Procedural Checks and Constraint through Delegation

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Abstract. The norm of non-interference has traditionally been an important tool for weak states to constrain unwanted actions by strong states. Yet in recent decades, many weak states have become willing to delegate interventionist authority to international organizations in which these strong states are members, effectively sanctioning their interference. What explains this behavior? I argue that, in some cases, weak states will accept rules permitting interference as a way to constrain powerful states from carrying out this interference. If stronger states become willing to openly disregard the norm of non-interference, this presents interference as the new status quo. In response, weak states can attempt to re-establish constraints over these actions by formally delegating authority to carry out unwanted interference alongside procedural checks, or rules delineating the process through which action can legitimately be taken. To assess this argument, I examine the addition of a human rights suspension clause to the Lomé Convention, an aid and preferential trade agreement between the European Economic Community and the African, Caribbean, and Pacific (ACP) group of states. Explanations that point to one-sided dominance of IOs by strong states or straightforward support for policies on the part of weak states cannot account for important dynamics, including continued objections to the practice of suspension by ACP states and the willingness of European states to accept and utilize procedural checks.

1. Introduction

Weak states have traditionally been among the greatest beneficiaries of and advocates for the norm of non-interference. This norm limits their exposure to the exercise of compulsory power by other, more powerful actors, to which their weakness otherwise leaves them vulnerable (Jackson 1990; Krasner 1999). Because of this, advocating for strict respect for this norm has been a central way that they have compensated for their weakness and constrained powerful states from taking unwanted actions against them. This is especially the case for post-colonial states, whose political independence was only recently achieved and whose internal weakness and economic dependence has left them vulnerable to pressure and interference (Acharya 2004; Acharya and Johnston 2007: 18; Cabranes 1967; Finnemore 2003; Getachew 2019).

In spite of this, many weak states have become increasingly willing to adopt or modify rules within international organizations permitting interference across a range of issue areas. They have done so despite expressing fears that such rules will be used by the more powerful member states to intervene for political or self-interested reasons (Adebajo 2010), and despite that overall patterns of interference within IOs tend to skew towards interference that is more frequent and harsher for weaker or geopolitically unimportant states (Donno 2010; Stone 2008).

What explains the decision to delegate this authority? One possibility is that, over time, states have come to see multilateral intervention as beneficial or legitimate under some circumstances and when directed at certain goals. Alternately, powerful states may have simply imposed these rules against the wishes of weak states. In this paper, I offer a different explanation. Weak states are not merely subject to the compulsory power of strong states, but nor are their decisions to accept new authority within IOs always a straightforward reflection of their interests and preferences. Instead, weak states exercise influence, but within constraints imposed by the actions and preferences of strong states.

If stronger states begin to openly disregard the norm of non-interference, it presents interventionist action as a *fait accompli* to weak states,[1] who lack the means to retaliate or impose effective sanctions for non-compliance. Rather than continuing ineffective efforts to advocate for non-interference, a better strategy may be to modify the existing rules of an IO in which strong states are members to formally permit unwanted interventionist actions, but to do so alongside rules delineating the process through which action can be taken, or procedural checks. Creating these rules and advocating for adherence to them establishes constraints over *how* actions are carried out, creates opportunities for weak states to exercise influence, and, in some cases, can keep interventionist action from being taken at all.

I explore this dynamic in the case of the addition of human rights conditions on development assistance—specifically, the addition of a suspension clause to the Lomé Convention, an association agreement between European states (initially as the European Community and later the European Union) and the African, Caribbean, and Pacific (ACP) group of states. The ACP states consist of former European colonies which, together, are among the weakest and most dependent states in the Global South. For years, the ACP states rejected the addition of a suspension clause, and this included those with strong democratic governments and good records of respect for human rights. They criticized such a clause as neo-colonialist, one-sided, and inappropriate. As one ACP representative complained, these measures "make it seem like we're still being ruled by the very people we've just become politically independent of" (Marantis 1994: 13 n56). Yet, in 1994, and in spite of expressing continued opposition, ACP states finally agreed to the suspension clause. I demonstrate that doing so was a way of re-

[1] This resembles Gruber's (2000) argument. However, I argue here that strong states do not necessarily act unilaterally in imposing a new status quo. They may act multilaterally with other strong or middle power states.

establishing constraints over European actors. It occurred only after European states had shown that they were no longer constrained in the use of suspensions by the norm of non-interference.

