

**Security Council**

Distr.: General  
23 February 2021

Original: English

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**Letter dated 22 February 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 refer to the Security Council meeting held on 11 February 2021 under agenda item “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](#))” on the occasion of the sixth anniversary of the signing of the Package of Measures for the Implementation of the Minsk Agreements and the adoption of Security Council resolution [2202 \(2015\)](#).

As you are aware, the representatives of certain areas of the Donetsk and Lugansk regions, unlike their Ukrainian counterparts at the negotiations in the Minsk contact group, in line with the Package of Measures, did not have an opportunity to present their views to the Council.

Please find attached herewith the written contribution (with enclosures) to the discussion signed by Natalia Nikonorova and Vladyslav Deynego, representatives of Donetsk and Lugansk at the negotiations of the contact group (see annex).

I should be grateful if you would circulate the present letter and its attachment as a document of the Security Council.

*(Signed)* Vassily **Nebenzia**



**Annex to the letter dated 22 February 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council**

[Original: Russian]  
19 February 2021

Ms. Barbara Woodward  
President of the United Nations  
Security Council  
Permanent Representative of the United Kingdom  
to the United Nations

The meeting of the United Nations Security Council held on 11 February 2021, coinciding with the sixth anniversary of the signing of the Package of Measures for the Implementation of the Minsk Agreements and the adoption of United Nations Security Council resolution [2202 \(2015\)](#), was followed with great attention in certain areas of the Donetsk and Lugansk regions. There was surprise at the fact that the meeting was attended not by Ukraine's official representative to the United Nations, but by the head of the Ukrainian delegation to the negotiations on the resolution of the conflict in the Donbass, Mr. Leonid Kravchuk, who has repeatedly stated that he has no power to discuss issues relating to the resolution of the conflict, which fall within the competence of the President and Parliament of Ukraine. We are pleased that every single meeting participant, including Mr. Kravchuk, confirmed the relevance of, and lack of alternative to, the Minsk Agreements, for the purpose of bringing a peaceful political resolution to the conflict. However, Mr. Kravchuk and some other participants made blatant attempts to distort both the meaning and content of those very same Minsk Agreements, as well as the current state of the negotiations to resolve the conflict.

We regret that the Donbass representatives, as the second party to the conflict, were not given any kind of opportunity to present their position during this United Nations Security Council meeting. The very idea of discussing resolution of the conflict without taking into account the views of the Donbass representatives is in conflict with the Package of Measures, which unequivocally and unconditionally enshrines our mandate to directly agree on and translate into action all the conflict-resolution conditions. The attempts by Ukraine and some other States to deprive us of this mandate without a United Nations Security Council decision by "substituting" the parties to the conflict or replacing the Minsk format of the negotiations with the Normandy format are a direct flagrant violation of United Nations Security Council resolution [2202 \(2015\)](#). This inconsistent and contradictory position, and the resulting action or inaction by Ukraine, are the fundamental cause of the six-year absence of progress in resolving the conflict.

We firmly believe that – at the United Nations, the main diplomatic arena of the world – the first and most fundamental requirement is for thorough and impartial analysis of the positions of each and every party to a conflict. This is all the more true in the light of existing international practice for conflict resolution, which implies the involvement in the resolution process of the second party, even if that second party is not a subject of international law (a brief overview of this issue is attached).

In order to assist with an objective analysis of the conflict, we are also supplying our comments on some of the most disquieting statements made at the 11 February 2021 meeting of the Security Council. We hope that the information we have provided will lead to an objective determination of the causes and conditions for the continuation of the conflict, and to the development of effective solutions, to prevent it from becoming a "frozen conflict".

We also wish to point out that the Donbass representatives are themselves making every effort to implement effectively the Package of Measures and other documents that are part of the Minsk package. In this connection, we have put forward a proposal to hold an international forum (workshop) on the implementation of the Minsk Agreements to resolve the conflict in the Donbass, in April–May 2021 in Minsk.

We should be grateful if this letter and its annexes (see enclosures I and II) could be circulated to the States members of the Security Council and General Assembly.

The representative of Donetsk in  
negotiations of the contact group on the  
settlement of the conflict in the Donbass  
(Signed) N. Y. **Nikonorova**

The representative of Lugansk in  
negotiations of the contact group on the  
settlement of the conflict in the Donbass  
(Signed) V. N. **Deynego**

## Enclosure I

[Original: Russian]

### **Direct dialogue between the parties to a conflict in cases in which one of them is not a subject of international law**

Representatives of Ukraine refuse to engage in direct dialogue with representatives of certain areas of the Donetsk and Lugansk regions.

