

Position of the Russian Federation, not agreed upon by the Ukrainian Side

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Issues that the Ukrainian Side refuses to discuss, citing their absence from the "Istanbul Communiqué"

Treaty on Permanent Neutrality and Security Guarantees for Ukraine

Great Britain, China, the Russian Federation, the United States, the French Republic, (*Republic of Belarus, Republic of Turkey*), being the guarantors of the security of Ukraine as a permanently neutral state (Guarantor States), and Ukraine, hereinafter referred to as the Parties,

referring to the Declaration of State Sovereignty of Ukraine dated 16 July 1990 and, in particular, the fact that in this Declaration Ukraine solemnly proclaimed its intention of becoming in future a permanently neutral state that does not take part in military blocs and adheres to three non-nuclear principles: to accept, to produce and to purchase no nuclear weapons,

being convinced that enshrining the permanent neutrality of Ukraine at the international legal level is an integral part of the long-term goal of maintaining international peace and security, including at the regional level,
agreed on the following:

Article 1

1. Ukraine undertakes to support its permanent neutrality, which is declared and enshrined in the Constitution of Ukraine.

2. The guarantor states recognize, respect and guarantee the status of Ukraine as a permanently neutral state, and undertake to ensure that this status is observed at the international level.

3. Pursuant to paragraph 1 of this Article, Ukraine, as a permanently neutral state, undertakes:

a) not to engage in activities that would be contrary to the international legal status of permanent neutrality;

b) to terminate international treaties and agreements incompatible with permanent neutrality;

c) not to participate in military conflicts on the side of any Guarantor State and/or any third state;

d) not to join any military alliances; not to conclude military agreements, the implementation of which would contradict Articles 1 and 2 of this Treaty and/or harm the security of other Parties;

e) not to allow entry into the territory of Ukraine or deployment in any form on its territory, including temporarily, of foreign weapons, including missile weapons of any type, armed forces and formations; not to allow foreign military personnel to remain on the territory of Ukraine if this contradicts Articles 1 and 2 of this Treaty and/or harms the security of other Parties.

It is allowed to provide assistance to Ukraine on the basis of an official request from Ukraine for foreign military personnel (without weapons) to carry out civilian work and non-military activities, in particular to provide assistance in eliminating the consequences of emergencies caused by natural or man-made disasters;

f) to prevent the creation and presence of foreign military bases and other military infrastructure on the territory of Ukraine; refuse to provide foreign states with their territory for conducting any military activities, without prejudice to subparagraph h) of this paragraph;

g) not allow any foreign states, military alliances and coalitions to use for military purposes any infrastructure on the territory of Ukraine, including air, sea and river ports, without prejudice to subparagraph b) of this paragraph;

h) without the consent of *all* Guarantor States, not to conduct military exercises with the participation of foreign armed forces on the territory of Ukraine, in its territorial waters, exclusive economic zone and in the airspace above them;

i) not to recruit citizens of foreign states and stateless persons into the Armed Forces of Ukraine, the National Guard and other law enforcement agencies;

j) to refrain from the threat or use of force against the sovereignty and independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

k) to refrain from using its own territory or the territories of other states to harm the sovereignty, independence and integrity of other states;

l) to strictly comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), prevent the training of its military personnel in the use of nuclear weapons, the deployment on its territory of nuclear weapons of foreign states and their means of delivery, as well as the creation of infrastructure for the deployment or maintenance of nuclear weapons foreign states and means of its delivery;

m) ensure chemical, biological, nuclear and physical nuclear safety on its territory in accordance with that set out in Annex 4, and not carry out activities directed against the interests of other states and that could pose a threat to them in these areas.

4. Pursuant to this Article, a maximum number of personnel, weapons and military equipment of Ukraine is established in accordance with Annex 1.