Unlike powerful states, which can more readily respond to unwanted interference through sanctioning, retaliation, or exit, weaker and economically dependent states must use different strategies for responding to the exercise of power by stronger actors. This often involves acting defensively and figuring out which strategies will be effective given the beliefs, actions, and interests of stronger actors. In some cases, this can lead weak states to delegate authority that does not straightforwardly align with their interests and beliefs, empowering interference by powerful states as a way of constraining it.

2. Weak states and delegation

Many realist-oriented theories view international organizations as no more than expressions of state power, in which states that wield compulsory power get what they want.[2] These theories highlight how power continues to be a defining feature of relations between states, even within rule-based settings like international organizations. However, they also overlook many instances in which weak states have successfully used IOs to wield institutional power, or "indirect control over the conditions of action of socially distant others" (Barnett and Duvall 2005: 48).

As shown throughout this special issue, by structuring relations between the weak and the strong, IOs make it possible for weak states to exercise influence and voice that is completely out of proportion with their material power, including by facilitating collective action and holding strong states accountable for their commitments (Johnson and Urpelainen 2020: Mikulaschek 2016; Schneider 2011). Through IOs, weak states have established rules and norms that benefit

[2] For an overview, see Martin and Simmons (2013: 229-230).

them, created and institutionalized counter-norms, localized global ideas, and reshaped global ideas and practice to reflect local preferences and values (Acharya 2004, 2011; Carothers 2006; Finnemore and Jurkovich 2014; Long and Friedman 2020).

Other theories fall on a spectrum with respect to the degree to which they see possibilities for weak states to pursue their own goals and interests within international organizations. Some emphasize IOs as designed by powerful states for their own benefit, with these states retaining greater influence and facing weaker sanctions within them (Donno 2010; Hawkins *et al* 2006; Krasner 1976; Stone 2008). Yet, they ultimately view the decision of weak states to participate in and delegate authority to IOs as evidence that they view them as minimally beneficial and legitimate, at least relative to exit (Ikenberry 1998; Ikenberry and Kupchan 1990; Koremenos *et al* 2001: 768; Lake 2009; Stone 2008; Tallberg and Zurn 2019). Other more strongly emphasize the value of IOs for weak states, with these states delegating authority in pursuit of material benefits (Abbott and Snidal 1998; Hawkins *et al* 2006; Keohane 1984; Koremenos *et al* 2001) and shared social goals (Börzel and van Hüllen 2015; Finnemore and Sikkink 1998; Kelley 2004; Lutz and Sikkink 2000).

When it comes to delegating authority to enforce norms like human rights, weak states may be motivated to delegate authority by material benefits, including the ability to lock in reforms or to send costly signals about regime type in order to attract aid, foreign investment, or trade (Hafner-Burton 2005, 2008; Hyde 2011; Moravcsik 2000; Pevehouse 2002, 2005). Non-material logics for delegating authority include acceptance of the norm being enforced (Finnemore and Sikkink 1998; Risse-Kappen *et al* 1999), reactions to pressure or persuasion (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Kelley 2008; Lebovic and Voeten 2009; Risse-Kappen *et al* 1999), shared conceptions of appropriate behavior (Lutz and Sikkink 2000;

Meyer *et al* 1997), and isometric convergence (Meyer and Rowan 1977; Börzel and van Hüllen 2015).

