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Editorial

FIFTY YEARS AFTER THE FINAL ACT: SAFEGUARDING THE HELSINKI PRINCIPLES

by *Andrea Cascone**

On 31 July 2025, the Finnish Chairpersonship of the OSCE convened a high-level conference in Helsinki to mark the 50th anniversary of the 1975 Final Act. In the same Finlandia Hall, which witnessed the historical signature by President Gerald Ford and Leonid Brezhnev (among 33 other leaders) of a milestone document for *Détente*, representatives of the 57 participating States and 11 partner States for cooperation from Asia and the Mediterranean gathered under the title “*Respecting the Legacy, Preparing for the Future*”¹. However, the atmosphere in Helsinki in 2025 was strikingly different to that of 1975. Hope for a future based on shared principles², which had characterised the solemn ceremony of the Final Act, seemed to be a pale memory, deeply tarnished by Russia’s war of aggression against Ukraine launched in February 2022. The participation in the conference of Ukraine’s President Volodymyr Zelensky, live-streaming from his office in Kyiv, being shelled daily by the Russian Armed Forces, was emblematic of this sharp contrast.

The idea of organising a conference to commemorate the 50th anniversary of the Helsinki Final Act was presented as early as 2021 when OSCE participating States agreed that Finland would chair the organisation in 2025. As the President of Finland, Alexander Stubb, recalled in his opening remarks at the conference, “*the objective was to honor the spirit of Helsinki and to see how current and future security discussions could benefit from its legacy. Four years ago, our understanding of the world was quite different from what it is today*”.

Russia’s violation of international law, including the Helsinki principles, has fundamentally changed the working environment under which the OSCE operates. For an organisation based on principles and non-legally binding commitments, the stakes are high. As the OSCE Secretary General, Feridun H. Sinirlioğlu, warned in his speech in Helsinki, “*the current state of our fundamental norms and principles is the biggest challenge in front of us today. Once rules do not matter to some, they won’t matter to anyone. And that becomes a problem for everyone. This cannot be the new normal*”.

Given the current geopolitical context, one could question if the Helsinki principles agreed 50 years ago are still relevant. It is interesting to note that in the discussions at the OSCE, the Russian Federation never questions the validity of the Helsinki Final Act and its principles. The argument used by Russia to push back criticism for its violations is that

* All opinions expressed in this contribution pertain exclusively to the author and do not necessarily reflect the position of the Ministry of Foreign Affairs and International Cooperation of the Italian Republic.

¹ Full content of the conference is available at <https://um.fi/osce25fi/helsinki-50>.

² The 1975 Helsinki Principles are: 1) sovereign equality; 2) refraining from the threat or use of force; 3) inviolability of frontiers; 4) territorial integrity of States; 5) peaceful settlement of disputes; 6) non-intervention in internal affairs; 7) respect for human rights and fundamental freedoms; 8) equal rights and self-determination of peoples; 9) cooperation among States; 10) fulfilment in good faith of obligations under international law. The Helsinki Final Act as well as all official CSCE/OSCE documents are available on the OSCE website: www.osce.org.

the so called “collective West” has violated principles and commitments, too. In particular, Russia focuses its accusation against the Western nations, arguing that, by expanding NATO membership to Russia’s border, they have violated the principle of indivisible security, therefore undermining – in Moscow’s view – the cornerstone of the CSCE/OSCE process. According to the CSCE Helsinki Document adopted at the 1992 Summit, “*no State (....) will strengthen its security at the expense of the security of other States*”. This principle was reaffirmed repeatedly, including at the 1999 OSCE Summit in Istanbul. Leaving aside the fact that NATO is a defensive alliance, the specious nature of Russia’s argument emerges considering that in the 1999 Istanbul Summit Document participating States, including Russia, recognised “*the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve*”. According to Pursiainen and Forsberg³, starting from the 1990s, the concept of indivisible security was strengthened through the acceptance of the principles of respect for international law and the consistent implementation of OSCE commitments, as well as through the development of the cooperative approach to security and the affirmation of the principle of free choice in matters of security agreements. As a result of this process, neutrality cannot be imposed on other States.