This approach is contrary to the Charter of the United Nations, contrary to United Nations Security Council resolution [2202 \(2015\)](#), which endorsed the Package of Measures for the Implementation of the Minsk Agreements, and contrary to international practice.

Article 33, paragraph 1, of the Charter of the United Nations states: “The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

The Package of Measures lists Ukraine and certain areas of the Donetsk and Lugansk regions as parties (paragraph 2 of the Package of Measures refers to Ukrainian troops and the armed formations from certain areas of the Donetsk and Lugansk regions).

There are numerous examples in international practice of peace negotiations between parties to conflicts.

#### **1. Moldova and Transnistria (the Pridnestrovian Moldavian Republic)**

The conflict between Moldova and Transnistria began in the late 1980s as a result of the proclamation of the Moldovan language as the sole State language, and of the intensification in Moldova of nationalist sentiment oriented towards Romania. After the acute phase of the armed conflict (spring–summer of 1992), the parties attempted to reach agreement to halt the conflict (in June 1992, Moldovan parliamentarians together with Transnistrian deputies approved the basic principles of a peaceful settlement), but the agreements were not respected. In July 1992, the presidents of Russia and Moldova, in the presence of the leader of Transnistria, signed an agreement on the principles of the resolution of the conflict; in accordance with those principles, Russian, Moldovan and Transnistrian peacekeepers were brought into the security buffer zone. In April 1994, the leaders of Moldova and Transnistria signed the Statement of the Moldovan and Transnistrian leaders, which launched regular negotiations, followed, in May 1997, by a Memorandum on the principles of normalization of the relations between the Republic of Moldova and Transnistria, stating that “the parties will continue developing State and legal relations with each other”. In 2002, a Permanent Meeting on Political Issues in the Framework of the Negotiating Process for a Transnistrian Settlement was established, with participation from Moldova, Transnistria, Russia, Ukraine, OSCE and, as observers, the European Union and the United States (“5+2 format”). Within the framework of this negotiation process, a Memorandum on the Basic Principles of the State Structure of the United State was prepared for signing by Moldova and Transnistria, but the signing was disrupted by the Moldovan side. There is currently a pause in negotiations.

#### **2. Cyprus**

In 1974, Cyprus was divided into southern Greek and northern Turkish parts. The Republic of Cyprus and what is termed the Turkish Republic of Northern Cyprus

have been in negotiations since 1975. In the course of those negotiations, crossing of the Green Line was made easier, the crossing process was facilitated, a number of checkpoints were opened, and a plan to unite the island was considered. In 2014, the presidents of the Republic of Cyprus and the Turkish Republic of Northern Cyprus signed a joint statement that became the basis for further negotiations. It established that the Cyprus settlement would be based on a bizonal, bicomunal federation with political equality. In 2017, the parties exchanged maps of the territories to be administered by each community and a working group was established at the level of deputy foreign ministers. The former president of the Turkish Republic of Northern Cyprus, Mustafa Akıncı, was in favour of unification, while the current president, Ersin Tatar, takes the view that there should be two Cypruses.

### **3. Indonesia**

For almost 30 years (1976–2005), the Free Aceh Movement waged an armed struggle against the Indonesian government for the independence of the province of Aceh. The conflict came to an end as the Government and the Movement entered into negotiations which eventually led to the signing of a peace agreement (in 2005). Under the agreement, Aceh was given “special autonomy” status, the Government withdrew troops from the region, pledged to release all rebels in Indonesian jails, gave local authorities greater control over natural resources, and gave Aceh citizens the right to form local political parties to represent their interests.

### **4. Sudan**

The internal armed conflict in Sudan, which started in 1983, following the authorities’ dismantling of autonomy in the south, ended with the signing of a peace treaty (in 2005) between the Government and the rebels in the south. The treaty provided for autonomy for the southern regions, proportional distribution of oil production and a referendum on the granting of independence to South Sudan in 2011. In 2011, the new State of South Sudan was admitted to the United Nations.