These theories tend to underemphasize the degree to which the decision-making of weak states is affected by dependence and inequality, which affect interactions even within these rule-bound structures. By contrast, recent work on international hierarchies emphasizes how deeply structural features like inequality and dependence impact the strategic environment in which weak states make decisions (Zarakol 2017; Pouliot 2017). In this environment, states may delegate authority and participate in international organizations because their weakness or dependence reduces outside options and limits their range of available policy options to those that are acceptable to important donors and security partners. They may delegate authority in the expectation that *not* doing so will result in retaliation or because they view contestation as costly and unlikely to succeed (Gruber 2000; Moe 2005; Pierson 2015).

However, though their agency is constrained, weak states are not simply at the whim of strong states. Where they expect that contestation will fail, weak states may instead employ quieter and more defensive strategies for managing their relations with strong states. These can include reluctant compliance (Scott 1985: 26), mimicking compliant behavior (Hyde 2011), taking over the implementation of rules (Beall 2021), telling strong states what they want to hear (Bayart 2000; Scott 1990; Tieku 2013), and, as I argue in this paper, establishing procedural checks to limit the exercise of power by strong states.

3. Constraining though delegation

Why would weak states shift from arguing for non-interference to attempting to establish procedural checks? In this section, I argue that if strong states begin to systematically disregard the norm of non-interference, weak states' best response may be to formally delegate authority to

carry out interventionist actions, while establishing procedural checks that limit or constrain the exercise of this authority.

3.1. The norm of non-interference and constraining powerful states

Norms like the norm of non-intervention can constrain how strong states behave towards weak states if strong states believe that complying with this norm is the appropriate or legitimate thing to do or, alternately, that the benefits of complying outweigh the benefits of violating this norm. If strong states do accept the norm of non-interference, then weak states can leverage these beliefs, highlighting where particular actions contravene this norm and pushing back against institutionalizing rules that would diminish it.

At the same time, weak states themselves typically lack the material resources or status to retaliate or impose sanctions on strong states for violating it or to otherwise alter their incentive structure. This problem is exacerbated when a weak state is also dependent for essential support and resources on the very states whose actions they are trying to constrain. Similarly, their dependence on international organizations limits their ability to exit these organizations when unwanted actions are carried out within them.[3] Weak states are also far less important audiences for strong states' foreign policies and bids for legitimacy than those states' own domestic audience, who may hold permissive attitudes towards interfering in weak states.

Because of this, a strategy based on arguing for non-interference can be effective, but it is also vulnerable to changes in the beliefs of strong states. In fact, beliefs about the legitimacy of actions, as well as the costs and benefits of actions, are not stable over time. Changes in these beliefs can be the result of new issue linkages or a perceived increase in the salience of an issue.

[3] For a discussion of this logic, see Moe (2005).

They can occur in response to pressure or awareness-raising by domestic or transnational advocacy groups, the construction of new problems by epistemic communities, or socialization through international organizations or interaction with other states (Allan 2017; Keck and Sikkink 1998; Finnemore 1996; Haas 1992; Kelley 2004; Pevehouse 2002). Other norms may arise that compete with the norm of non-interference, or major events can cause beliefs to shift. For example, in the aftermath of the genocides in Bosnia and Rwanda, NATO member states became willing to disregard institutional constraints on interference to prevent mass killings in Kosovo. The intervention was later deemed to be "illegal but legitimate," and it marked an important shift in beliefs about the legitimacy of humanitarian intervention relative to the norm of non-interference.

Weak states do not expect that their appeals to the norm of non-interference will prevent unwanted actions outright. Rather, this norm helps them manage their relations with strong states by altering the decision-making calculus of strong states over longer periods of time and changing their behaviors relative to what they would do in the absence of the norm. Because this is their expectation, weak states may accept a great deal of interference by strong states while still seeing the norm as "working." They are likely to continue to argue for compliance as long as they expect that it is effectively constraining strong states to some degree, even if that effectiveness is imperfect and degrades over time.

3.2. Modifying the rules: From non-interference to constrained interference

If the beliefs of strong states about interference change, they may be willing to systematically disregard the norm of non-interference, acting in open defiance of it and without the approval of weak states. This does not mean that strong states commit to or will follow through with intervention every time a related issue arises. It means that these states make it clear that they no

longer regard the norm as a barrier to action. For weak states, this presents interventionist action as the new status quo, and it dramatically changes the expectations of those weak states, who relied on strong states voluntarily constraining themselves in recognition of the norm of non-interference.