Article 2

1. Pursuant to Article 1, the Guarantor States and other States that are Parties to this Treaty undertake:

- a) to respect and observe the independence and sovereignty of Ukraine;
- b) to terminate international treaties and agreements that are incompatible with the permanent neutrality of Ukraine;
- c) not to enter into military alliances with Ukraine; not to enter into military agreements with it, the implementation of which would contradict Articles 1 and 2 of this Treaty and/or harm the security of other Parties;
- d) not to carry out activities contrary to Ukraine's international legal status of permanent neutrality;
- e) to refrain from direct or indirect interference in any form in the internal affairs of Ukraine;
- f) to refrain from the threat or use of force against Ukraine, its sovereignty and independence, or in any other manner inconsistent with the purposes of the United Nations;
- g) to refrain from using their territories or the territories of other states to damage the international legal status of permanent neutrality of Ukraine;
- h) not to bring into the territory of Ukraine or deploy in any form on the territory of Ukraine, including temporarily, any armed forces and formations and any weapons, including missile weapons of any type; not to send military personnel to the territory of Ukraine if this contradicts Articles 1 and 2 of this Treaty and/or harms the security of other Parties;
- i) not to allow the creation and location of their military bases and other military infrastructure on the territory of Ukraine;
- j) not to conduct military exercises on the territory of Ukraine and, to prevent the occurrence of incidents, in a strip 50 (fifty) kilometers wide from the line of territories indicated on *the map* in Annex 6, without prejudice to subparagraph h) of paragraph 3 of Article 1.
- k) not to use any infrastructure on the territory of Ukraine for military purposes, including air, sea and river ports, without prejudice to subparagraph h) of paragraph 3 of Article 1;
- l) to abandon any military activity on the territory of Ukraine, without prejudice to subparagraph h) of paragraph 3 of Article 1;
- m) not take actions that undermine Ukraine's status as a non-nuclear-weapon state under the NPT; not to train Ukrainian military personnel in the handling of nuclear weapons, not to use the territory of Ukraine for the deployment of nuclear weapons and their delivery vehicles, as well as the creation of infrastructure for the deployment or maintenance of nuclear weapons and their delivery vehicles; not to use the territory of

Ukraine, its territorial waters and airspace for the transit of nuclear weapons or their delivery vehicles.

n) in accordance with what is set out in Annex 4 of this Treaty, not to take actions leading to a violation of chemical, biological, nuclear and nuclear security on the territory of Ukraine, and not to carry out activities there that are directed against the interests of other states and may pose a threat to them in the indicated areas.

2. Ukraine and each of the States that are Parties to this Treaty do not consider each other as adversaries.

3. All parties to this Treaty mutually undertake to resolve all international disputes and territorial questions peacefully between themselves, and to refrain from any use or threat of use of force in any manner inconsistent with the purposes and Charter of the United Nations.

4. Ukraine and the Guarantor States shall maintain dialogue and interact on improving mechanisms to prevent incidents on and over the high seas.

Article 3

The Parties to this Treaty share the understanding that Ukraine's status as a permanently neutral state is, subject to the provisions of this Treaty, compatible with Ukraine's possible membership in the European Union, as well as its participation in UN, OSCE or EU peacekeeping missions.

Article 4

1. In order to address issues and resolve problematic situations, Ukraine and the Guarantor States shall use the mechanisms of urgent bilateral and multilateral consultations.

2. Ukraine and the Guarantor States shall regularly voluntarily exchange assessments of contemporary threats and security challenges, inform each other about military exercises and maneuvers and key provisions of their military doctrines. In order to ensure transparency and predictability of military activities, all available mechanisms and instruments of confidence-building measures shall be used.

3. To maintain emergency contacts between Ukraine and each of the Guarantor States, telephone "hotlines" shall be established.

4. In the event of a violation or threat of violation of the sovereignty, independence and neutrality of Ukraine and any other obligations contained in this Treaty, the Guarantor States, on their own initiative and/or at the official request of Ukraine, undertake to take all possible steps to eliminate such a violation or threats of violation by peaceful means.

Article 5

The Guarantor States and Ukraine agree that in the event of an armed attack on Ukraine, each of the Guarantor States, after holding urgent and immediate consultations (which shall be held within no more than three days) among them, in the exercise of the right to individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, *on the basis of a decision agreed upon by all Guarantor States*, will provide (in response to and on the basis of an official request from Ukraine) assistance to Ukraine, as a permanently neutral state under attack, by immediately taking such individual or joint action as may be necessary, including **closing the airspace over Ukraine, the provision of the necessary weapons**, using armed force in order to restore and subsequently maintain the security of Ukraine as a permanently neutral state.

Such use of force can only be defensive in nature and is limited to the territory indicated on *the map* in Annex 6.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the UN Security Council. Such measures will cease when the UN Security Council takes the measures necessary to restore and maintain international peace and security.

