



ŁÓDZ DECLARATION

Stop the Aggression, End Impunity, Ensure Justice and Accountability, and Launch a Process to Strengthen the OSCE and Reaffirm Strong Commitment to Helsinki Principles

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Solidarity with Ukraine and a Need for Stronger Support

We are living through a tragic time. This year we are facing the most serious security and humanitarian crisis since World War II and in all the years of the OSCE's existence. Many of us in civil society are acutely aware of the **failure of the OSCE and other international organizations in their ability to prevent the criminal full-scale aggression of Russia** – an OSCE participating State, a member of the UN Security Council and a nuclear power – against the sovereign state of Ukraine, accompanied by massive war crimes and crimes against humanity, bearing the character of genocide of the Ukrainian people. Driven by crazy and archaic imperial ideas, Russian leaders deny the very existence of the Ukrainian nation and seek to end the existence of an independent Ukrainian state.

We feel anger and indignation at the **terrorist actions of the Russian state**, which kills civilians, purposefully and systematically destroys civilian objects and critical infrastructure of Ukrainian cities and does not hide its criminal goal to make life unbearable in them. Russian missile strikes have no military meaning and their main purpose is to increase the number of deaths and suffering of Ukrainian people. Abductions, enforced disappearances, extrajudicial executions, torture of detainees in filtration camps, forcing millions of people to flee to other countries due to bombing and unbearable living conditions, the forced deportation of hundreds of thousands of Ukrainians to the territory of the aggressor country, the removal of children from families – this is not a terrible story of the past centuries, but crimes committed today by orders from the Kremlin.

We unequivocally **condemn the criminal and hypocritical policy of the usurping Lukashenka regime**, which has provided the territory, airspace and infrastructure of Belarus for Russia's attack on Ukraine, continues hosting Russian troops and arms, has supplied Russia with tanks, armoured vehicles and ammunition, **openly supports the criminal aggression and has become its direct accomplice**.

We are disappointed by the **lack of a clear position in respect of the Russian criminal aggression of several states in the OSCE region** which abstained or did not take part in the voting on the UN General Assembly resolutions in March and October and have not taken an unambiguous stance on the issue.

At the same time, we feel admiration for the people of Ukraine, its men and women, who heroically defend their right to life, freedom and human dignity in the most difficult conditions. We express our full solidarity and support to the people of Ukraine in their fight against criminal aggression. **Ukraine and Ukrainians are at the forefront of the struggle for world peace, for our common freedom and security, and our common values, proclaimed almost 50 years ago in the Helsinki Final Act.**

We thank all States and all people in different countries who support Ukrainians, including civil society members, volunteers and everyone who gives their energy, time and money to support Ukraine. In particular, the government and the people of Poland have made tremendous efforts to facilitate help to Ukraine and have provided generous assistance to refugees. We call on everyone not to stop but to increase the necessary support for Ukraine, not to succumb to the Kremlin's economic and nuclear blackmail and propaganda, and not to give up, despite the high price of this war and its grave consequences for neighbouring countries and the whole world. The most urgent tasks are to protect the country from daily bombing by supplying anti-missile systems and to safeguard the physical security of Ukrainians during the winter by engaging in international efforts to support Ukraine with capacity to repair energy infrastructure and with electricity generating facilities. **We all, everyone in their own place, must do everything in our power to ensure that the lives of Ukrainians are protected, criminal Russian aggression is stopped, all occupied territories of Ukraine are freed from the aggressor, criminals are held accountable, justice for victims is ensured, Ukraine is restored after the destruction, and conditions are created for such criminal actions never happening again and that Russia no longer threatens anyone. We call on all OSCE participating States to actively engage in these efforts.**

Ensuring Justice and Closing the Accountability Gap

Today, when we deal with the unprecedented Russian aggression, we urgently need **to ensure justice for the victims and accountability for perpetrators of war crimes and crimes against humanity**, committed in Ukraine by Russia and its accomplice, the Lukashenka regime – **and equally importantly, for the crime of aggression**. Russian officials and those who implemented their criminal orders have not been punished for previous war crimes in Chechnya and various countries; therefore, impunity pushes the Russian government to continue its aggressive foreign policy and commit new crimes.