Presented with a new status quo in which strong states are willing to systematically and openly disregard the norm of non-interference and even assert that the norm itself is illegitimate, arguing that interference is prohibited may no longer be a useful strategy. Instead, a more effective strategy can be to modify the rules to establish procedural checks, or rules delineating the formal steps that must be followed in order to legitimately carry out a particular action.

To establish procedural checks, weak states must formally accept rules permitting unwanted interference. They do so, however, alongside new rules that place limits on how these actions can legitimately be taken. These can consist of procedural hurdles that must be crossed, introducing multiple decision points and veto opportunities. They may require incremental escalation from less invasive to more invasive actions. Other examples of procedural checks include specified waiting periods, opportunities for appeal, or procedures for inclusive decision-making, dialogue, and consultation with other interested actors. Weak states can then advocate for adherence to these rules, adapting their rhetorical strategies towards arguing that interventionist actions, when carried out, should follow these procedures.

Though they involve modifying the rules to formally permit unwanted action, procedural checks have the goal of slowing down action, making it less likely, introducing veto opportunities, and altering what actions are ultimately taken.[4] Through this strategy, weak states can reduce the likelihood of unwanted action in two ways. First, they create new constraints over

[4] This distinguishes them from pre-commitment regimes as outlined by Long and Friedman (2020). These are created to make it possible to take desired actions, while minimizing the possibility of abuse by strong states.

the exercise of power and add new opportunities for weak states to influence the actions of strong states. This creates opportunities for them to slow down actions, take certain actions off of the table, and even prevent or rollback unwanted actions altogether. Second, they can help channel action into to institutional settings in which weak states have greater influence. This allows them to ensure that their preferences are taken into account and increases their ability to meaningfully participate in decision-making that affects them. It is for these reasons that weak states may choose to delegate authority to an international organization even if they view this authority as both undesirable and illegitimate.

3.3. Procedural checks and strong states

As with the norm of non-interference, weak states typically cannot compel strong states to comply with procedural checks. Instead, strong states will comply with them to the extent that they view doing so as beneficial or legitimate. There are three main reasons strong states would, in fact, accept these constraints. First, relations involving overt domination of weaker states have come to be seen as illegitimate since the rise of norms of self-determination (Getachew 2019; Hurd 2002: 44-45; Klotz 1995), while strong states try to avoid the appearance of "David and Goliath" confrontations with weak states.[5] Accepting constraints and working through IOs is an important way for strong states to legitimize their relations with weaker states. This issue has special salience in relations between the Global South and Western states, which are often colored not only by extreme power inequalities but by past relations of colonial and imperial domination. Where weak states are willing to formally sanction interventionist action, it can be difficult for powerful states to legitimately refuse these terms.

[5] For example, see *Foreign Relations of the United States* (2015: 446).

Second, strong states accept and comply with rules constraining their behavior in their relations with weak states because doing so makes creating and maintaining international institutions and political order cheaper and easier than relying on coercion and payments (Ikenberry 1998; Koremenos *et al* 2001: 768; Lake 2009; Nye 1990: 167; Stone 2008). Finally, there are domestic and international costs to strong states for breaking their commitments (Keohane 1984: 108; Leeds 1999; Tomz 2007). This includes commitments to the rules of individual IOs, as well as to norm of multilateralism (Finnemore 2003; Keohane 1990; Lake 2009: 14; Ruggie 1992).

Strong states can, and often do, circumvent, manipulate, ignore, or work around constraints placed on them by the rules of IOs. Weak states look, instead, for these rules to alter the decision-making calculus of strong states over the long run. Procedural checks help them manage their relations with strong states by limiting, slowing, or altering their actions, in expectation, relative to what strong states would do in their absence. In this way, both establishing procedural checks and advocating non-interference have the same ultimate goal: altering the decision-making calculus of strong states in order to limit or manage the likelihood and extent of interference.