When recalling the notion of indivisible security within the OSCE framework, Russia’s narrative today refers to the Helsinki Final Act in continuity with the 1945 Yalta Conference. Such a connection could lead to the conclusion that, in Russia’s view, the Helsinki principles remain valid as long as they are applied in a context of mutually recognised spheres of influence. As Bettanin recalls, the attempt to consider the Final Act as a completion of the power balance achieved at the end of World War II characterised the USSR’s posture soon after the signature in Helsinki⁴. Indeed, the negotiations over the wording of the principle of inviolability of frontiers proved to be a major political obstacle in reaching an agreement. Henry Kissinger’s personal intervention eventually overcame the problem by focusing on the exclusivity of changes of borders by peaceful means. For the USSR leadership, that formula was enough to feel its sphere of influence secured. However, the result was never considered definitive by the Western bloc. In his speech in Helsinki in 1975, Italy’s Prime Minister Aldo Moro underlined that “*we have attempted to recognize, without however crystallizing, reality. We have endeavoured to work in a dynamic context in order to keep open the way to a peaceful evolution of relations amongst our States, in accordance with the free will of peoples*”⁵.

Divisions over the interpretations of the principles and the commitments have always characterised the discussions in the CSCE/OSCE framework. It is worth remembering what? The “Helsinki process” had already undergone serious challenges in the 1980s, with the risk of collapse. At the same time, deep polarisation in OSCE discussions is a trend that started before 2022. However, the challenge that the Helsinki principles face today is systemic and, in many ways, existential, as it must be framed in the context of Russia’s concrete actions taken well before its full-scale invasion in 2022, with the 2008 conflict in Georgia and the illegal annexation of Crimea in 2014. Such actions severely undermined dialogue, making the organisation’s work increasingly complicated, and have inevitably raised questions about the persistent validity of the OSCE as a multilateral framework of non-like-minded States.

³ C. PURSIAINEN, T. FORSBERG, *On Indivisible Security: Historical Roots, Conceptual Evolution, and Current Relevance in the OSCE Context*, Tampere, 2025.

⁴ F. BETTANIN, *Moscow and the CSCE*, in A. CASCONI (ed.), *A Gateway to the Future: Italy’s Contribution to the Helsinki Process*, Naples, 2025, p. 39.

⁵ Aldo Moro’s speech in Helsinki, in A. CASCONI (ed.), *op. cit.*, p. 83.

One of the criticisms faced by the organisation is that it failed to prevent Russia's aggression against Ukraine, despite having deployed in 2014 a Special Monitoring Mission (SMM)⁶, which operated in Ukraine from 21 March 2014 until 31 March 2022. Based on the Minsk agreements, the SMM was tasked by the 57 participating States to observe and report in an impartial and objective manner on the security situation in Ukraine, and to facilitate dialogue among all parties to the conflict. It was a civilian mission operating on the ground in a 24/7 modality. Its reporting to the Permanent Council (i.e. the main decision-making body of the OSCE where all 57 participating States seat) registered daily violations of the ceasefire by both sides. However, the mission did not have the power to hold violators accountable, a power which pertains to participating States, nor – as former OSCE Secretary General Lamberto Zannier recalls – could it replace the parties in the political dialogue for the resolution of the conflict⁷.

The SMM was criticised by both Russia and Ukraine. Its experience highlights the specific nature of the OSCE as an international organisation led by the participating States and ruled by consensus. The structures of the organisation support their work, but the sense of direction is ultimately decided solely by the participating States. In the OSCE framework, there is no legal mechanism to correct a deviation from or a violation of principles and commitments by a participating State. Commitments agreed by consensus are the result of compromise and, as previously indicated, they do not represent legal obligations. Their political nature does not diminish their validity since participating States are bound to implement them. And the organisation does not lack tools for accountability.