The task of ensuring justice and accountability is daunting: the Ukrainian Prosecutor General's Office has already documented over 50 thousand cases of war crimes, crimes against humanity, and acts constituting the crime of aggression. There will be many more, as numerous atrocities committed by Russian troops are being discovered on the liberated territories. Documentation of crimes has been pursued by a number of actors, including Ukrainian and international NGOs, OSCE expert missions under the Moscow Mechanism¹, the Independent International Commission of Inquiry on Ukraine established by the UN Human Rights Council², joint investigation group established by several states, etc. **Problem is not with documentation of evidence; the overarching problem is a jurisdiction gap. Existing national and international justice systems do not have necessary capacity and jurisdiction for effective delivery of justice in respect of war crimes, crimes against humanity, and the crime of aggression in Ukraine.**

Speaking of war crimes and crimes against humanity, **the Ukrainian justice system will not be able to cope alone with the massive number of cases.** Also, it cannot be perceived as fully impartial as it

¹ See the reports in April and June: <https://www.osce.org/odihr/515868>, <https://www.osce.org/odihr/522616>

² See the report in October: <https://www.ohchr.org/en/documents/reports/a77533-independent-international-commission-inquiry-ukraine-note-secretary>

represents the country which is the victim of aggression. **National justice systems in other countries are also not capable of prosecuting many perpetrators of international crimes in Ukraine on the basis of universal jurisdiction.** Moreover, leaders in top positions are protected by immunity from prosecution in national courts of other countries. Only an international tribunal may overcome this barrier. However, **the ICC is able to pursue only a few cases of war crimes and crimes against humanity in Ukraine,** hopefully of high level officials in command positions. The European Court of Human Rights and the International Court of Justice may also play their roles but these will be limited to inter-state complaints and holding the Russian state accountable, not individuals in the chain of command.

Therefore, various proposals are being discussed to initiate **the establishment of a special tribunal for trying war crimes and crimes against humanity** committed in Ukraine. **The best option appears to be a hybrid (mixed international-national) mechanism for Ukraine** established by an agreement between the government of Ukraine and the UN based on the UN General Assembly recommendation³.

Equally importantly, **a separate ad hoc tribunal to try the crime of aggression in Ukraine is needed**⁴. Russia's invasion of Ukraine, aided by Belarus, does not just represent the blatant violation of international law; it represents a threat to the foundational principle that underpins the modern legal order: a ban on the use of force in international relations, with the exception of self-defence and by decision of the Security Council. The crime of aggression is the international crime from which all others flow: were it not for the illegal aggression against Ukraine, there would be no crimes against humanity, no war crimes, and no genocide. This is why the Russian invasion must be followed by the criminal prosecution of those most responsible for the crime of aggression.

However, **there is no international court with jurisdiction over the crime of aggression against Ukraine.** The ICC has no jurisdiction in this case. Thus, international accountability for the crime of aggression against Ukraine **requires creating a new international tribunal.** One of the most promising proposals is creating such a tribunal **through an agreement between Ukraine and the United Nations, on the recommendation of the General Assembly.**

Proceeding through the UN General Assembly would help overcome a deadlock at the Security Council and make good on a promise that 141 States implied when they voted in favour of a Resolution deploring the aggression by Russia in March 2022. An international criminal tribunal recommended by the UN GA **would carry the greatest legitimacy** as opposed to a tribunal established by ad hoc coalition of states or a European institution. While the UN GA does not have the power to impose a tribunal on Ukraine (because it lacks such enforcement powers, which reside in the Security Council), it can authorise the Secretary General to work with Ukraine to establish a tribunal to which Kyiv voluntarily consents through an international agreement with the UN.

This tribunal should be narrowly **focused on the crime of aggression alone and only on those in leadership positions,** based on the definition of the crime of aggression in the Rome Statute, which limits the scope of the prosecutable offences to "manifest" violations of the UN Charter and to crimes

³ For suggestions on such a tribunal, including by Ukrainian and international NGOs and lawyers, see <https://helsinki.org.ua/en/articles/tribunal-for-putin-is-becoming-more-real/>, <https://zn.ua/LAW/po-sledam-haahi-pochemu-nam-nuzhen-hibridnyj-mekhanizm-pravosudija-.html>, and <https://www.government.nl/ministries/ministry-of-foreign-affairs/ukraine-accountability-conference-uac>.

⁴ For a detailed discussion, see a series of papers, <https://www.justsecurity.org/tag/u-n-general-assembly-and-international-criminal-tribunal-for-aggression-against-ukraine/>

committed by those in a leadership role, specifically “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State.” **A narrow jurisdiction has budgetary advantages** as well: the preparation of a case concerning the crime of aggression is based on a different set of conduct and evidence than a case concerning war crimes, crimes against humanity, or genocide.