4. The Lomé Convention and human rights

In this section, I assess the argument developed in this paper. I do so by looking at the addition of a formal human rights suspension clause to the Lomé Convention (or "Lomé"), an association agreement between the European Economic Community (EEC) and the African, Caribbean, and Pacific (ACP) group of states, which is an important case for this argument. The broader Lomé system is comprised of the convention and the institutional bodies established to oversee its implementation. Lomé and its successor, the Cotonou Agreement, govern a substantial portion of

the economic support received by ACP states (Arts 2000: 3; Elgström 2000: 175-178), making this an important case to examine. Since Lomé was first adopted in 1975, it has grown from 45 to 79 beneficiary states, affecting a total population of over 1.5 billion people ("Gomes welcomes new agreement" 2021). Its expansion into human rights was a consequential development that affected a significant proportion of the world.

Lomé is also an illustrative case. It is a clear-cut example of a relationship characterized by power inequalities and dependence. Although there are some notable exceptions, ACP states are some of the poorest, smallest, and weakest states in the Global South, and as a whole, many have only become weaker and more dependent on Europe over the life of Lomé (Elgström 2000). Lomé also represented a major institutional transformation, with human rights a paradigmatic case of an issue area in which international interference came to be viewed as legitimate. Lomé was also expressly intended to institutionalize and legitimate relations between Europe and former European colonies as a partnership between equals in the wake of decolonization. This aspect of legitimacy came into conflict with the legitimacy of protecting human rights (Elgström 2000: 175-176; Marantis 1994: 5; Oyewumi 1991). Finally, Lomé was designed to be renegotiated every five years, creating built-in intervals for ACP states to formally respond to pressure and policy changes from European states.

The argument I present in this paper is ultimately about the motivation behind the decision of ACP states to modify the rules of an IO to permit interference, which cannot be directly observed. In order to assess my argument, I derive and assess the evidence for a set of observable implications that are anticipated by my argument, but which conflict in various ways with the expectations of explanations that see this change as either the result of rules being imposed by European states or shifting attitudes towards human rights and the acceptability or usefulness of a suspension clause by the ACP states. In the following sections, I outline the

observable implications and then assess evidence for them. Finally, I more directly address competing explanations.

4.1. Observable implications

The first two observable implications examine shifts in the beliefs and behaviors of powerful states. These implications establish a clear temporal shift in the effectiveness of the norm of non-interference, after which European states were no longer constrained in suspending Lomé. Because they involve the norm of non-interference, the beliefs of European actors surrounding this norm, and their responsiveness to weak state appeals to this norm, they conflict with an explanation based purely on state power. On the other hand, they do not completely rule out the suspension clause being imposed on ACP states or the possibility that the attitude of ACP states also changed, as the shifts in the behaviors of European states overlapped with broad changes in the international system and the domestic politics of many ACP states.

Observable implication 1a: European states constrained by norm of non-interference

I expect to see evidence that strong states were constrained by the norm of non-interference because of their beliefs regarding the legitimacy and the benefits of abiding by this norm, making them responsive to arguments from weaker states against interference. Strong states will alter their behaviors and constrain their actions in light of arguments from weak states that appeal to this norm. Where strong states violate the norm, they will attempt to provide justification for these behaviors or fit them into the framework of the norm.

Observable implication 1b: Lomé suspensions become the new status quo

If European states come to no longer regard the norm of non-interference as beneficial or legitimate, or if they come to view other norms like human rights as necessitating interference, they will begin to disregard this norm. I expect that the behavior and rhetoric of European states will shift such that they will openly suspend Lomé and assert the legitimacy of doing so.

In the next observable implications, I turn to examining the strategies of weak states and how they respond to shifts in the actions and beliefs of European states. I expect that they will become willing to accept a suspension clause only after European states have established the practice of suspending Lomé as the new status quo. Though the overall timing of this shift is compatible with explanations that emphasize changing interests and beliefs on the part of ACP states or imposition of rules by powerful states, it produces additional observable implications that are more distinctive to the argument that they were establishing procedural checks.

