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Letter dated 14 January 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the Chair's summary of the Arria-formula meeting of Security Council members held on 2 December 2020 on the topic "Implementation of the 2015 Minsk Package of Measures on the settlement in Ukraine: a year since the Paris 'Normandie' summit" (see annex I), as well as the joint letter of gratitude for participation in the event from the representatives of Donetsk and Lugansk in the Trilateral Contact Group, Natalia Nikonorova and Vladyslav Deinego (see annex II).

I would appreciate your kind assistance in having the present letter and its annexes issued as a document of the Security Council.

(Signed) Vassily Nebenzia



Annex I to the letter dated 14 January 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

Summary of the Arria formula meeting held on 2 December 2020 on the topic “Implementation of the 2015 Minsk Package of Measures on the settlement in Ukraine: a year since the Paris ‘Normandie’ summit”

Introduction

On 2 December 2020, the Russian Federation hosted an Arria-formula meeting in order to provide an opportunity to exchange views and analysis on the challenges of implementing Security Council resolution [2202 \(2015\)](#) and presidential statement [S/PRST/2018/12](#). In those two documents, the Council endorsed the Package of Measures for the Implementation of the Minsk Agreements, which remains the only internationally approved basis for the settlement in Ukraine, and encouraged all parties to implement all the steps agreed in the Trilateral Contact Group¹ in order to make immediate progress in the implementation of the Minsk Agreements.

The purpose of the Arria-formula meeting was to provide a platform for those directly involved in the Minsk peace process to present first-hand information to all the interested participants. Representatives of all the States Members of the United Nations were invited to attend and to make statements. A special invitation letter was sent on 19 November 2020 to the Permanent Representative of Ukraine to the United Nations (with copies sent to the Permanent Representatives of France and Germany), inviting Ukraine to nominate a person to present the position of Kiev. Similarly, the representative of Donetsk in the Trilateral Contact Group, Natalia Nikonorova, and the representative of Lugansk in the Trilateral Contact Group, Vladyslav Deinego, were specially invited.

Unfortunately, despite the above-mentioned direct written invitation, Ukraine failed to nominate anyone to share Kiev’s official position on the work of the Trilateral Contact Group. Therefore the Director of the Kiev Centre of Political Studies and Conflictology, Mikhail Pogrebinsky, was invited to share his professional views on the matter.

A concept note providing background information was released prior to the discussion.

The Arria-formula meeting to discuss the challenges to the settlement was held via virtual teleconference and was live-streamed.² It was chaired by the Permanent Representative of the Russian Federation to the United Nations, Vassily Nebenzia, and attended by the representatives of 17 other delegations to the United Nations, including 9 Security Council members.

Statements by the panellists

Speaking first, Ms. Nikonorova³ expressed her gratitude for the first-ever opportunity for the representatives from Donbass to present, in an event on the

¹ A platform for direct trilateral dialogue between representatives of Kiev, Donetsk and Lugansk, with mediation assistance provided by the Organization for Security and Cooperation in Europe and the Russian Federation.

² Recording available at <https://youtu.be/otTV8ohQanA>.

³ The full text of her statement is available in English at <https://www.mid-dnr.su/en/pages/docs/doklad-natali-nikonorovoj-na-zasedanii-sb-oon-po-formule-arrii/>.

margins of the United Nations, a realistic picture of the situation on the ground, as well as of the progress made in the Minsk negotiation process, or the lack thereof.

She touched upon the genesis of the conflict, stating that the residents of Donbass were not only outraged by the lawlessness of an illegal coup d'état in Kiev in February 2014, but were also fully aware of the massacres that had taken place afterwards under the new Ukrainian regime. She referred to the events in Odessa on 2 May 2014, in which 48 people had been killed and at least 250 had been injured; in Mariupol on 9 May 2014, in which more than 20 people had died and about 50 had been injured; and the storming of Sloviansk by the Ukrainian National Guard in the period of 3–5 May 2014, which had resulted in the deaths of more than 30 civilians.