It is the responsibility of states to take the lead in taking effective action to end impunity and hold perpetrators accountable. **Jurisdictional gap is not merely a legal issue; it needs to be addressed at the political level by states to ensure strong majority in the UN General Assembly and financial and political support to the tribunals.** We need courage and leadership by states who care.

From a broader perspective, the UN and its member states should undertake the work on **reforming the international peace and security system** in order to create guarantees from aggression for all countries regardless of their participation or non-participation in military blocs. First and foremost, this concerns **a reform of the UN Security Council, including changing its composition and tackling the problem of the veto power** in decisions concerning situations involving permanent members.

Connection between Repression and Aggression. A Need for Effective Instruments of Reaction to Human Dimension Crises

The current crisis is not only a result of problems in the military-political dimension. Recent years have shown that the trend towards increasing disregard for human rights, including suppression of civil society and independent media as mechanisms of public oversight over government actions, is a source of instability and creates conditions for state violence, both internal and external. We reiterate: **states that grossly and massively violate human rights within their national borders sooner or later become a threat to peace and international security.** Continued internal repression which is not effectively stopped by the international community, breeds impunity and leads to external aggression.

Connection between repression and aggression was proven by the tragic experience of World War II. On the basis of this experience, a system of international cooperation and international organisations, including the OSCE, was built over decades and was supposed to prevent a repetition of a war in Europe. **Lack of timely and concerted international reaction to a democratic backslide, massive human rights violations and aggressive foreign policy by a number of states, which civil society has pointed at for a long time, paved the way for the current catastrophic development.**

Therefore, **gross and systematic human rights violations should serve as early warning signs of not only a human dimension crisis but also a potential security crisis.** As the OSCE Moscow Mechanism Rapporteur pointed out in her recent report on Russia, the international system of human rights control, has instruments in place to detect these early warning signs and ring the alarm, and in respect of Russia “alarm bells were ringing constantly. But there was no reaction that would have substantially improved the situation. Since all systems of co-operation and supervision are based on goodwill, they cannot work if there is a lack of goodwill.”⁵ **The problem is that instruments of international reaction to stop violations and bring perpetrators to account are very weak or absent.** This problem should be in the centre of discussions about the future of the OSCE and the whole system of international organisations.

⁵ Report on Russia’s Legal and Administrative Practice in Light of Its OSCE Human Dimension Commitments. Prof. Angelika Nußberger. <https://www.osce.org/odihr/526720>. Page 122.

The “Russia case” is illustrative and should serve as a lesson for the international community. The Putin regime has evolved from systematically stifling fundamental freedoms, eliminating independent media and civil society, including through laws on “foreign agents”, “undesirable organisations”, and “extremist activities”, practicing repression and politically motivated persecution of government critics and various minorities, first of all religious minorities, building a massive propaganda machine, abusing counter-terrorism measures in Chechnya and across Russia, escalating conflicts near and far, invading Georgia and Donbass, annexing Crimea, committing war crimes in Syria – all merely observed with “growing concern” by the international community which continued lucrative trade relations and allowed export of corruption – to finally invading Ukraine at a massive scale, committing war crimes at the level unprecedented since WWII, and finally becoming a threat to global security. **This is a tragic lesson of how the system of international organisations has failed to act timely and effectively.**

In at least two other OSCE participating States, **Turkey and Azerbaijan, we observe the same pattern** of continuing internal repression and waging wars in Syria, Nagorno Karabakh, and at the borders of Armenia. The **difficult situation in Central Asia also underscores a strong connection between problems in the human dimension and security threats.** Due to the geographical remoteness from Europe, the attention of leading international organisations to this link in the region is not always a priority. Continued repression of government critics and peaceful protestors, a large number of political prisoners⁶, enforced disappearances in prisons⁷, persecution on journalists and bloggers, internet censorship, renewed pressure on civil society, and the growth of religious fundamentalism, related to the influence of the Taliban regime next door, brew instability in the region. Emerging public statements in support of Taliban policies in the states of Central Asia are a threat to girls and women and to security of all citizens and may further destabilise the region. OSCE institutions and participating States should urgently discuss serious problems in the human dimension as a security factor in the region.