Observable implication 2a: Widespread opposition from least-likely states

As long as ACP states see evidence that the norm of non-interference is constraining European states, I expect them to oppose adopting a suspension clause. This includes ACP states that are democracies and that otherwise respect human rights and support their enforcement, who also benefit from the norm of non-interference as a tool for managing their relations with strong states and have reasons to want to see it maintained. This is in spite of the fact that these states may benefit from the addition of a suspension clause, which can allow them to attract resources, express their commitment to human rights, and improve the general observance of human rights.

Observable implication 2b: Support for other forms of interference

Rather than ACP states uniformly supporting or opposing human rights enforcement that involves interference, I expect to see evidence that states are willing to support and engage with other forms of enforcement at the same time as they oppose a suspension clause. This conflicts with the explanation that the eventual acceptance of a suspension clause was the result of a shift in attitudes towards human rights or willingness to accept interference aimed at human rights enforcement. It suggests that they were using the norm of non-interference strategically to limit specific unwanted behaviors by European states.

Observable implication 3: Responding to new status quo by establishing procedural checks

I expect the ACP states will accept a suspension clause only after European states begin to openly disregard the norm of non-interference, and that they will do so by establishing procedural checks. Where there is evidence that procedural checks were not initiated by European states, that a suspension clause was only added only upon ACP states agreement to them, and that European states adapted their own behaviors in light of the new rules, this observable implication is incompatible with an explanation based purely on power politics, though the timing could be compatible with an explanation based on shifting attitudes of ACP states.

Observable implication 4: Overlapping objections to a suspension clause

In spite of becoming willing to accept a suspension clause in Lomé, I expect to see evidence that ACP states continued to consider this form of interference to be undesirable. Both during and after the process of establishing procedural checks, I expect to see continued and widespread objections to suspending Lomé and to the suspension clause itself, including from democracies

and states that support human rights. This suggests that the decision to accept a suspension clause was not due to a shift in their attitudes towards human rights or the norm of non-interference, but instead was an attempt to constrain powerful states.

Table 1 provides an overview of the observable explanations, highlighting where explanations based on the imposition of rules by powerful states or shifting attitudes of ACP states are incompatible with key expectations of the argument based on establishing procedural checks.

Table 1. Are competing explanations compatible with observable implications?

Observable implication	**Rules imposed by the strong**	**Shifting attitudes of the weak**
1a: European states constrained by norm of non-interference	No Powerful states should not be constrained by norm or by weak state appeals to norm	Yes Does not speak to weak state beliefs or preferences
1b: Lomé suspensions become the new status quo	No Incompatible if the new status quo results from changes in beliefs of powerful states	Yes Timing of new status quo could coincide with shifting attitudes of ACP states
2a: Widespread opposition from least-likely states	Yes Does not matter what weak states do or what their beliefs are	No Democratic and human rights-supporting ACP states should not oppose enforcement
2b: Support for other forms of interference	Yes Does not matter what weak states do or what their beliefs are	No States should uniformly support or reject enforcement that involves interference
3: Responding to new status quo by establishing procedural checks	No Incompatible if procedural checks were not initiated or desired by European states, if European states adapted their own behaviors in response	Yes Timing of new status quo could coincide with shifting attitudes
4: Overlapping objections to a suspension clause	Yes Does not matter what weak states do or what their beliefs are	No Addition of clause should coincide with acceptance of human rights and use of suspensions, especially from states that support human rights

4.2. Assessing the observable implications

1a: European states constrained by norm of non-interference

An important feature of the Lomé Convention when Lomé I was adopted in 1975 (Roman numerals denote the different renegotiated iterations of Lomé),[6] was its basis in respect for the norm of non-interference in the domestic affairs of the ACP states. In practice, this was realized through the exclusion of domestic political issues from Lomé and the devolution of control over implementation of assistance to ACP states (Crawford 1996: 505; European Commission 1975a: 2; European Parliament 1975: 34). It was also realized through the creation of joint IOs which were set up to oversee implementation of the convention, and that established equal decision-making power for both groups of states. These consisted of intergovernmental bodies (the ACP-EEC Council of Ministers and Council of Ambassadors) and parliamentary bodies (the Consultative Assembly and the Joint Committee, which were consolidated into a single Joint Assembly in 1986).