She explained that, under such life-threatening circumstances, the people of Donetsk had no choice but to organize themselves around local self-government to protect the rights and freedoms of the local population against Ukrainian authorities. On the other hand, Kiev, instead of dialogue, had announced the launch of an “anti-terrorist operation” and sent armed forces to Donbass. Since that time, for seven consecutive years, the people of the region had been living in conditions of civil war – at least 13,000 people had died, including 149 children, and about 30,000 had been injured.

Ms. Nikonorova dedicated most of her statement to the facts of Kiev’s manipulation, whereby it created a deceptive impression that it implemented the provisions of the Package of Measures and the Common Agreed Conclusions of the Paris “Normandie” summit, while it was in reality sabotaging the implementation process.

First, speaking about one of the most important achievements of 2020, the additional measures for a full and comprehensive ceasefire, she reminded participants that Kiev had refused to implement the earlier agreed parameters for a whole year, from July 2019 to July 2020. Moreover, despite there having been no casualties for almost two months, at the end of the day, the ceasefire had effectively been undermined by Kiev, as it refused to implement the main measure: a joint verification mechanism. As a result, the Organization for Security and Cooperation in Europe (OSCE) Special Monitoring Mission to Ukraine in November had recorded yet more violations: 157, including 33 cases of the use of heavy weapons.

Second, Ms. Nikonorova referred to Kiev’s continued attempts to escape its obligations under the political provisions of the Package of Measures, in particular those contained in paragraph 11 on the adoption of permanent legislation in Ukraine on the special status of Donetsk and Lugansk in agreement with the representatives of those areas. She reminded participants that that pivotal task was reconfirmed in section 2 of the Common Agreed Conclusions, which stressed the necessity of incorporating the “Steinmeier formula”⁴ into the Ukrainian legislation on a permanent basis.

She clarified that, although the Steinmeier formula had been introduced in 2015 and agreed upon in the Trilateral Contact Group a year later, consideration of the issue had been blocked by the Ukrainian side up until October 2019. It had finally been accepted by Kiev solely to open doors for the next Normandy format meeting. However, a year since the Paris summit, the Steinmeier formula had not yet been integrated into Ukrainian legislation.

⁴ The formula proposed in October 2015 by the German Minister for Foreign Affairs at that time, Frank-Walter Steinmeier, in response to the failure of Ukraine to fulfil its obligations under the Package of Measures. It suggests a very specific sequence of steps for the entry into force of provisions in Ukrainian legislation, synchronized with the holding of local elections in Donbass.

She also reminded participants that, in accordance with the Package of Measures, any amendments to the Constitution of Ukraine that concerned Donbass were to be agreed upon in the Trilateral Contact Group with the direct participation of Donetsk and Lugansk. Until that was accomplished, the rest of the work might simply be a waste.

Third, Ms. Nikonorova referred to multiple Ukrainian post-coup laws that directly contradicted the Package of Measures and the very logic of settlement. For instance, the bill on local elections, adopted by the Verkhovna Rada⁵ on 15 June 2020, and the bill on decentralization of 17 November 2020 were attempts to reverse the parameters of paragraphs 9 and 11 of the Packages of Measures.⁶

She highlighted the draft law on the internment (forced displacement) of Russian citizens, submitted in November 2020 by the Cabinet of Ministers of Ukraine for the consideration of the Verkhovna Rada, which reminded her of some of the darkest pages in European history, the establishment of concentration camps, this time on Ukrainian territory for Russian passport holders.

Answering a question on whether she had a Russian passport, Ms. Nikonorova explained that Kiev had left her and thousands of Donbass residents with no other option, as it had cut down on all State services in the region. As a result, she was not even able to use her expired Ukrainian passport to cross borders to reach Minsk, where she represented Donetsk in the Trilateral Contact Group. Thus, she had no other choice but to benefit from the decree of 24 April 2019 by the President of the Russian Federation, Vladimir Putin, on simplified procedures for obtaining Russian citizenship.

