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978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking Human Security and Ethics in the Spirit of Dag Hammarskjöld

Edited by Carsten Stahn and Henning Melber

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PEACE DIPLOMACY, GLOBAL JUSTICE AND INTERNATIONAL AGENCY

As UN Secretary-General, Dag Hammarskjöld shaped many of the fundamental principles and practices of international organisations, such as preventive diplomacy, the ethics of international civil service, impartiality and neutrality. He was also at the heart of the constitutional foundations and principles of the UN.

This tribute and critical review of Hammarskjöld's values and legacy examines his approach towards international civil service, agency and value-based leadership, investigates his vision of internationalism and explores his achievements and failures as Secretary-General. It draws on specific conflict situations and strategies such as Suez and the Congo for lessons that can benefit contemporary conflict resolution and modern concepts such as human security and R2P. It also reflects on ways in which actors such as international courts, tribunals and the EU can benefit from Hammarskjöld's principles and experiences in the fields of peace and security and international justice.

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Frontmatter

[More information](#)

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978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking
Human Security and Ethics in the Spirit of Dag Hammarskjöld
Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

CONTENTS

<i>Foreword by Jan Eliasson</i>	<i>page xii</i>
<i>Acknowledgements</i>	xiv
<i>List of abbreviations</i>	xvi
1 Human security and ethics in the spirit of Dag Hammarskjöld: an introduction	1
CARSTEN STAHN AND HENNING MELBER	
1.1 Introduction	1
1.2 Focus and perspectives in this volume	10
1.3 Reflections on Dag Hammarskjöld	12
1.4 Hammarskjöld's intellectual legacy and leadership	14
1.5 Hammarskjöld, the UN and the Congo	18
1.6 The role of the UN Secretary-General	20
1.7 Re-thinking internationalism: intervention, responsibility and the politics of R2P	24
1.8 Hammarskjöld's credo	28
PART I Reflections on Dag Hammarskjöld	33
2 Dag Hammarskjöld and the twenty-first century	35
KOFI ANNAN	
3 A beacon of hope: Dag Hammarskjöld and the United Nations	43
BRIAN URQUHART	
3.1 Introduction	43
3.2 The first political intervention	44
3.3 Major international crises	46
3.4 The legacy	46
3.5 Enhancing UN presence	48
3.6 Long-term development of the UN	49

Cambridge University Press
978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking
Human Security and Ethics in the Spirit of Dag Hammarskjöld
Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

4	Dag Hammarskjöld 1905–1961: a remarkable man, a remarkable Secretary-General	51
	PIETER KOOIJMANS	
5	Dag Hammarskjöld, the United Nations and the rule of law in today’s world	56
	HANS CORELL	
5.1	Dag Hammarskjöld	56
5.2	Reflections on Dag Hammarskjöld’s principles	58
5.3	The ethics of an international civil servant in light of Dag Hammarskjöld’s thinking	71
5.4	Conclusions	73
	PART II Hammarskjöld’s intellectual legacy and leadership	75
6	Dag Hammarskjöld and the politics of hope	77
	MONICA BOUMAN	
6.1	Introduction	77
6.2	Context	77
6.3	Hammarskjöld’s model of international service	79
6.4	Two cases	89
6.5	Refining the international service model	99
6.6	Conclusion	104
7	Dag Hammarskjöld’s spirituality and the quest for negotiated peace, reconciliation and meaning	106
	PAUL R. NELSON	
7.1	Introduction	106
7.2	Beyond the walls of distrust	108
7.3	The diplomacy of reconciliation	109
7.4	A practice of global ethics of human rights and reconciliation	111
7.5	Hammarskjöld’s retrospection of his destiny and meaning of life	114
8	From the unwritten manual: Dag Hammarskjöld’s political wisdom	119
	ROGER LIPSEY	
8.1	Introduction	119
8.2	Begin in the private world	123
8.3	Every day counts, every action	129

Cambridge University Press
 978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking
 Human Security and Ethics in the Spirit of Dag Hammarskjöld
 Edited by Carsten Stahn and Henning Melber
 Frontmatter
[More information](#)