The most frequent way to hold a participating State accountable to its commitments is by raising concern over a specific situation and denouncing violations at the meeting of the Permanent Council, which takes place every Thursday in Vienna. Since February 2022, under the Chairmanship of Poland, these meetings have a standing item as the first point on the agenda. Under the title “*On the Ongoing Russia's War of Aggression Against Ukraine*”, participating States underline every week Russia's violations of the Helsinki principles and the CSCE/OSCE commitments, presenting facts and exposing Moscow's disinformation about the nature of the conflict and the reasons behind. Along with the meetings of the Permanent Council, the OSCE agenda includes a set of mandated events, which were conceived and agreed as key moments for verifying the actual implementation of the commitments undertaken by the participating States. This is the case, for example, of the Annual Security Review Conference, which takes place in Vienna once a year to address regional security challenges. In the human dimension, the most relevant event is the annual Human Dimension Implementation Meeting (HDIM), which takes place for two weeks in October in Warsaw, where the OSCE Office for democratic institutions and Human Rights (ODIHR) is located. Despite Russia's veto of the approval of the HDIM's agenda, the event has continued to take place unabatedly in the form of a conference organised by the Chairpersonship, proving to be a valuable platform for accountability, also thanks to the active participation and contribution of civil society organisations.

Furthermore, immediately after the launch of Russia's full-scale invasion, the ODIHR launched the Ukraine Monitoring Initiative (UMI), with the periodical publication of reports on the violations of international law (IL) and international humanitarian law (IHL) in the context of the conflict by both the Russian Federation and Ukrainian military forces. At the end of 2025, the ODIHR published 8 monitoring

⁶ Available at <https://www.osce.org/special-monitoring-mission-to-ukraine-closed>

⁷ L. ZANNIER, *Preface*, in A. CASONE (ed.), *op. cit.*, p. 15.

reports⁸. They provide an overview of the developments and, through a series of interviews with survivors and witnesses, monitor and report on the most pressing issues related to the conflict. For example, ODIHR reports have analysed the impact on civilians and prisoners of war. Building upon the findings, the reports provide recommendations to the parties to the conflict. ODIHR monitoring reports helped identify specific violations – substantiated by evidence – of IL and IHL and patterns of misconduct by the Russian Armed Forces.

The OSCE tool that has attracted the greatest attention is perhaps the Moscow Mechanism, which has been revamped since February 2022. Established in 1991 at the Moscow Human Dimension Conference, this mechanism allows independent rapporteurs (up to three) to assess a situation of specific concern regarding violations of commitments in the human dimension⁹. The Moscow Mechanism can be self-activated by a participating State with reference to a specific situation on its territory. This was the case of Estonia in 1992 and Moldova in 1993, to examine national legislation concerning citizenship and languages (Estonia) and minorities' rights (Moldova). More commonly, the mechanism is activated upon the initiative of one participating State, supported at least by 9 others, in the case of a serious threat to the fulfilment of the provisions of the human dimension by another participating State. In the 1990s, the Moscow Mechanism was activated only 5 times. In the first two decades of the 21st century, it was invoked only 4 times. Since 24 February 2022, the Moscow Mechanism has already been invoked 6 times in relation to Russia's war of aggression against Ukraine, covering a broad spectrum of topics: human rights violations, violations of the international humanitarian law and OSCE commitments, war crimes and crimes against humanity committed in Ukraine, arbitrary detention of civilians, forcible transfer and/or deportation of Ukrainian children, treatment of prisoners of war, indoctrination and forced militarization of Ukrainian minors. The total number of invocations is not the only element that has characterised the current utilisation of this tool. In fact, it is important to underline that the number of participating States invoking the Moscow Mechanism on issues related to Russia's war against Ukraine has been outstandingly high, ranging from 38 up to 45. In previous invocations of the mechanism, the highest number of participating States was 17, in examining alleged human rights violations in Belarus in 2020.