In total, in the years since signing the Package of Measures, Ukraine had adopted around 60 legal acts that contradicted not only the Minsk Agreements, but also fundamental acts of international law. Those documents violated the right to life, the right to health and safe living conditions, the right to liberty and security of person, the right to freedom of movement, the right to a fair trial, the right to an effective remedy, the right to the inviolability of home, the right to private property, the right to language self-determination, the right to education, the right to freedom of economic activity, the right to regular and fair elections, the right to freedom of thought, of conscience and religion, and the right to social security.

Ms. Nikonorova added that, being fully aware of such an approach to the settlement from the Ukrainian side, Donetsk and Lugansk had come up with an initiative for a road map for a comprehensive settlement of the conflict in accordance with the Package of Measures. Within the framework of the Trilateral Contact Group, they had proposed a draft that covered all negotiation areas and issues, including the procedure and nature of amendments to the Constitution of Ukraine, with clear deadlines for the implementation of all political settlement stages.

Unfortunately, the Ukrainian representatives had ignored the document, proposing instead their own “draft plan of joint steps”, a document aimed at completely rewriting the parameters approved by the Security Council. Of its 51 paragraphs, 40 were in contradiction with the Package of Measures, which made up 78 per cent of its content.

She explained that such an unconstructive approach by Ukraine indicated that Kiev was not interested in settlement in Donbass, but rather in remaining on the agenda of its “Western partners”, with the purpose of getting access to economic and

⁵ The Ukrainian single-chamber parliament.

⁶ Paragraph 9 of the annex to resolution [2202 \(2015\)](#) clearly indicates that the reinstatement of full control of the state border by the government of Ukraine happens not before, but after the comprehensive political settlement (local elections in certain areas of the Donetsk and Luhansk regions on the basis of the Law of Ukraine and constitutional reform).

political benefits. For that very reason, instead of advancing the implementation of the Package of Measures, Ukrainian authorities prioritized the “Normandy format”, which excluded the participation of Donetsk and Lugansk.

She reminded participants that it had been proved many times in the history of the world that the only way to settle a dispute sustainably was to engage parties in direct dialogue, and concluded by saying that the people of Donbass had learned to defend themselves against Kiev, but that they wanted peace, with their rights and freedoms respected.

Mr. Deinego⁷ recalled that, on 15 April 2014, the residents of Lugansk had had to self-organize to stop, “practically with their bare hands”, the advance into the city of a column of armoured vehicles of the armed forces of Ukraine: six armoured personnel carriers and cars with 122mm D-30 towed howitzers. Such obvious intent by Kiev to use weaponry against the unarmed civilian population had led to the self-organization of the region’s residents, who had elected representative bodies and organized people’s militias. However, Kiev’s offensive against Donbass had continued with the support of aviation, tanks, artillery and tactical missile systems of the armed forces of Ukraine.

On 2 June 2014, one of the first particularly cruel airstrikes by Su-25 aircraft, loaded with S-8 unguided missiles, had occurred on the city centre of Lugansk.⁸ Two of the missiles had hit the regional administration building, several more had exploded in front of the building and in the park in front of it, only 80 metres from an active children’s playground. Eight civilians had been killed, including five women, and three more had died of their wounds. Twenty-eight people had been wounded in the street.

On 2 July 2014, 12 people had died in Stanitsa Luganskaya, including a five-year-old child.

On 28 August 2014, two people had been killed in the city of Alchevsk.

Those hostilities against civilians, accompanied by isolating measures, had started long before and continued after the signing of the Package of Measures and the establishment of OSCE monitoring in Donbass.

Mr. Deinego focused his statement on the economic and humanitarian isolation of Donbass by Kiev, that had started on 13 June 2014 when the work of the State treasury bodies had been suspended and payments of pensions and social benefits and the financing of the budgetary and communal sectors had been stopped. This had been followed by the complete withdrawal of all Ukrainian power structures, government bodies and banks.