### **5. Philippines**

In the Philippines, several organizations have spent years (since the 1970s) fighting for an independent State on the island of Mindanao. Over that period, the Philippine Government signed a series of peace agreements with the rebels. Implementation of the agreements led first to the establishment of the Autonomous Region in Muslim Mindanao and then, following a plebiscite in 2019, to the establishment of the Bangsamoro Autonomous Region, with greater autonomy. (However, according to the transition plan, former combatants are eligible to join the armed forces of the region.)

## Enclosure II

[Original: Russian]

### **Statements made by participants in the UN Security Council meeting of 11 February 2021 which contradict the Minsk Agreements**

#### **Ukraine (Mr. Kravchuk):**

1. Mr. Kravchuk's entire statement was based on the presentation of the Russian Federation as a party to the conflict, which "occupied the territories of Ukraine" and brought in "occupation administrations". This position has no connection with the matters under discussion: the Package of Measures and United Nations Security Council resolution [2202 \(2015\)](#). Ukraine has been persistently pursuing a single goal: excluding the Donbass from the conflict-resolution process. In so doing, it has severely distorted the meaning and content of the Minsk agreements as the basis for resolution of the conflict. Neither Security Council resolution [2202 \(2015\)](#), nor any document included in the package relating to the Minsk Agreements or the "Normandy format" recommendations, even mention the Russian Federation as a party to the conflict, or refer to "occupied territories" or "occupation administrations". On the contrary, these documents directly and unconditionally list only Ukraine and certain areas of the Donetsk and Lugansk regions as parties to the conflict and subjects of its settlement. The internal nature of the conflict was also confirmed during the meeting of the Security Council by the information provided by Ambassador Çevik to the effect that there were no Russian troops in the Donbass.

In order to deprive the representatives of certain areas of the Donetsk and Lugansk regions of legal personality in the settlement of the conflict, a status provided for in the Package of Measures and the Security Council resolution, statements were also made to the effect that the decisions of the Normandy quartet are binding on the parties to the conflict. However, given that the Minsk Agreements make it impossible to adopt binding decisions without the consent of the representatives of certain areas of the Donetsk and Lugansk regions, and that the representatives of certain areas of the Donetsk and Lugansk regions are not included in the Normandy format, the Normandy format participants can do no more than approve the decisions agreed by the parties to the conflict, and make recommendations. It is for this reason that, according to the Normandy format leaders' Declaration in support of the Package of Measures of 12 February 2015, the Normandy format performs the function of an oversight mechanism for the implementation of the Minsk Agreements.

2. It was stated that Ukraine was taking "practical steps" to resolve the conflict. However, between 2014 and the present time, the Ukrainian side has not fully fulfilled any of the commitments provided for in the Minsk Agreements. Kyiv has been evading the implementation of the key provisions of the Package of Measures determining the political conditions for resolving the conflict throughout the six years of the application of United Nations Security Council resolution [2202 \(2015\)](#) and the Package of Measures. Contrary to the Minsk Agreements, Ukraine:

(a) has constantly violated the ceasefire; radically distorted the ceasefire-strengthening measures agreed upon on 22 July 2020 from the very moment of their entry into force on 27 July 2020, unilaterally disavowing them on 10 September 2020; and has continued completely unprovoked shelling of certain areas of the Donetsk and Lugansk regions, claiming many victims and causing much destruction;

(b) has regularly violated commitments to withdraw heavy weapons;

(c) failed to begin dialogue on the future post-conflict regime (status) within Ukraine of certain areas of the Donetsk and Lugansk regions from 9 March 2015; not a single proposal regarding this status has been made, and the proposals of certain areas of the Donetsk and Lugansk regions have invariably been ignored;

(d) failed to take action to restore social and economic ties, subjecting certain areas of the Donetsk and Lugansk regions to a complete economic and transport blockade;

(e) failed to enact any legal provision to prevent the prosecution and punishment of participants in the conflict.

Last summer, the Ukrainian Parliament (Verkhovna Rada) adopted by a constitutional majority (326 out of 389 deputies) a resolution on the conditions for local elections in the Donbass which rejects the Minsk Agreements in principle. With Ukraine's supreme legislative body adopting such a position, it makes no practical sense to continue negotiations on the settlement of the conflict in accordance with the Minsk Agreements. Ukraine has thus brought the work of the Trilateral Contact Group (TCG) to a halt.