CONTENTS vii

9	Hammarskjöld’s dynamic approach to the UN Charter and international law	142
	OVE BRING	
9.1	Introduction	142
9.2	Legal ‘roots’, intellectual background and personal philosophy	143
9.3	In the United Nations	146
9.4	The introduction of peacekeeping	148
9.5	Hammarskjöld on idealism and realism	149
9.6	The issue of UN humanitarian intervention in peace operations, a ‘responsibility to protect’	152
9.7	Concluding remarks: leadership and legal development	154
10	Hammarskjöld, economic thinking and the United Nations	156
	ANNE ORFORD	
10.1	Introduction	156
10.2	Dag Hammarskjöld, economist	157
10.3	Liberal economics and the reconstruction of Europe	164
10.4	Decolonisation and the role of the state	175
10.5	Conclusion: ‘economic thinking at its best’	187
	PART III Hammarskjöld, the UN and the Congo	191
11	Dag Hammarskjöld and the Congo crisis, 1960–1961	193
	MARIA STELLA ROGNONI	
11.1	Introduction	193
11.2	The opening of the crisis and UN involvement	195
11.3	The Katanga issue and the confrontation with Lumumba	203
11.4	The ousting of Lumumba: new counterparts, old problems	209
11.5	Conclusion	215
12	Continuities of violence in the Congo: legacies of Hammarskjöld and Lumumba	216
	HELEN M. HINTJENS AND SERENA CRUZ	
12.1	Introduction	216
12.2	The legacy of violence and injustice	220
12.3	Continuity and change in the Congo	224
12.4	Congolese independence unravels: 1960–1961	226
12.5	The sequel: continuing violence in the DRC	231
12.6	A future for peace and justice in the DRC?	235
12.7	Conclusion	237

Cambridge University Press
978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking
Human Security and Ethics in the Spirit of Dag Hammarskjöld
Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

13 Lumumba vs. Hammarskjöld: a story of confrontation	240
JEAN OMASOMBO TSHONDA	
13.1 Introduction	240
13.2 Lumumba: a prototype, and the itinerary of broken dreams	241
13.3 Hammarskjöld or Lumumba	246
13.4 Lumumba face to face with Hammarskjöld	249
13.5 Lumumba names Hammarskjöld as an enemy of the Congo	252
14 Dag Hammarskjöld and Africa’s decolonisation	255
HENNING MELBER	
14.1 Introduction	255
14.2 Economic justice	256
14.3 Decolonisation	260
14.4 Intervention in the Congo	264
14.5 The murder of Lumumba	270
14.6 Operation Morthor and Hammarskjöld’s death	273
14.7 Hammarskjöld’s legacy	276
15 The Dag factor: how quiet diplomacy changed the role of the Secretariat during the Congo crisis, 1960–1961	280
ALANNA O’MALLEY	
15.1 Introduction	280
15.2 Into the ‘Heart of Darkness’	282
15.3 Cold War, hot tempers	293
15.4 Conclusion: defeating the spectre	299
PART IV The role of the UN Secretary-General	303
16 The ‘Suez story’: Dag Hammarskjöld, the United Nations and the creation of UN peacekeeping	305
MANUEL FRÖHLICH	
16.1 Introduction	305
16.2 The diplomacy of almost thirteen days	307
16.3 The constitutional structure of UNEF	328
16.4 Conclusion	335
17 Breaking free: Dag Hammarskjöld, good offices and heads of international organisations	341
AOIFE O’DONOGHUE	
17.1 Introduction	341
17.2 What are good offices?	343
17.3 UN good offices	346

CONTENTS ix

17.4	Dag Hammarskjöld and good offices	351
17.5	After Dag Hammarskjöld	356
17.6	Conclusion	362
18	Dag Hammarskjöld’s diplomacy: lessons learned	364
PETER WALLENSTEEN		
18.1	Hammarskjöld then, Annan later	364
18.2	Conflicts on the UN agenda	367
18.3	Lessons from UN conflict diplomacy	372
18.4	Success in UN crisis diplomacy	378
18.5	Features in Hammarskjöld’s diplomacy	380
18.6	The primary lesson: the integrity of the office	385
19	Visions of international life: from Hammarskjöld to Annan and beyond	387
JAN ANNE VOS		
19.1	Introduction	387
19.2	Framework	388
19.3	Living constitution	389
19.4	(M)ONU(S)C(O)	392
19.5	‘In Larger Freedom’	394
19.6	Divergence and convergence	397
19.7	Conclusion	402
20	EU global peace diplomacy: institutional framework	404
STEVEN BLOCKMANS		
20.1	Introduction	404
20.2	The EU as a ‘Chapter VIII’ vector of peace	407
20.3	The High Representative: spider in the EU’s institutional web of diplomacy	410
20.4	The EU’s new diplomatic service and toolkit for peace mediation	415
20.5	EU facilitated dialogue between Serbia and Kosovo	426
20.6	Concluding remarks	434
PART V Re-thinking internationalism: intervention, responsibility and the politics of R2P		
21	From ‘conference machinery’ to ‘global administration’? International executive authority beyond Hammarskjöld	439
CARSTEN STAHN		
21.1	Introduction	439