Member states of the EEC initially accepted these aspects of Lomé, in large part due to their beliefs about legitimacy, but also due to their perception of the costs and benefits. European politicians were sensitive at this time about replacing relations of colonial domination with ones of partnership and formal equality (Elgström 2000; Oyuwemi 1991). The European Commission's memo laying out their position on the treaty prior to negotiations asserted that there should be "no limitation of [the ACP states'] sovereignty, either internal or external" (European Community Information Service 1973: 2). Similarly, in discussing Lomé, Development Commissioner Claude Cheysson stated in 1976 that "we are resolved not to

[6] Lomé I was adopted in 1975, Lomé II in 1979, Lomé III in 1984, Lomé IV in 1989, and Lomé IV-*bis* in 1995. In 2000, Lomé was replaced by the Cotonou Agreement.

meddle in any way in internal matters" (European Communities 1976: 7). With respect to costs, European states were motivated at this time by a belief in the "interdependence" of the two groups of states, with European states dependent on the natural resources of the ACP states. This perception was heightened by the 1973 oil shock and subsequent commodity boom, with oil-producing Nigeria playing an important role in negotiations (Elgström 2000: 179, 183; Gruhn 1976; Oyewumi 1991: 130).

Only a few short years after the adoption of Lomé, the commitment of European states to the norm of non-interference began to be challenged by the rise of the competing norm of human rights. The 1970s heralded a major shift in international attention to human rights, led by an explosion of transnational advocacy (Eckel and Moyn 2013; Keck and Sikkink 1998: 79). Human rights were not a part of the Lomé Convention when Lomé I was adopted, nor did they form a part of the European Community's mandate or its external policy (Fierro 2003: 41). However, international attention was drawn to human rights violations in states receiving EEC assistance in 1977 after Amnesty International reported on the execution of an archbishop and two former government ministers in Uganda (Gertzel 1980: 464), focusing international attention more broadly on the brutality of Idi Amin's regime (Oberdorfer 1977).

Once Uganda had caught the attention of the international public, attention to other African recipients of Lomé, namely Equatorial Guinea and the Central African Empire (now Republic), soon followed. European leaders came under considerable pressure from the European Parliament and their domestic publics to suspend development assistance to Uganda and other states that committed major violations of human rights (Boumans and Norbart 1989; Eide 1986; Marantis 1994: 6).

In the face of this pressure, European actors remained concerned about the illegitimacy of interfering in former colonies, which would involve breaking their contractual obligations under

Lomé and exploiting the inequality in their relationship (Fierro 2003: 43; Kamminga 1989: 28-30; Smits 1980: 50-51, 51 n23; Young-Anawaty 1980: 65). European states were also internally divided in their beliefs regarding the benefits of incorporating human rights into Lomé (Garnick and Twitchett 1979: 550-554; Eide 1986: 193-194; Fierro 2003: 49-50). The U.K. and the Netherlands in particular were emphatic that human rights should be part of the Lomé system, while France, Belgium, and Germany were concerned it would be perceived as neo-colonial and negatively affect their Cold War strategies (Garnick and Twitchett 1979: 550-554; Eide 1986: 193-194; Fierro 2003: 49-50; Smits 1980; Stormorken 1984: 17).