Article 6

The Russian Federation and Ukraine shall cancel all mutual sanctions, prohibitions and/or restrictive measures, including retaliatory measures introduced since 2014 against each other, legal entities, officials and individuals, as well as sanctions, prohibitions and/or restrictive measures in relation to with each other and between economic and other operators of economic, financial and other activities;

The lifting of sanctions, prohibitions and/or restrictive measures, in accordance with this Article, shall be carried out regardless of the position and actions of other states and their associations.

Article 7

1. International judicial and arbitration proceedings on interstate claims and applications filed by the Russian Federation and Ukraine against each other, starting from 2014 (in particular, in the International Court of Justice, the ECHR and arbitrations under the UN Convention on the Law of the Sea of 1982), shall be terminated;

The Russian Federation and Ukraine shall notify the judicial and arbitration authorities about this jointly or separately; in the case of separate notification, the second party to the proceedings shall not object to its termination;

The Russian Federation and Ukraine shall not initiate repeated or new proceedings arising from the same events.

2. Within a reasonable time, an intergovernmental commission facilitating the settlement of investment and property claims against the Russian Federation by Ukrainian individuals and legal entities, as well as Russian individuals and legal entities against Ukraine, shall be created.

3. Ukraine shall withdraw the submitted ones and shall not submit, on the same grounds, applications for recognition of the jurisdiction of the International Criminal Court and shall not carry out domestic procedures for accession to the Rome Statute of the International Criminal Court within five years after the entry into force of this Treaty.

Article 8

Paragraph 1 of Article 2 and Articles 4, 5 and 11 of this Treaty shall not apply to Crimea and Sevastopol.

Article 9

Paragraphs 1 of Article 2 and Articles 4, 5 and 11 of this Treaty **shall not** apply to the territories indicated on *the map* in Annex 6.

Article 10

Without prejudice to the NPT regime and taking into account what is set out in Annex 4 to this Treaty, verification and control of Ukraine's fulfillment of obligations under Article 1 of this Treaty shall be carried out by a joint commission consisting of representatives of all interested Guarantor States and Ukraine, as well as, if necessary, the UN Secretary-General and/or representatives of the IAEA.

Article 11

The timing and procedure for a ceasefire, withdrawal of troops and exchange of prisoners of war between the Russian Federation and Ukraine from the beginning of the provisional application of this Treaty are determined by Annex 5.

Article 12

Ukraine shall guarantee that the Russian language is an official one and functions on an equal basis with the Ukrainian state language in all legislative, executive and judicial institutions and institutions of Ukraine. Ukraine, within 30 (thirty) days after signing this Treaty, shall remove all restrictions on the use of the Russian language in any area in accordance with Annex 2.

Article 13

Ukraine shall condemn and ban all propaganda and all organizations based on ideas or theories of superiority of one race or group of persons of a certain skin color or ethnic or national origin, including the ideas of fascism, Nazism, neo-Nazism and aggressive nationalism, and for these purposes within 30 (thirty) days after the signing of this Treaty shall cancel all regulations in accordance with Annex 3 and toughen criminal liability for committing crimes related to violation of these bans.

Article 14

1. The parties to this Treaty must act in such a way as to prevent the emergence or aggravation of disputes or situations in their relations, in particular, by conscientiously fulfilling their obligations arising from this Treaty and international law.

2. Any dispute between Ukraine and the Guarantor States (one or more of them) regarding the interpretation or implementation of this Treaty must be referred to a commission consisting of one representative from each of the disputing parties, the decisions of which are made by consensus within 30 (thirty) calendar days from the date the dispute arose.

In the absence of consensus and agreement on a different method of settlement, each of the disputing parties shall ask one of the Guarantor States of its choice to appoint one additional representative to the commission. The dispute is transferred to such a commission, which independently establishes the procedure for its work.

3. The disputing parties and the members of the commission specified in paragraph 2 of this Article must take all reasonable and good faith measures to resolve the dispute as quickly as possible by peaceful means.

4. In the event of any dispute regarding the interpretation or implementation of this Treaty, the Parties to this Treaty are obliged to refrain from any decisions and/or actions that may harm the permanent neutrality of Ukraine, its sovereignty, and independence or the subject matter of this Treaty, or defeat the object and purpose of this Treaty.

Article 15

Reservations to this Treaty by Ukraine, the Guarantor States and other States that are Parties to this Treaty are not allowed.

Article 16

1. This Treaty is subject to ratification by Ukraine and the Guarantor States. Other States that are Parties to this Treaty independently determine and carry out their own internal procedures necessary for signing and/or accession to this Treaty.