21.2	The status quo ante	443
21.3	Hammarskjöld’s conception of international executive authority	452
21.4	Hammarskjöld’s executive authority re-visited	457
21.5	Conclusion	475
22	Hammarskjöld and international executive rule: a third world perspective on international law	477
	VIJAYASHRI SRIPATI	
22.1	Introduction	477
22.2	International executive rule and shadows of the past	479
22.3	International executive rule and Congo’s constitutional past	484
22.4	UNCA in the post-Cold War era	489
22.5	UNCA revisited	496
22.6	Identifying the colonial continuities in UNCA	504
22.7	Conclusion	505
	Annex	507
23	Who cares? Dag Hammarskjöld and the limits of responsibility in international law	508
	J. CRAIG BARKER	
23.1	Introduction	508
23.2	‘Responsibility’ in international law	510
23.3	Emerging discourses of responsibility in international law	514
23.4	Re-imagining ‘responsibility’ in international law	521
23.5	Conclusion	535
24	Libya, intervention and responsibility: the dawn of a new era?	536
	FRANCIS KOFI ABIEW AND NOEMI GAL-OR	
24.1	Introduction	536
24.2	Libya and humanitarian intervention	538
24.3	Libya and R2P	544
24.4	Conclusion	556
25	The Arab Uprising and the rise and fall of international human rights	561
	LOUISE ARBOUR	
25.1	Introduction	561
25.2	Responsibility to protect and the requirement of proportionality	569

Cambridge University Press
978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking
Human Security and Ethics in the Spirit of Dag Hammarskjöld
Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

CONTENTS xi

25.3 International criminal justice and the independence of the ICC	572
25.4 Conflict prevention as the overarching objective	574
25.5 Conclusion	575
PART VI Hammarskjöld’s credo	577
<i>Annex 1 The Secretary-General’s Annual Report to the General Assembly of the United Nations, Introduction, 17 August 1961</i>	579
<i>Annex 2 Address given by the Secretary-General, Mr Dag Hammarskjöld, on the Occasion of Staff Day, General Assembly Hall, 8 September 1961</i>	597
<i>Index</i>	601

Cambridge University Press

978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking Human Security and Ethics in the Spirit of Dag Hammarskjöld

Edited by Carsten Stahn and Henning Melber

Frontmatter

[More information](#)

FOREWORD BY JAN ELIASSON

Fifty years ago the second Secretary-General of the United Nations, Dag Hammarskjöld, and 15 of his collaborators died in a plane crash in the night from 17 to 18 September 1961 when approaching Ndola Airport in then Northern Rhodesia. Hammarskjöld was on his way to negotiations with Moïse Tshombe, the secessionist leader of the Katanga Province, in the former Belgian Congo.

This volume acknowledges the lasting legacy of Hammarskjöld and places the values he personified in a broader context. It focuses on the leadership and vision of internationalism that he represented. It emphasises the unique role he played during the 1950s, characterised by the Cold War policies and the decolonisation of many nations, in particular on the African continent. Through a combination of different aspects and the multi-faceted approaches personified by Hammarskjöld, this volume revisits the legacy of an outstanding global leader and the relevance of his ideas for the United Nations and the practices of global cooperation.

In his last Annual Report to the General Assembly, Dag Hammarskjöld argued that lasting peace would only be achieved on the basis of four fundamental principles, namely:

- (1) equal political rights, both sovereign and individual;
- (2) equal economic opportunities, through higher standards and also conditions conducive to economic and social advancement;
- (3) a firm framework of the rule of law, which should underpin all activities of the international community; and
- (4) the prohibition of the use of force except 'in the common interest'.

This volume raises intriguing questions regarding to what extent contemporary approaches are consistent with Dag Hammarskjöld's vision of the United Nations. The book examines whether and how Dag Hammarskjöld's legacy can still be used as a framework for reviewing

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Cambridge University Press

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Frontmatter

[More information](#)

FOREWORD BY JAN ELIASSON

xiii

recent initiatives of the international community. Such a lens is justified due to his achievements as Secretary-General as well as his ethical and philosophical approach to international service.