Some important aspects must be taken into consideration with regard to the Moscow Mechanism. First, it is a non-consensual tool. Secondly, it provides a rapid response to a specific situation of concern with strict rules on its implementation and reporting. Thirdly, it can be cooperative in nature. The participating State subject to the assessment has the possibility of appointing one independent expert from the list of experts registered at the ODIHR. Each participating State can register up to 6 experts, for a period of a maximum of 6 years. The cooperative nature of this tool is also enshrined in the possibility for the experts to use their good offices and mediation services to promote dialogue and cooperation among interested parties, although such a role has not yet been exploited by any of the rapporteurs.

So far, Russia has always denied cooperating in the invocations of the Moscow Mechanism, arguing that this tool is obsolete and that matters of concern can be discussed in OSCE bodies. Notwithstanding some specific challenges of this *sui generis* mechanism¹⁰, according to Bilkova and Steinerte, the application of the Moscow

⁸ Available at <https://odihr.osce.org/odihr/548611>.

⁹ For further information about the Moscow Mechanism, see <https://odihr.osce.org/odihr/human-dimension-mechanisms>.

¹⁰ See also W. BENEDEK, *The Moscow Mechanism of the OSCE: Rules, Practice, and Possible Improvements*, in VV. AA., *OSCE Insights*, 2025, pp. 25-38.

Mechanism in the case of Russia's aggression against Ukraine has demonstrated its full potential as an instrument for advancing international justice and accountability, concluding that large-scale violations of IL and IHL had been committed by Russia. Notably, reports issued under this OSCE tool have drawn the attention of international legal bodies such as the European Court of Human Rights, whose recent rulings have relied on the findings of the Moscow Mechanism reports.

Russia's attitude towards the Moscow Mechanism reveals once again the underlying problem we are facing today, namely whether Russia still considers itself bound to the commitments made since 1975, starting with the principles agreed in Helsinki. However, the fact that Russia is violating them does not make these principles less relevant. On the contrary, as President Stubb underlined in his speech at the conference in Helsinki last year, *“these achievements – the jointly agreed principles, the comprehensive approach to security and the ability to resolve conflicts peacefully – are under serious threat. At the same time, they are more important than ever before”*. Therefore, the question is rather how and/or what could eventually persuade Russia to uphold again the principles we – including Moscow – agreed more than fifty years ago. For the stability and the security of the European continent, this question is more relevant than ever, considering that after Sweden and Finland joined NATO, the border line with Russia was extended to 2.600 km.

The lessons learned from the Cold War, in the context of Détente, should not be forgotten. As Hebel and Devy recalled on the occasion of the 50th anniversary of the Final Act¹¹, its adoption was the product of three years of negotiations among adversaries who were armed to the teeth, with nuclear and conventional weapons in a context of military confrontation based on the notion of mutually assured destruction. 24 February 2022 is a date that has radically shifted our approach to security, and today it is hard to imagine whether and how the “Helsinki effect” could eventually be restored. However, the divide with Russia over security and threat perception is nothing but new. Back in 1984, during a parliamentary session dedicated to the negotiations on the Conference on Disarmament in Europe, Minister of Foreign Affairs Giulio Andreotti stated: *“It is a fact, that we must accept as such, that for historical and psychological reasons Soviets put the bar of their security at a level objectively very high, while for Westerners the balance of forces is rightly the fundamental criterion of every agreement on disarmament. The result is that what is considered security by the Soviets is military superiority for us and – by contrast – Soviets consider as a threat what we consider balance”*.¹² Andreotti acknowledged that finding an agreement on military balance with the Soviet Union was very difficult, but it was worth trying. Nevertheless, no agreement should come at the expense of respect for the Helsinki principles, which have concretely contributed to managing security on our continent for more than 50 years.

In this historical context, the specific value of the OSCE as a platform among non-like-minded countries and of the Helsinki principles as guiding compass to peaceful relations among States continues to stand out clearly.

¹¹ K. HEBEL, R. DAVY, *The Helsinki Accord Was a Masterpiece of European Diplomacy. Fifty Years On, We Need Its Spirit More Than Ever*, in *The Guardian*, 31 July 2025.

¹² L. MONZALI, *Italy's Policy Towards Central-Eastern Europe in the Age of Détente*, in A. CASCONI (ed.), *op. cit.*, p. 25.