖ (Lithuania) said her delegation was deeply troubled by the Russian Federation's veto, and expressed concern about its consequences for the future maintenance of international, as well as regional, peace and security. Ukraine was an independent country and the Russian Federation should not lay claim to any part of it, she stressed, pointing out that the Budapest Memorandum and other treaties reaffirmed respect for each other's borders. The Russian Federation was challenging the principle of pacific settlement of disputes that was enshrined in the United Nations Charter. Lithuania called on the international community not to recognize the referendum in Crimea.

EUGÈNE-RICHARD GASANA (Rwanda) said the timing of action on the draft resolution was not productive. Now was the time for frank dialogue, rather than rhetoric that would isolate a country. The situations in Ukraine and Crimea had unfolded rapidly, and the pressure exerted by some countries had diverted attention away from careful analysis of their root causes. While Rwanda had still voted in favour of the text, which embodied important principles such as sovereignty, unity and territorial integrity,

it urged Ukraine to launch an inclusive national dialogue, and the international community to help avoid further deterioration of the situation.

LIU JIEYI (China) said the international community should push for a political solution to the crisis in Ukraine so as to maintain regional stability. The situation involved complex historical reasons and realities, which called for a balanced solution. China had always respected the sovereignty and territorial integrity of all States, he said, noting that foreign interference had led to the violence in Ukraine, while the failure to implement the 21 February agreement had accelerated the turmoil. Condemning all violence, he stressed the need to act within the framework of law and order and to seek an early resolution of differences through dialogue and respectful negotiations. The aim should be to protect the interests of all communities in Ukraine and to avoid an escalation of tensions, while firmly aiming for a political solution, he stressed.

He called for constructive international efforts to de-escalate the situation in Ukraine, saying China had engaged in mediation efforts. The draft resolution would only have complicated the situation, which was neither in the interests of the international community nor those of Ukrainians. As such, China could only abstain in today's vote, he said, adding that it would continue to mediate and to play a constructive role in resolving the crisis. Going forward, China suggested the creation of an international coordination mechanism consisting of all parties to explore a political solution. All parties should refrain from actions that would escalate the situation, while international financial institutions should explore how to help maintain financial stability.

OCTAVIO ERRÁZURIZ (Chile) said he had voted in favour of the resolution, as it was an appropriate response to the crisis in Ukraine. The Budapest Memorandum required the parties to observe Ukraine's independence and current borders, and to refrain from military measures. The planned referendum was not in line with Ukraine's Constitution, he said, emphasizing the fundamental importance of ensuring that the rule of law was observed, nationally and internationally. Indeed, it was for Ukrainians to choose their future through a democratic process that respected minority rights. The crisis must be resolved peacefully through dialogue, and Chile regretted the Council's inability to support the resolution due to the use of the veto. The Council had not fulfilled its responsibility, he declared.

MARÍA CRISTINA PERCEVAL (Argentina) said she had voted in favour of the resolution because it asserted the principle of territorial integrity and would have contributed to constructive dialogue towards a peaceful solution involving all political actors. While urging refraining from actions that would hamper such a solution, she said it was indeed for Ukrainians to decide their own affairs. It was not for the Council to define the situation, but rather, to maintain international peace and security. Argentina hoped all countries would respect the principle of non-interference in State affairs.

GARY QUINLAN (Australia) said the referendum to be held tomorrow was dangerous, destabilizing, unauthorized and invalid. The international community would recognize neither the result nor any action based on it. With or without a resolution, the message from Council members and the wider international community had been overwhelming. De-escalation of the crisis was imperative, he said, adding that the Russian Federation must order its forces to their bases and decrease their numbers to agreed levels. It must grant international observers access to Crimea, and engage in direct dialogue with Ukraine, either bilaterally or through a diplomatic mechanism such as a contact group, he said.

OH JOON (Republic of Korea) said he had voted in favour of the text, which embodied important principles such as sovereignty, territorial integrity and unity. Those principles should be respected. Today's failure to adopt the text would not close the window to a diplomatic solution, he emphasized.

U. JOY OGWU (Nigeria) said she had voted in favour because the text embodied principles enshrined in the United Nations Charter, which obliged Member States to settle disputes through peaceful means. Pointing out that the draft resolution was not a country-specific text, she said the pacific settlement of the territorial dispute between Nigeria and Cameroon through the International Court of Justice should serve as a beacon. Nigeria opposed unilateral actions aimed at altering a country's configuration.

MAHAMAT ZENE CHERIF (Chad) said his Government had consistently supported Ukraine's

sovereignty and territorial integrity, and had voted in favour of the resolution out of a commitment to such principles. Concerned about the continued escalation of the crisis, despite the Council's appeals for restraint and calm, he said it was still possible for the parties to open the way for national reconciliation and maintenance of territorial integrity by engaging in dialogue. With that, he reiterated the importance of upholding the principles of territorial integrity, non-use of force and peaceful settlement of disputes, in line with the Charter.

ZEID RA'AD ZEID AL-HUSSEIN (Jordan) said he had voted in favour of the resolution out of respect for Ukraine's sovereignty, territorial integrity and independence, as well as for the principle of non-interference in internal affairs. Underlining the importance of adherence to the United Nations Charter, especially Article 1 on peaceful dispute settlement, he said Crimea was under Ukrainian sovereignty.

SYLVIE LUCAS (Luxembourg) expressed her deep regret that today's resolution, of which she had voted in favour, had not been adopted. Many States had co-sponsored the text because it was anchored in Charter principles and aimed to reassert the Council's support for Ukraine's sovereignty, independence and territorial integrity within its internationally recognized borders. In implementing Chapter VI of the Charter, the text would have urged all parties to seek political dialogue and refrain from unilateral actions and inflammatory rhetoric. She described the planned referendum as a unilateral act that could rapidly destabilize Ukraine and the region. Today's veto had prevented the Council from carrying out its responsibility to maintain international peace and security, she said, urging Member States not to recognize the results of the referendum. Had it been adopted, the resolution would have helped to halt the stoking of nationalism, and today's inaction was a failure, not only for the Council, but also the Russian Federation as well.

YURIY SERGEYEV (Ukraine) thanked Council members, especially the delegations supporting the Budapest Memorandum. The Russian Federation had violated its own obligations, he said, adding that just 40 minutes ago, he had received information that its troops had entered mainland Ukraine from Crimea. While urging the international community to find the means to stop the aggression, he said the Russian Federation's veto was not a surprise. It had vetoed a resolution on the crisis in Syria, which had resulted in thousands of deaths.

A discussion on Security Council reform, particularly the right of veto, was forthcoming, he said, adding that the Russian vetoes on Syria and Crimea should be examined. The Russian Federation was manipulating its veto power and causing bloodshed. However, Ukraine remained optimistic because what had been heard from the Russian Federation's representative was the voice of the Soviet Union, not that of the "true Russia" — the voices of people on the streets of Moscow and other cities who had expressed their desire to protect Ukraine's territorial integrity.

Mr. CHURKIN (Russian Federation), taking the floor a second time, said the representative of Ukraine had gone far beyond imagination about who was causing bloodshed. "Blood was on your hands," he said, referring to nationalist radicals and snipers in Ukraine. He said that some colleagues in the Council had presented distorted views about his country's position, pointing out that the representative of France had inaccurately described the ongoing violence, while the delegate of the United States was ignoring the will of Crimea's people.

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