2. This Treaty is subject to registration with the UN Secretariat in accordance with Article 102 of the UN Charter.

Article 17

1. This Treaty shall be provisionally applied from the date of its execution by Ukraine and the majority of the Guarantor States, including Russia.

For each Guarantor State that executes this Treaty after the commencement of its provisional application, the Treaty shall be provisionally applied from the date of its execution.

2. Within three days from the date of the commencement of the provisional application of this Treaty, the signatory States that have executed it shall submit to the UN Security Council a draft resolution approving this Treaty and containing a clause stating that its provisions are subject to full implementation in accordance with Article 25 of the UN Charter by all UN member states.

3. From the date of delivery to the depositary of documents on the ratification of this Treaty by Ukraine (after approval of the status of Ukraine as a permanently neutral state during an all-Ukrainian referendum and the introduction of appropriate amendments to the Constitution of Ukraine) and the majority of the Guarantor States (*including Russia*), this Treaty comes into force for Ukraine and such Guarantor States.

For the Guarantor States that consent to be bound by this Treaty, after the entry into force of this Treaty, it shall enter into force on the date of deposit of the relevant instrument of ratification with the depositary.

4. This Treaty, after its entry into force, shall be open for accession by any state. For the acceding state, this Treaty shall enter into force on the date of deposit with the depositary of the instrument of accession.

Article 18

This Treaty shall be executed in seven original copies in Ukrainian, Russian and English, having equal legal force, one copy for Ukraine and each of the Guarantor States. In addition, another original copy of this Treaty shall be deposited with the Secretary-General of the United Nations, who shall serve as the depositary of this Treaty.

The Depositary shall immediately notify all signatory and acceding States of the date of deposit of each instrument of ratification or accession, the date of entry into force of this Treaty, and of any other notifications it has received.

Done in the city of _____ < > April 2022 in seven original copies in Ukrainian, Russian and English.

Annex 1
(Russia's position)
[Ukraine's position]

The maximum number of personnel, weapons and military equipment that are in the combat composition of the Armed Forces of Ukraine in peacetime

Number of Armed Forces of Ukraine [**does not exceed 250 thousand people**]
(up to 85 thousand people);

(National Guard strength¹ — up to 15 thousand people;)

Tanks	- [800] (342) units;
armored combat vehicle	- [2400] (1029) units;
Guns (²)	- [1900] (519) units;
MLRS (²)	- [600] (96) units;
anti-tank gun	- [380] (96) units;
Mortars	- [1080] (147) units;)
Anti-tank missile systems	- [2000] (333) units;
(control point (combat vehicle) of an anti-aircraft missile system [Air Force of the Armed Forces of Ukraine] (maximum engagement range up to (75) km)	- [200] (190) units;
(anti-aircraft guns	- 119 units;)
(MANPADS	- 608 units;)
Combat (auxiliary) aircraft including:	- [160] (102) units,
combat	- [74] (50) units,
auxiliary	- [86] (52) units;
Combat (auxiliary) helicopters	- [144] (35) ed.,

including:

combat

- [60] (10) units,

auxiliary

- [84] (25) units;

(UAV (Aileron type aircraft for reconnaissance purposes)

- 138 units;)

Warships with a displacement of up to 3200 tons

- [8] (2) units;

Combat boats

- [30] (10)

Auxiliary vessels(*and boats*)

- [40] (10) units;

Notes:

[1. The maximum firing range of MLRS and missile weapons of all types is no more than 280 km.

Ukraine undertakes not to develop, produce, acquire or deploy on its territory any type of missile weapons with a firing range of more than 280 km;]

(1. National Guard troops are not allowed to have heavy weapons with the exception of armored fighting vehicles.

2. The maximum firing range of MLRS and missile weapons of all types is no more than 40 km.

At the same time, it is allowed to develop and produce such weapons for export within the framework of the implementation of military-technical cooperation agreements that do not contradict the provisions of this Treaty, with a range of over 40 km but not more than 280 km.

Ukraine will not accumulate the weapons mentioned in paragraph two of this paragraph in quantities excessive for the implementation of the above-mentioned agreements on military-technical cooperation.)