At the same time, **repression on the inside and war on the outside are connected in another way: waging an aggressive war requires a higher level of a crackdown to suppress any anti-war expression.** The Moscow Mechanism Rapporteur used a metaphor of a communicating tube: “To start a war with another country, the elite must be sure that there will be no two-front war <...>. Therefore, restrictive measures are considered necessary in order not to be disturbed during the preparation for war or after it has started. This explains the wave of repressive measures in Russia immediately before, but, above all, after 24 February 2022.”⁸ After starting its aggression against Ukraine, the Putin regime has further escalated its repressive policies: adopted numerous new restrictive laws, doing a final blow to freedoms of expression, assembly and association; persecuted thousands of people protesting against the war; shut down the remaining independent media, further restricted access to internet, brought toxic propaganda to a new level, and created an atmosphere of fear reminiscent of the times of Stalin terror.

Against the background of the Russian aggression against Ukraine and the self-isolation of Russia from international human rights mechanisms, changing the Kremlin’s repressive policy is a matter of tomorrow, not today. But it is important to **urgently help victims of human rights violations in Russia**

⁶ See “The Problem of Political Prisoners in the OSCE Participating States” in the outcome documents of the 2021 OSCE Parallel Civil Society Conference, 01.12.2021 https://civicsolidarity.org/sites/default/files/the_problem_of_political_prisoners2.pdf

⁷ See “Twenty Years Since the Beginning of Mass Repression in Turkmenistan, OSCE Participating States Should Take Strong Action to Stop Enforced Disappearances”, 22.11.2022, <https://provethyarealive.org/twenty-years-since-the-beginning-of-mass-repression/>

⁸ Report on Russia’s Legal and Administrative Practice in Light of Its OSCE Human Dimension Commitments. Prof. Angelika Nußberger. <https://www.osce.org/odihr/526720>. Ibid. Page 121

and those who help them and fight against repression and propaganda – civil society organisations and activists, independent journalists and lawyers, so that they can continue their important work abroad or in the most difficult conditions in Russia. Likewise, **active support to Belarussian civil society and democratic forces both in exile and inside the country should continue.**

The case of Belarus is similar in many ways. Holding on illegally to power since 1996, usurper Lukashenka has engaged in regular cycles of **systemic and systematic repression, which often caused limited and inconsistent reaction of the international community.** Since August 2020, Lukashenka and his associates have once again proved that they are criminals responsible for electoral fraud, mass torture, killings of protestors, incarceration of more than a thousand and four hundred political prisoners and detention of more than 45 thousand of people, forcing of hundreds of thousands to flee the country, eliminating civil society and independent media, spreading hatred against critics of the regime and neighbouring states in propagandistic media, manufacturing the migration crisis to destabilise the EU, and assisting Moscow in evasion of economic sanctions⁹.

Putin rescued the Lukashenka regime at the critical moment of popular revolution in 2020. **Lukashenka's actions** to retain his power by responding to the massive popular protest in the second half of 2020 by unprecedented level of repression with direct Russian support in exchange for signing the "integration programs" **brought the country to the brink of losing sovereignty.** The crackdown in Belarus allowed Putin to deploy his troops there and attack Ukraine from the North.

The Lukashenka regime has become a direct accomplice in the aggression. Its actions qualify as an act of aggression according to article 3 of the UN General Assembly Resolution 3314 on the definition of aggression. UN GA Resolution adopted on 2 March 2022 deplored the involvement of Belarus in the unlawful use of force against Ukraine¹⁰. Therefore, if an international tribunal is ever established to try those responsible for the crime of aggression against Ukraine, **Lukashenka should be indicted and tried by this tribunal, along with Putin and his associates.**

While the fate of Belarus largely depends on the situation on the battlefields in Ukraine, it is also clear that developments in Belarus are very important for the outcome of the war and the future of the whole region. If international actions to stop repression and support democratic transition in the country are side-lined, **Belarus may soon become completely absorbed by the Russian authoritarian Leviathan and turned into a springboard for aggression** not only against Ukraine but against its Western neighbours.