Hammarskjöld died a day after my twenty-first birthday, while I was serving as a cadet of the Swedish Navy during an exercise in the north of the Baltic Sea. It gave this day of entering maturity a special meaning. Since then, I have been a dedicated student of Hammarskjöld's personal and professional life. I had the privilege to deliver the annual Dag Hammarskjöld Lecture in the main hall of Uppsala University on the very day fifty years after his untimely death. Another coincidence occurred, when, during a roundtable discussion on 2 March 2012, on the occasion of the fiftieth anniversary of the Dag Hammarskjöld Foundation, Secretary-General Ban Ki-moon's appointment of me as Deputy Secretary-General was announced in New York. Dag remains a role model around the world. I hope this volume, with voices from multiple disciplines and with fresh insights on the ethics, achievements and visions of Hammarskjöld, will contribute to a better understanding of his legacy as global leader.

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Edited by Carsten Stahn and Henning Melber

Frontmatter

[More information](#)

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This book is devoted to a unique civil servant, peacemaker and intellectual: Dag Hammarskjöld, the second Secretary-General of the United Nations. His ideas remain relevant to different audiences and constituencies: the world of diplomacy, global ethics and international law. His intellectual heritage crosses disciplines. We try to capture this unique spirit in this volume.

This book is a truly collective effort. It is the result of cooperation between the Grotius Centre for International Legal Studies, The Hague Academic Coalition (HAC) and the Dag Hammarskjöld Foundation, Uppsala.

Some of the contributions grew out of discussions held at the eighth Annual Conference of HAC at the Peace Palace on 9–10 November 2011, jointly organised by the Swedish Embassy, the Dag Hammarskjöld Foundation and HAC's member institutes. The interdisciplinary nature of dialogue and the quality of contributions led to the pursuit of this collective project.

We would like to thank all contributors to this volume for their care, dedication and efforts to provide fresh thinking on Dag Hammarskjöld's legacy and contemporary relevance. We owe special thanks to individual HAC members (Prof. Jouke de Vries, Dr Sam Muller, Ed Maan and Sofia Gerards) and Dr Monica Bouman who initiated this project and supported its successful implementation.

We would also like to express our gratitude to other individuals who contributed to the creation of this volume, including Joseph Powderly who was instrumental in framing the theme, and Anda Scarlat, Daniel Huck, Nivedita S and Teodora Jugrin who provided invaluable assistance in the finalisation of the book.

At Cambridge University Press we would like to thank Finola O'Sullivan, Nienke van Schaverbeke, Elizabeth Spicer and Richard Woodham for supporting this project and ensuring publication of this volume.

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978-1-107-03720-5 - Peace Diplomacy, Global Justice and International Agency: Rethinking Human Security and Ethics in the Spirit of Dag Hammarskjöld

Edited by Carsten Stahn and Henning Melber

Frontmatter

[More information](#)

ACKNOWLEDGEMENTS

xv

This book is dedicated to the late Judge Pieter Kooijmans and Knut Olaf Hjalmar Akesson Hammarskjöld who joined us for the event in November 2011, but did not witness the publication of this work.

We hope that this book will contribute to broader discourse on human security and ethics in the spirit of Dag Hammarskjöld across scholarly disciplines. It is our hope that it will provide a modest contribution to keep Hammarskjöld's principles and legacy alive in their relevance for today.

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 Frontmatter
[More information](#)

ABBREVIATIONS

9/11	Events in New York occurring on 11 September 2001
ABAKO	Alliance des Bakongo (Diplomatic Republic of the Congo)
ADFL	Alliance of Democratic Forces for the Liberation of Congo
<i>AJIL</i>	<i>American Journal of International Law</i>
ANC	Armée Nationale Congolaise
API	Additional Protocol I to the Geneva Conventions of 12 August 1949
ASIL	American Society of International Law
<i>BYIL</i>	<i>British Yearbook of International Law</i>
CAT	Committee Against Torture
CCA	Common Country Assessments
CEPS	Centre for European Policy Studies
CFSP	Common Foreign and Security Policy (European Union)
CIA	Central Intelligence Agency (United States)
CLEER	Centre for the Law of EU External Relations
CMPD	Crisis Management and Planning Directorate (European Union)
CNN	Cable News Network
CO ₂	Carbon dioxide
CPCC	Civilian Planning and Conduct Capability (European Union)
CSDP	Common Security and Defence Policy
DG	Directorate-General (European Union)
DG-E	Directorate-General for Enlargement (European Union)
DG Relex	Directorate-General for External Relations (European Union)
DH	Dag Hammarskjöld
DPA	Department of Political Affairs (United Nations)
DPKO	Department of Peacekeeping Operations (United Nations)
DRC	Democratic Republic of the Congo
E3+3	A grouping of states, namely: the three most influential European Union states (France, Germany, United Kingdom) and three other influential states (China, Russia, United States)
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States

