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**Seventy-fifth year**

**Prevention of armed conflict: prevention of armed conflict**

## **Identical letters dated 12 February 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council**

I have the honour to transmit a comment by the Ministry of Foreign Affairs of the Russian Federation on the fifth anniversary of the Package of Measures for the Implementation of the Minsk Agreements to resolve the conflict in eastern Ukraine (see annex I), as well as the text of the latter document (see annex II).

I should be grateful if you would circulate the present letter and its annexes as a document of the General Assembly, under agenda item 31 (a), and of the Security Council.

*(Signed)* Vassily Nebenzia

\* Reissued for technical reasons on 9 February 2021; previously issued under the symbol [A/74/720](#).



**Annex I to the identical letters dated 12 February 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council**

**Comment by the Information and Press Department on the 5th anniversary of the Minsk Package of Measures to resolve the conflict in eastern Ukraine**

February 12 marks the 5th anniversary of signing the Package of Measures for the Implementation of the Minsk Agreements which is the only way to overcome the conflict in Donbass.

This document was designed to resolve two issues, namely, to stop the civil war and to ensure lasting peace. This domestic armed conflict stemmed from the coup and anti-popular policy of Ukraine's nationalist government. The new government trampled on the rights and freedoms of the people in southeastern Ukraine and attempted to suppress a peaceful protest through military force. It didn't work out. The people of Donbass have proven that they can stand up for their rights, freedom and identity.

When they signed the Package of Measures in Minsk five years ago, the representatives of Donetsk and Lugansk agreed to remain part of the Ukrainian state on condition of amnesty and after the government granted the region a constitutionally guaranteed special status, which then President of Ukraine Poroshenko promised to deliver. After that, elections were to be held in Donbass and Kiev was to regain control over the border. All this was supposed to be done before the end of 2015.

The signed agreements were supported by the Normandy Four, approved by the UN Security Council and, thus, became part of international law. Implementation was closely monitored by the OSCE Special Monitoring Mission. We very much appreciate and support SMM efforts, which, according to the mandate, were to be based on the principles of impartiality and transparency.

Today, it may be appropriate to remind everyone what the Package of Measures, which many are trying to distort, is all about. The Foreign Ministry posted an authentic copy of this document on its website.

Unfortunately, none of its provisions have been implemented in full. Despite several agreements, there has never been a complete ceasefire. Shelling along the line of contact continues, and the military equipment has not been withdrawn. Donbass has not been granted a constitutionally guaranteed special status, and no amnesty has been extended. In fact, Kiev sabotaged the Package of Measures immediately after it was signed.

The small-steps approach has led to some progress. Two major exchanges of detainees were held in five years, during which about 500 prisoners were freed. The Ukrainian authorities complied with the additional agreements signed in 2015 and 2016 on disengaging forces in the pilot areas and the Steinmeier formula only in 2019 and only after a new president had been elected. These agreements were Donbass's major concession to Kiev.

The Normandy Four's most recent decisions, mostly political, made during the summit in Paris are being implemented but not as fast as we would like. Here, we see Ukraine go through the motions and not even think about starting a direct dialogue with Donbass. Other political aspects of the Minsk agreements such as constitutional

reform and determining local election modalities are not being implemented, either. Apparently, President Zelensky forgot about his election promises to alleviate the economic and transport blockade of the self-proclaimed republics.

The settlement process is further complicated by Ukraine's aggressive rhetoric, criticism of the Minsk agreements and calls to revise them, as well as the idea of introducing an international occupation administration in Donbass under the guise of a UN peacekeeping force, which runs counter to the Package of Measures. Kiev's legislative initiatives, the notorious acts on reintegrating Donbass, education, the state language and the draft law on a new administrative and territorial structure, which they peddle as compliance with the decentralisation obligations, further aggravate the situation.

It even came to the point where Ukraine's State Bureau of Investigation opened a criminal investigation into ex-president Poroshenko's possible treason when he signed the Package of Measures. It remains unclear whether this is a manifestation of internal political strife or an attempt to cast doubt on the Minsk agreements. In any case, revising them will result in unpredictable consequences for an intra-Ukraine settlement.

Russia advocates the full and consistent implementation of all the provisions in the Package of Measures. We support the efforts of our Normandy format partners and the OSCE as the coordinator of the Contact Group and urge them to encourage the Ukrainian government to fulfil its obligations in full and as soon as possible.

**Annex II to the identical letters dated 12 February 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council**

**Package of Measures for the Implementation of the Minsk Agreements**

Minsk, 12 February 2015

1. Immediate and comprehensive ceasefire in certain areas of the Donetsk and Luhansk regions of Ukraine and its strict implementation as of 15 February 2015, 12 a.m. local time.
2. Withdrawal of all heavy weapons by both sides by equal distances in order to create a security zone of at least 50 km wide from each other for the artillery systems of calibre of 100 and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS “Tornado-S”, Uragan, Smerch and Tactical Missile Systems (Tochka, Tochka U):
  - for the Ukrainian troops: from the de facto line of contact;
  - for the armed formations from certain areas of the Donetsk and Luhansk regions of Ukraine: from the line of contact according to the Minsk Memorandum of Sept. 19th, 2014;

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and be completed within 14 days.

The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

3. Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.
4. Launch a dialogue, on day 1 of the withdrawal, on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Luhansk regions” as well as on the future regime of these areas based on this law.

Adopt promptly, by no later than 30 days after the date of signing of this document a Resolution of the Parliament of Ukraine specifying the area enjoying a special regime, under the Law of Ukraine “On interim self-government order in certain areas of the Donetsk and Luhansk regions”, based on the line of the Minsk Memorandum of September 19, 2014.

5. Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.
6. Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle “all for all”. This process is to be finished on the day 5 after the withdrawal at the latest.
7. Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.
8. Definition of modalities of full resumption of socioeconomic ties, including social transfers such as pension payments and other payments (incomes and revenues,

timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).

To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.

9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending 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) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group.

10. Withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE. Disarmament of all illegal groups.

11. Carrying out constitutional reform in Ukraine with a new constitution entering into force by the end of 2015 providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Luhansk regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Luhansk regions in line with measures as set out in the footnote until the end of 2015. [Note]

12. Based on the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Luhansk regions”, questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Luhansk regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.

13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.

#### *Note*

Such measures are, according to the Law on the special order for local self-government in certain areas of the Donetsk and Luhansk regions:

- Exemption from punishment, prosecution and discrimination for persons involved in the events that have taken place in certain areas of the Donetsk and Luhansk regions;
- Right to linguistic self-determination;
- Participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas of the Donetsk and Luhansk regions;
- Possibility for central governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Luhansk regions;
- State supports the social and economic development of certain areas of the Donetsk and Luhansk regions;

- Support by central government authorities of cross-border cooperation in certain areas of the Donetsk and Luhansk regions with districts of the Russian Federation;
- Creation of the people's police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Luhansk regions;
- The powers of deputies of local councils and officials, elected at early elections, appointed by the Verkhovna Rada of Ukraine by this law, cannot be early terminated.

Participants of the Trilateral Contact Group:

Ambassador Heidi Tagliavini

Second President of Ukraine, L. D. Kuchma

Ambassador of the Russian Federation to Ukraine, M. Yu. Zurabov

A.W. Zakharchenko

I.W. Plotnitski

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