3. The Government's draft laws on reintegration and transitional justice, referred to by Mr. Kravchuk, involve resolving the conflict by force rather than peacefully, without taking into account the legitimate rights and interests of the inhabitants of the Donbass. This applies equally to the draft Plan of joint action for the Implementation of the Minsk Agreements submitted by Ukraine. Of the 51 proposals in the Plan, 40 contradict the Minsk Agreements, accounting for over 78% of the Plan's content. Mr. Kravchuk's assertion that the aforementioned documents comply with the Minsk agreements is a treacherous distortion of the truth. The above documents are publicly available and no one can easily verify the "adequacy" of this statement by Mr. Kravchuk.

#### **OSCE (Heidi Grau):**

Responding to the questions of the Security Council meeting participants, Mrs. Grau noted that the issue of the parties to the conflict "is at the core of a very controversial debate ...". However, the debate about the parties to the conflict ended with the signing of the Package of Measures and its endorsement by Security Council Resolution [2202 \(2015\)](#). Any attempts to revive this debate are tantamount to a review of the decision of the Security Council, and cannot be accepted without involving the Security Council.

#### **Chief Monitor, OSCE Special Monitoring Mission (SMM), and coordinator of the working group on security issues in the Trilateral Contact Group, Yaşar Halit Çevik:**

1. Mr. Çevik announced the number of conflict-related injuries and deaths corroborated by the SMM in 2020. Not all of the instances recorded by the representatives of certain areas of the Donetsk and Lugansk regions in the Joint Centre for Control and Coordination have been corroborated by the SMM. According to the statistics of the representatives of certain areas of the Donetsk and Lugansk regions in the Joint Centre for Control and Coordination and in the negotiation process, 7 civilians were killed and 66 wounded in 2020. According to the Mission's statistics, 17 people were killed and 41 wounded in the territory of Ukraine, figures which do not correlate with the daily reports, according to which 14 civilians were killed in the territory of the armed conflict in 2020 (the figure given at the Security Council meeting was 24), 11 of them in the territory of certain areas of the Donetsk and Lugansk regions, and 3 in the territory of Ukraine; 84 civilians were wounded (the figure given at the Security Council meeting was 107), 61 of them in the territory

of certain areas of the Donetsk and Lugansk regions, and 23 on the territory of Ukraine.

**Representatives of Estonia, France, the Federal Republic of Germany, Norway, the United Kingdom and the United States:**

1. Statements were made regarding the Russian Federation as a party to the conflict in the Donbass and regarding the obligations of the Russian Federation in that context. As already noted, this position is a gross distortion of the “spirit and letter” of the Minsk Agreements. Supporting this political line encourages one of the parties to the conflict (Ukraine) to act destructively, and creates conditions for a “freezing” of the conflict.

2. The representative of the United Kingdom said that local elections should pave the way for a special status for the Donbass, which distorts the sequence of actions stipulated by the Minsk Agreements. Local elections are one of the final stages of a comprehensive political solution to the conflict. According to the Package of Measures, the path to the holding of local elections consists of a legal determination (without entry into force) – agreed with representatives of certain areas of the Donetsk and Lugansk regions – of the constitutional status of certain areas of the Donetsk and Lugansk regions, and the composition, status and powers of future (to be elected) authorities of certain areas of the Donetsk and Lugansk regions. In accordance with the “Steinmeier formula”, Ukrainian legislation on the special status of the Donbass is to be enacted after these elections.

3. In his statement, the representative of Germany attempted to downplay the status of certain areas of the Donetsk and Luhansk regions as a fully fledged party to the negotiations, saying that time should not be spent on conferring legitimacy on them. He also referred to Donetsk and Lugansk as Abkhazia and South Ossetia. The representatives of certain areas of the Donetsk and Lugansk regions are endowed with “legitimacy” (not international legal personality), for the purposes of conflict resolution, directly by Security Council resolution [2202 \(2015\)](#).

4. The Budapest Memorandum mentioned by the representative of Germany is unconnected with the internal Ukrainian conflict and, accordingly, with the Minsk Agreements.

5. The representative of the Germany stated the need to stop issuing Russian passports in large numbers. The matter of the issuance of passports to residents of the Donbass is a humanitarian one (in the context of the ongoing blockade by Ukraine) and is unconnected with the Minsk Agreements. Unfortunately, we have not heard any calls for Ukraine to stop annihilating the population of the Donbass, lift the blockade and restore socioeconomic ties and begin a dialogue on the future status of certain areas of the Donetsk and Lugansk regions within Ukraine in accordance with the Package of Measures.