By the end of the summer of 2014, the residents of the territories of Donbass not controlled by Kiev had practically been deprived of their electoral rights.

In December 2016, Ukrainian radicals had begun blocking transport communications across the contact line, and, on 15 March 2017, a Ukrainian presidential decree had legalized that blockade. In addition, the Cabinet of Ministers had established restrictions on the quantity of imported food and a ban on the import of oil and lubricants.

⁷ The full text of his statement is available in English at <https://www.mid-dnr.su/en/pages/docs/report-plenipotentiary-lugansk-peoples-republic-minsk-negotiations-vladyslav-deynego-un-security-council/>.

⁸ A report on this crime was published on 2 June 2014 on the website of the Ministry of Defence of Ukraine.

Since 25 April 2017, Ukraine had stopped supplying electricity to the territory of the Lugansk region, leaving large industrial enterprises still under Ukrainian jurisdiction without power supply.

Step by step, the Ukrainian authorities had thus limited all ties with Lugansk and Donetsk, gradually introducing a multifaceted blockade on water, transport and energy, as well as economic blockades.

Speaking of challenges to the settlement caused by Kiev's unwillingness to implement its obligations under the Package of Measures, Mr. Deinego clarified that, from the moment of its endorsement by the Security Council in its resolution [2202 \(2015\)](#), the Package of Measures had acquired the nature of a norm of international law, in accordance with Article 25 of the Charter of the United Nations, thus becoming binding.

As for the outcomes of the Paris "Normandie" summit, he agreed that little to no progress had been made so far.

The humanitarian demining plan and the second stage of the disengagement of forces, previously agreed in the Trilateral Contact Group, were blocked by Ukrainian legal acts that contradicted the Minsk Agreements and created legislative obstacles to Ukraine fulfilling its obligations.

He reminded participants that paragraph 6 of the Package of Measures, as well as paragraph 1 of the Common Agreed Conclusions, provided for the release and exchange of conflict-related detainees, but that their implementation had also been blocked by Ukraine. Despite two exchanges after the summit,⁹ neither paragraph could be considered as fully accomplished, as Ukraine had failed to fulfil its obligation with regard to the "procedural clearing" of the released persons from criminal prosecution in connection with the events in Donbass, as prescribed in the Package of Measures.

Summarizing Kiev's attitude to the settlement, Mr. Deinego reminded participants that the Package of Measures in itself was the maximum compromise for Donbass and that, for that reason, it was becoming harder and harder to explain to the region's residents why the Ukrainian side still sought ways to steer clear of its implementation.

According to Mr. Deinego: "Over the past seven years, the residents of Donbass have received nothing from Ukraine except the shelling of their houses, schools, hospitals and kindergartens, as well as torture, violence and aggression, and deprivation of their rights and freedoms, of their pensions and of their social guarantees." He asked a rhetorical question as to whether Ukraine needed Donbass at all given that it had rejected the region in every possible way.

Mr. Pogrebinsky, a Ukrainian citizen and the head of a political research centre, presented his assessment of the settlement in Donbass and refrained from presenting or commenting on the official position of Kiev or any other party.

Acknowledging the usefulness of the meeting in terms of conveying positions of those directly involved in the Minsk negotiations, he tried to delineate the reasons for the stalemate in implementing the Package of Measures. In his view, that document, key to a comprehensive settlement, had been approved by the former President of Ukraine, Petro Poroshenko, in a desperate situation of heavy losses by the Ukrainian military on the battlefield. As a result, there was, and remained, no considerable willingness among Ukrainian political elites to implement its provisions, which envisaged significant changes to the very structure of the State and the Constitution.

⁹ On 29 December 2019 and 16 April 2020.