These lessons make it necessary to critically reflect on the OSCE role in ensuring security. **Strengthening its work in the human dimension, developing tools of effective reaction to warning signs of a human dimension crisis, leading to a potential security crisis, must be seen as a key goal.**

⁹ See "Much More Decisive Actions by the International Community to Stop Repression and Support a Democratic Transition in Belarus Are Necessary", Statement of the OSCE Parallel Civil Society Conference 2021 https://civicsolidarity.org/sites/default/files/statement_on_belarus_csp_and_osce_pc_in_stockholm_01.12.2021.pdf

¹⁰ UN General Assembly Resolution A/ES-11/L.1, Aggression against Ukraine, par. 10 <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N22/272/27/PDF/N2227227.pdf?OpenElement>

Other key challenges

While the top priority now is stopping the Russian aggression, ensuring justice and accountability, and restoring Ukraine, there are a number of other key challenges that the OSCE, its participating States and civil society need to work on. This includes vigorously addressing **climate change** and its consequences for the human condition – hunger, migration, and human rights abuses; effectively combating **torture and enforced disappearances** in line with OSCE MC Decision 7/20¹¹; eliminating **gender inequality and gender-based violence**, including through implementation of UN Women, Peace and Security agenda; exposing and combating **abuse of media freedom, including in the form of propaganda, hate speech and war propaganda**; combating **racism, intolerance, hate crimes and all forms of discrimination**; addressing **migration challenges** on the basis of human rights, and fighting **trans-border corruption**¹².

Last but not least, OSCE's vast **expertise in conflict prevention, conflict management and post-conflict rehabilitation should be used more effectively**¹³, given recurring conflicts and violence in South Caucasus, Central Asia and Western Balkans which have become more acute in the last year. We call on OSCE structures to more actively engage in conflict zones, including by deploying a permanent monitoring mission to Armenia and Azerbaijan, actively engaging into stabilisation of Georgia which is threatened by destabilisation due to the Russian occupation of 20 percent of its territory and by social tensions caused by the massive influx of immigrants due to Russia's aggression against Ukraine, and setting up a contact group for the Tadjik-Kyrgyz border conflict.

Civil society space

Shrinking space for civil society remains our strong concern. We are witnessing today a **war against civil society waged by governments of a number of OSCE participating states**, aimed at the complete elimination of independent civil society. This attack is an important part of a global backlash against democracy, human rights, and rule of law. It is not surprising that NGOs and activists are targeted, because they are key actors in promoting and defending these cornerstones of comprehensive security. Without them, it would be much more difficult if not impossible for governments of democratic states, diplomats, and experts in the OSCE and other international bodies to do their work on human rights and democracy, not speaking of people in these societies who may be deprived of legal assistance, vital information, social support, and many other services provided by NGOs¹⁴.

Award of the 2022 Nobel Peace Prize to three active members of the Civic Solidarity Platform – Centre for Civil Liberties (Ukraine), "Memorial" (Russia), and Ales Bialiatsky, founder and chair of the Human Rights Centre "Vyasna" (Belarus) – is a recognition of the important role civil society plays in

¹¹ See "Torture Prevention and Eradication: A Year after the MC Decision 7/20 in Tirana" in the outcome documents of the 2021 OSCE Parallel Civil Society Conference, 01.12.2021

https://civicsolidarity.org/sites/default/files/torture.prevention.and_.eradication.pdf

¹² See "The Fight Against Corruption Needs Democracy and Human Rights" in the outcome documents of the 2021 OSCE Parallel Civil Society Conference, 01.12.2021

https://civicsolidarity.org/sites/default/files/the_fight_against_corruption_.pdf

¹³ For our detailed proposals on OSCE work on conflicts, please see the "Stockholm Declaration on the Need to Critically Review and Strengthen the OSCE's Work on Conflicts to Strengthen Security, Protect Human Rights and Uphold the Helsinki Principles", 2021, https://civicsolidarity.org/sites/default/files/stockholm_declaration.pdf

¹⁴ See "Civil Society Space and Security of Human Rights Defenders" in the outcome documents of the 2021 OSCE Parallel Civil Society Conference, 01.12.2021

https://civicsolidarity.org/sites/default/files/civil_society_space_and_security_of_human_rights_defenders.pdf

upholding peace, human rights and democracy. Our colleagues are an inspiration to us and thousands of others around the world. The courage and dedication of the laureates, who continue their work in the face of severe repression in Belarus and Russia and the aggressive war carried out by the Putin regime with the complicity of the Lukashenko regime, demonstrates the readiness of human rights defenders against all odds to resist attempts to illegally restrict activities of civil society. The liquidation of one of the oldest and most respected human rights organisations in Russia, Memorial, as well as hundreds of non-governmental organisations in Belarus, including Viasna Human Rights Centre, testifies **to the existential threat to the survival of civil society in both countries.**