List of the laws of Ukraine regarding the language

Constitution of Ukraine

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 1996, No. 30, Art. 141)

Article 10, Article 11, Article 12

On ensuring the functioning of the Ukrainian language as the state language

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2019, No. 21 Art.81)

On Education

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2017, No. 38-39 Art. 380)

Article 7. Language of education

On the Indigenous Peoples of Ukraine

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2021, No. 38, Art. 319)

On State Service

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2016, No. 4, Art. 43)

Article 2. Definition of terms

On the Judiciary and the Status of Judges

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2016, No. 31, Art. 545)

Article 12. Language of legal proceedings and paperwork in courts

On Television and Radio Broadcasting

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 1994, No. 10, Art.

43)

Article 9. Protection of interests and national television and radio broadcasting

Article 10. Language of audiovisual (digital) mass media

*On Amendments to Certain Laws of Ukraine Concerning the Language of
Audiovisual (Electronic) Mass Media*

On Complete Secondary Education

Article 5. Language of education in institutions of general secondary education

On Professional Pre-higher Education

*(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2019, No. 30,
Art.119)*

Article 46. Language of the educational process

On Culture

*(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2011, No. 24,
Art.168)*

Article 5. Language in the field of culture

List of laws of Ukraine on Nazification and glorification of Nazism

- *On Purification of Power (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2014, No. 44, Art. 2041) Article 1 part 7, article 4 part 2.*
- *On the Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Ban of Propaganda of their Symbols (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2015, No. 26, Art. 219)*
- *On the Commemoration of the Victory over Nazism in the Second World War of 1939-1945 (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2015, No. 25, Art. 191). Article 7.*
- *On the Rehabilitation of Victims of Repression of the Communist Totalitarian Regime of 1917-1991*
- *On the Legal status and Honoring the Memory of Fighters for the Independence of Ukraine in the 20th Century (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2015, No. 25, Art. 190)*
- *Article 1, part 1 of Article 2.*
- *On the Status of War Veterans, Guarantees of their Social Protection (The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 1993, No. 45, Art. 425)*
 - *Para 2 (second passage), para 16 of Article 5.)*

**Clarifications to the obligations of the parties
in the field of chemical and biological safety**

1. Ukraine undertakes:

a) to strictly comply with its obligations under the Convention on the Prohibition of Chemical Weapons and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 1972 (BTWC), not to carry out biological activities on its territory with the participation of representatives of military departments and related organizations;

b) to ensure that interested Guarantor States carry out verification activities on an annual basis in a bilateral format with Ukraine in relation to what is set out in subparagraph (p) of paragraph 3 of Article 1 of this Treaty in terms of biological safety, and in subparagraph (a) of this paragraph and with the provision of full access to biological objects on its territory, as well as any relevant documentation;

c) to strictly comply with its obligations under the 1993 Chemical Weapons Convention (CWC), not to take actions on its territory in relation to toxic chemicals, as well as facilities for their production, processing, storage and transportation, causing damage to human safety and the environment; ensure the physical, technological, environmental and other safety of chemical facilities on its territory.

2. The guarantor states and other states parties to this Treaty undertake to:

a) not take actions that undermine Ukraine's compliance with its obligations under the BTWC and the CWC;

b) not to carry out biological activities on the territory of Ukraine with the participation of representatives of military departments and related organizations;

c) not take actions on the territory of Ukraine aimed at undermining its chemical and biological safety.

Starting from the provisional application of this Treaty:

- 1. The Russian Federation and Ukraine take measures to separate the parties and do not carry out actions that could lead to the expansion of the territory controlled by them or cause a resumption of hostilities;*
- 2. Ukraine carries out the withdrawal (return) of units of its armed forces, other armed formations, weapons and military equipment to places of permanent deployment or to places agreed upon with the Russian Federation;*
- 3. The procedure and timing for the withdrawal (return) by the Russian Federation of units of its armed forces, other armed formations of weapons and military equipment outside the territory indicated on the map in Annex 6, are defined in accordance with a schedule, in order to prepare which the Russian Federation and Ukraine will hold consultations;*
- 4. Monitoring the implementation of the provisions of paragraphs 1 and 2 of this Annex and Annex 1 to this Treaty is carried out by a joint commission of representatives of the Russian Federation and Ukraine, as well as representatives of the UN Secretary-General, if necessary;*
- 5. The exchange of bodies of the dead and the release of all prisoners of war and interned civilians shall be carried out as soon as possible with the participation of the International Committee of the Red Cross (ICRC) and with the assistance, when necessary, of other relevant international humanitarian organizations.*