In his assessment, claiming unacceptability of the Package of Measures was no longer an option for Kiev, as the document had been endorsed by the Security Council. Under those circumstances, Berlin and Paris, as members of the Normandy Four, could try to persuade the Ukrainian leadership to do better in the implementation of the Package of Measures. That could bring results, especially considering the fact that Kiev's declared course to joining the European Union and the North Atlantic Treaty Organization made it imperative to coordinate its position with the members of those organizations. But Mr. Pogrebinsky's private opinion was that the European and American partners of Ukraine might have a broader agenda than just a settlement in Donbass, for instance, strategic deterrence of Russia through the extension of various economic sanctions on the country under the pretext of non-compliance with the provisions of the Package of Measures. For that reason, Ukraine and its allies continued to maintain their official positions of full support for the Minsk process.

At the same time, Mr. Pogrebinsky expressed a view that even if there was genuine political will from all the parties involved, the Package of Measures alone would not be sufficient for sustainable settlement to the satisfaction of all sides. The reason was that the three-page long document was too general and vague and left plenty of room for various interpretations. What was needed, was a sort of detailed comprehensive road map, agreed by Kiev, Donetsk and Lugansk. He acknowledged the presentation of the first drafts of such a document by Kiev and Donbass and expressed hope that those drafts, despite being incompatible so far, would become just the first step for the sides to better understand each other's expectations.

Answering a question on his professional opinion as a conflict researcher on the ways for a settlement in Donbass, Mr. Pogrebinsky cited the full and comprehensive implementation of the Package of Measures through direct dialogue, with the participation of Kiev, Donetsk and Lugansk.

He clarified that the issue of recognition should not present an obstacle and elaborated on that by providing the example of the "Turkish Republic of Northern Cyprus" ("TRNC"), recognized solely by Ankara, which openly positioned its armed forces in the northern part of the island. Despite the "TRNC" not being recognized by any other State, the Turkish-Cypriot community regularly held elections where the winners were widely considered as its representatives and negotiated settlements with the other stakeholders involved.

Mr. Pogrebinsky called the different attitudes to Donbass and "TRNC" a vivid example of "double standards" by certain international players. He explained that negotiating with the representatives of Donbass, for Kiev and its Western allies, would mean acknowledgement of the internal nature of the conflict in the east of Ukraine, while accusing the Russian Federation of "aggression" would make it possible to maintain the myth about "inter-State conflict", which, again, would help to address some of their broader strategic goals.

He concluded by expressing hope that eventual normalization of relations between Berlin, Paris and Washington, D.C., on the one side, and Moscow, on the other, would bring more opportunities for the settlement in Donbass.

Statements by delegations to the United Nations

The Deputy Permanent Representative of Belarus to the United Nations, Artsiom Tozik, as the representative of the host country to the Minsk process, called the Arria-formula meeting a good opportunity to hear from those on the ground. He stressed his country's concern about the situation in the neighbouring country and its continued commitment to the peaceful settlement. Minsk stood ready to further provide any support possible in that regard, including through the continued participation of the representatives of Belarus in the OSCE Special Monitoring

Mission in Ukraine. He called on all involved to comply with the provisions of the Minsk Agreements, including the Package of Measures, as well as with the Common Agreed Conclusions of the Paris “Normandie” summit.

Representatives of China, Sun Zhiqiang, and Indonesia, Burson Sodikun, reaffirmed their countries’ respect for the sovereignty and territorial integrity of all States, including Ukraine. They made statements against any foreign interference into the internal affairs of States, including through military means. They stressed that there could be no military solution to the conflict in Donbass and encouraged a political solution to be sought through dialogue. They reiterated the call for the implementation of the Package of Measures and of the decisions of the Paris “Normandie” summit held in December 2019.