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Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

LIST OF ABBREVIATIONS xvii

EEAS	European External Action Service
EIB	European Investment Bank
<i>EJIL</i>	<i>European Journal of International Law</i>
ENP	European Neighbourhood Policy
EU	European Union
EULEX Kosovo	European Union Rule of Law Mission in Kosovo
EUMS	European Union Military Staff
EUSRs	European Union Special Representatives
FAC	Foreign Affairs Council
FARDC	Armed Forces of the Democratic Republic of Congo
FEA	Foreign Economic Administration (United States)
GAC	General Affairs Council (European Union)
GAERC	General Affairs and External Relations Council (European Union)
GFC	Gulf Cooperation Council
HIDCs	Heavily Indebted Countries
HIPC	Heavily Indebted Poor Country
HQ	Headquarters
HR	High Representative of the Union for Foreign Affairs and Security Policy (European Union)
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (European Union)
IBM	Integrated border management (between Kosovo and Serbia)
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
<i>ICLQ</i>	<i>International Criminal Law Quarterly</i>
ICM	International Civilian Mission (in Kosovo)
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IER	International executive rule
IFIs	International Financial Institutions
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labour Organization
IMF	International Monetary Fund
ISAF	International Security Assistance Force

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Human Security and Ethics in the Spirit of Dag Hammarskjöld
Edited by Carsten Stahn and Henning Melber
Frontmatter
[More information](#)

xviii	LIST OF ABBREVIATIONS
ITA	International territorial administration
KB DHS	Kungliga Biblioteket Dag Hammarskjöld Samling
KFOR	Kosovo Force (NATO)
LDCs	Least Developed Countries
LON	League of Nations
LTTE	Liberation Tigers of Tamil Eelam
MNC	Congolese National Movement
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MSU	Mediation Support Unit (United Nations)
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organisation
NTC	National Transitional Council (Libya)
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
OEEC	Organization for European Economic Cooperation
OHCHR	Office of the High Commissioner for Human Rights (United Nations)
ONUC/ UNOC	United Nations Operation in the Congo
OSCE	Organization on Security and Cooperation in Europe
OSS	Office of Strategic Services (United States)
P3	United States, United Kingdom and France (in the United Nations Security Council)
PBC	United Nations Peace-building Commission
PKOs	Peacekeeping operations
PMC	Permanent Mandates Commission (League of Nations)
PRSP	United Nations Poverty Reduction Strategy Papers
R&A	Research and Assistance Branch of the Office of Strategic Services (United States)
R2P	Responsibility to Protect
RCD	Rally for Congolese Democracy
ROL	Rule of law
RUF	Revolutionary United Front
SADS	Southern African Development Community
SRSG(s)	Special Representative(s) of the Secretary General
SSR	Soviet Socialist Republic
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TWAIL	Third World Approaches to International Law
UK	United Kingdom

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Frontmatter
[More information](#)

LIST OF ABBREVIATIONS xix

UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNCA	United Nations Constitutional Assistance
UNDAF	United Nations Development Assistance Frameworks
UNDESA	United Nations Department of Social and Economic Affairs
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNITAF	United Task Force
UNMIK	United Nations Mission in Kosovo
UNMIN	United Nations Mission in Nepal
UNOC/ONUC	United Nations Operation in the Congo
UNOCI	United Nations Operations in Côte d'Ivoire
UNOSOM II	United Nations Operation in Somalia II
UNPF/UNPROFOR	United Nations Protection Force
UNPS	United Nations Parliamentary Support
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UNSMIL	United Nations Support Mission in Libya
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
UNTEA	United Nations Temporary Executive Authority
UNTSO	United Nations Truce Supervision Organization
UPR	Universal Periodic Review (in the context of human rights monitoring)
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
VP	Vice-President of the European Commission
WEU	Western European Union