Human rights defenders and NGOs in Ukraine face unprecedented challenges as a result of criminal military aggression against their country and massive war crimes committed by Russian troops. Ukrainian human rights activists document thousands of war crimes and crimes against humanity, help millions of victims, work to inform the world community about what is happening in Ukraine, and take action to bring those responsible to justice. **This selfless work requires recognition and support.**

Actions of civil society during the Russian aggression have made it a key player in crisis management. Whether organising defence or social welfare for war victims in Ukraine, caring for refugees in the EU, documenting war crimes or acting as a key source of expertise, opposing propaganda, spreading truthful information about war crimes, and protesting against the aggression, civil society has demonstrated its essential role, especially in situations when States or international organisations cannot do it. OSCE should actively work with civil society groups across the OSCE area **to build their capacity in documenting war crimes and conflict resolution work. A special fund to support civil society work on war crimes documentation** has to be established which like-minded States could contribute to.

The OSCE and its participating States **should take new effective measures in respect of Russian and Belarusian authorities for the systematic use of repressive measures against civil society** and for persecuting people who peacefully and legally express their anti-war and human rights positions, and demand that they immediately cancel illegal decisions to liquidate Memorial, Viasna and other NGOs. **Ensuring release of Ales Bialiatski, his colleagues from Viasna, and all Belarusian and Russian political prisoners should be a top priority for the international community.**

The OSCE should review its cooperation with civil society, including meaningfully women and women's organisations, and enhance civil society engagement in all OSCE activities. Cross-dimensional approach would be best ensured through adequate participation of civil society in the military-political and economic-environmental dimensions, along with the human dimension. States and OSCE institutions should use information and expertise of NGOs and treat them as key actors in ensuring implementations of OSCE commitments. **Attempts by some States who demand that civil society participation in OSCE events should be restricted** based on the approval by governments, contrary to the existing commitment, **should be strongly opposed.**

We reiterate our **key recommendations on civil society space:** all OSCE Chairpersonships should include cooperation with civil society and protection of civil society space in their **programmatic priorities; Chairpersonships should establish a position of a Special Representative on Civil Society,** whose mandate should be extended annually and include protecting civil society space and mainstreaming civil society engagement in OSCE activities; concerned States should establish **an informal Group of Friends of Civil Society** to develop joint strategies on reversing the backlash against civil society and expand civil society space in the OSCE; Chairpersonships and ODIHR should **develop a system of prompt reaction to the most important cases of pressure on civil society and persecution of activists** with a specific

attention to vulnerable groups; ODIHR should set up **an expert panel on freedom of association** and security of human rights defenders to assist in implementation of relevant commitments and guidelines.

The problem of shrinking civil society space, the backlash against civil society in a number of States, and persecution of human rights defenders, environmental defenders, peace activists, women activists, anti-corruption activists, activists working to protect minority rights and migrants, and other civil society members **should be put much higher on the OSCE agenda.**

The Future of the OSCE: A Need for Change

The failure of the OSCE to fulfil its mandate and the central purpose of its existence, ensuring security and preventing conflicts, has become painfully clear. Therefore, we must recognise that **changes are needed in the OSCE activities**, and develop a plan for these changes. We are not calling for the dissolution of the OSCE which would be in the interest of repressive and aggressive regimes, but it is obvious to us that its **fundamental reforms are required.**

We need to reflect on what we should preserve and strengthen, what we possibly want to get rid of, and what we want to develop instead. One thing is clear to us. Almost 50 years ago Andrei Sakharov formulated a key principle: **peace, progress, human rights are three inextricably linked goals**, and humanity cannot achieve one of them while neglecting the others. The Helsinki comprehensive security concept has three interrelated dimensions, and they correspond to the Sakharov triad. **The comprehensive security concept, the importance of multilateralism, and the unique place the OSCE provides for civil society are as essential today as they were 50 years ago. We need to uphold this and develop new instruments that would allow the Helsinki concept to be effectively put to work** for peace, progress, and human rights in the time when many States are not like-minded anymore.