Observations

Interventions by the panellists, as well as by the Security Council members, prompted the following common points to be recommended for consideration:

(a) The Package of Measures for the Implementation of the Minsk Agreements, endorsed by the Security Council in its resolution [2202 \(2015\)](#), is the only internationally approved basis for the settlement in Ukraine;

(b) There is no and cannot be any military solution to the conflict in Donbass, as there is no alternative to a negotiated settlement through direct dialogue, as envisaged in the Package of Measures;

(c) The Arria-formula meeting has proved the usefulness of direct engagement with the immediate participants of the Minsk peace process, who can provide first-hand information from the ground and clarify the root causes of conflict, as well as elaborate on the challenges to the settlement.

Conclusion

The meeting reaffirmed the overall support for the settlement in Donbass, in line with the provisions of the Minsk Agreements, and with the Package of Measures for the Implementation of the Minsk Agreements, endorsed by the Security Council. The Package of Measures is a pivotal document that has no alternatives and should not be misinterpreted, distorted, undermined or substituted by any other formats, including by the Normandy format, which serves solely as a platform for monitoring implementation of steps in line with the Package of Measures.

The fact that the Arria-formula meeting discussion was ignored by the delegations of France, Germany and Ukraine – all members of the Normandy format – revealed the lack of genuine will from those sides to advance the settlement in Donbass, based on the parameters approved by the Security Council.

Direct engagement with the representatives of Donetsk and Lugansk is indispensable for sustainable settlement, as it helps to properly take into account the legitimate expectations of the many millions of people living in Donbass. However, the window of opportunity is closing because of the years of accumulated distrust due to Kiev’s unwillingness to listen and respect those living in Donbass, hindering chances for the region’s reintegration.

The incorporation of the Steinmeier formula into the Ukrainian legislation and the elaboration by Kiev, Donetsk and Lugansk, within the Trilateral Contact Group in Minsk, of a road map for the implementation of the Package of Measures should be the next immediate steps towards the settlement in Donbass.

Annex II to the letter dated 14 January 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

We wish to warmly welcome the holding on 2 December 2020 of the Arria formula meeting of Security Council members on the topic “Implementation of the 2015 Minsk Package of Measures on the settlement in Ukraine: a year since the Paris ‘Normandie’ summit”, which made it possible to clarify the objective positions of the parties to the conflict in Ukraine, which, according to the Package of Measures for the Implementation of the Minsk Agreement, are Kiev, Donetsk and Lugansk. The representatives from Donbass had this opportunity for the first time since the endorsement of the Package of Measures in Council resolution [2202 \(2015\)](#).

We strongly believe that only the neutral and impartial participation and treatment of both sides of any internal conflict can lead to a successful peaceful settlement. Therefore, we are particularly grateful to have had the opportunity to express our vision of the processes from the point of view of the second party to this conflict. We also welcome the sincere interest of all the participants of the above-mentioned meeting.

We commend the participating delegations for the attention paid to the statements of the representatives from Donbass, since the desire for a deeper understanding of the positions of the parties to the conflict will give a positive impetus to the peace process.

However, bearing in mind the importance for the parties to the conflict of being able to explain their positions to the global community, we deeply regret the fact that the Ukrainian delegation snubbed the opportunity to present its position at such a respected international platform. Such behaviour by the Ukrainian side, aggravated by the systematic avoidance of direct contacts with the representatives from Donbass, as prescribed by the Package of Measures, clearly indicates that Ukraine does not seek a peaceful settlement of the conflict, but rather to hide behind the smokescreen of non-existent “Russian aggression”. Apparently, such an unconstructive approach is shared by some other participants of the so-called “Normandy Four”, who also opted not to engage in dialogue with the participants of the peace process from Donbass.

We would like to take this opportunity to reiterate our preparedness for direct dialogue with the representatives of Ukraine, be it in the Trilateral Contact Group or in the format of Arria-formula meetings, to exchange views on the challenges in the implementation of the Package of Measures in order to reach a sustainable settlement.

(Signed) **N. Nikonorova**

Representative of Donetsk at negotiations of the Contact Group
on the settlement of the conflict in Donbass

(Signed) **V. Deinego**

Representative of Lugansk at negotiations of the Contact Group
on the settlement of the conflict in Donbass