Some believe that we are lucky the OSCE still exists and see its continued value as a “platform for dialogue”. However, let us be honest: **the Helsinki concept worked well only in the period when States shared the founding values.** As divisions were growing in the last two decades, OSCE instruments of dialogue, monitoring, educating, and assisting States in the implementation of their commitments have been becoming increasingly ineffective. Perhaps, even in a situation of expanding non-compliance, maintaining a platform for dialogue was important to prevent security breaches. However, a stronger action was needed to respond to growing violations of commitments before they became systematic such as in Russia, Belarus and some other States, allowing impunity to prevail and eventually permitting these States to turn into aggressors. We face a question: **what is the value of a “platform for dialogue” now, when a major war rages and when States’ approaches to international relations are so divergent?** Possibly, it is still needed to prevent a nuclear war and to warn violators of the Helsinki principles about consequences of their reckless and criminal behaviour – but then consequences should indeed follow. Otherwise, it would be just a talk and an imitation of dialogue.

When the OSCE became often paralysed due to the abuse of the consensus rule by violating States who do not share the founding values anymore and are not interested in the effective work in the human dimension, we called for **a more active use of non-consensual tools as a timely reaction to early warning signs of a human dimension crisis which may lead to a security crisis.** This includes a more regular application of **the Vienna and the Moscow Mechanisms** and seeing them not as a “nuclear option” undermining trust but as a living implementation of the key Helsinki principle: **human rights problems are not an internal matter of States but a matter of legitimate concern of all other States.**

The application of the Moscow Mechanism and the production of a report should not be an ad hoc reaction, only documenting a crisis situation in a certain country and the attitude of other states towards it, but a **part of systematic and regular work in the OSCE**. The process should not end with the publication of the report. **The most important thing is follow-up actions to implement the recommendations of the report**, continuous monitoring of the situation, appointment of new rapporteurs when needed, etc. A report should become the basis for developing a strategy and a concrete plan for further international action in relation to the country under assessment.

We reiterate this call now as well as our calls for **creative interpretation of the mandates of OSCE institutions, Secretary General, and the Secretariat**, allowing them to be more effective; **more active use of the powers of OSCE Chairpersonship** to organise events (as demonstrated by Poland by hosting a full fledged HDIM substitute this year), make public statements, appoint Special Representatives; **stronger political follow-up** to conclusions and recommendations in reports; **a stronger role of the Human Dimension Committee**; use of the principle of leading by example – such as by Chairmanship States going through the scrutiny of **self-evaluation of their own implementation of commitments**; and last but not least – **enhancing cooperation with civil society in all three dimensions**.

Finally, we are calling for a shift from fruitless efforts to restore trust where it is absent and where dialogue is only imitated by autocrats, to the **active use of expert assessment and recommendations by OSCE bodies in foreign policy of democratic states**. When progress through multilateral action in the institutional framework is blocked, democratic States should take responsibility for addressing key problems through their foreign policy and collective action both outside of and inside the OSCE.

We are not ready and not willing to give up on the OSCE but **we have a strong sense of urgency for major changes in the way the OSCE operates. The approaching 50th anniversary of the Helsinki Final Act in 2025 provides a good occasion to elaborate proposals on reforms of the OSCE and start implementing them**. But we cannot wait until 2025. **A process of critical and honest reflection** about failures and gaps, and about what needs to be strengthened and what needs to be left behind, which new decision-making and implementation tools and mechanisms should be developed **must start now so that by 2025 we have a set of concrete proposals to decide upon**¹⁵.

Other intergovernmental organisations are ahead of the OSCE in a process of critical reflection. For example, the Council of Europe established a High Level Reflection Group composed of prominent former politicians and announced holding a CoE Summit in May next year to adopt decisions on reforms. We need a similar process in the OSCE. **A reflection process should be not confined to deliberations by diplomats but involve broad circles of civil society, academia, parliamentarians, and active citizens**. This would ensure stronger ownership of the OSCE by States and societies, make it grounded in real life.

On our part, **we in the Civic Solidarity Platform and broader civil society are ready to make a contribution to this process** and are willing to work with the incoming Chairpersonships, interested States, and OSCE institutions towards **making the OSCE more effective and capable of adequately responding to the current crisis and new challenges**.

¹⁵ For our initial reflections, see “The Human Dimension of the OSCE: Reviving Key Principles from the Past, Looking into the Future”. The 2021 Warsaw Declaration of the Civic Solidarity Platform. 13.10.2021 https://civicsolidarity.org/sites/default/files/annex.the_human_dimension_of_the_osce_reviving_key_principles_from_the_past.pdf