Mounting pressure to act on human rights, especially from their domestic publics and the European Parliament, alongside their own growing interest in human rights, led European states to attempt to add human rights language to Lomé during their first round of renegotiations. In June 1977, European states informed the ACP states of their intention to add a suspension clause during negotiations for Lomé II (Arts 2000: 168; Hill 1985: 669-671; Smits 1980: 53 n37). When ACP states firmly opposed this (Arts 2000: 168; Hill 1985: 669-671), EEC politicians and bureaucrats responded by publicly expressing their appreciation for the ACP group's concerns. In a memorandum prepared by the European Commission outlining their proposals for the new agreement, the Commission emphasized that they should be careful to ensure that any measures were not seen as interference in the ACP states' domestic affairs (Garnick and Twitchett 1979: 546-547). A working paper produced by the European Parliament noted that "there must also be no doubt that the provisions on this subject would apply both to ACP countries and to EEC countries" (545-546). In the end, human rights were dropped from the negotiations (Young-Anawaty 1980).

Over the course of the 1980s, European states continued to defer to ACP objections to adding a suspension clause. During negotiations over Lomé III in 1983 and 1984, a suspension

clause again became a major point of contention (Hill 1985: 669-671; King 1997: 59; Marantis 1994: 13 n56). At this time, human rights language began to creep into the convention. However, it was not the full suspension clause European states were looking for. Instead, it was limited to the preamble, a reference to "human dignity" in the body of the treaty, and a joint declaration in the annex asserting the need for "'respect for [man's] dignity and protection by law" (King 1997: 59). It was also balanced out by new language formalizing respect for sovereignty as among the "objectives and principles of co-operation" (Third ACP-EEC Convention 1984: Article 2-3).

In 1989, human rights were fully incorporated into Lomé IV, which, among other things, establishes the state parties' "deep attachment to human dignity and human rights" (Fourth ACP-EEC Convention 1989: Article 5(2)). However, the new treaty still did not provide grounds for suspension, instead establishing "positive" conditions—funding initiatives to improve human rights (Arts and Byron 1997: 83; Marantis 1994: 8-9). Even these were added such that they would not constitute interference: they would occur "[a]t the request of ACP states" (Fourth ACP-EEC Convention 1989: Article 5(3).

Throughout this time, European attitudes towards the norm of non-interference resulted in restraint in their use of Lomé assistance as a tool to enforce human rights, even where they violated the norm. For instance, in responding to calls to act on the human rights violations in Uganda, European states tried to work within what the language of the convention permitted. They created the Uganda Guidelines, which stated that the EEC would "take steps *within the framework* of its relationship with Uganda under the Lomé Convention to ensure that any assistance…does not in any way have as its effect a reinforcement or prolongation of the denial of basic human rights" (King 1977: 55). Aid to Uganda was substantially reduced, and the aid that continued was redirected to ensure it went to only humanitarian causes (Fierro 2003: 45;

Moravcsik 1995: 166). At the same time, benefits related to trade and compensation for fluctuations in commodity prices were not affected (Fierro 2003: 44-45; Kamminga 1989: 29).

In another instance, when a member of the European Parliament requested that the Commission suspend assistance to the Central African Empire in 1978, a Commission representative responded by noting that they were required to honor their commitments under Lomé (Fierro 2003: 45-46). It was only after an Amnesty International report detailing a massacre of schoolchildren in the country was met with an international outcry that they moved to apply the Uganda Guidelines (Arts 2000: 324-325; Fierro 2003: 46). Under these guidelines, they also suspended assistance to Equatorial Guinea in 1978 and Liberia in 1980 (Arts 2000: 324, 423). Conversely, the Commission referenced their contractual commitments in response to questions about Lomé assistance to Zaire in 1979, with which they did not suspend cooperation (Fierro 2003: 46, 52). In 1982, the Netherlands suspended bilateral aid to Suriname after the government executed fifteen opposition leaders, while the European Commission asserted that it was unable to take similar action (Kamminga 1989: 30).

Throughout the 1980s, in spite of repeatedly expressing their intentions to incorporate human rights into their aid decisions (Arts 2000: 119-120; Eide 1986; Fiero 2003; Kamminga 1989; Marantis 1994; Price 2004), European states refrained from outright suspensions of Lomé, with the one exception being the suspension of Liberia in 1980 (Arts 2000: 423). However, they would do things like delay or choose to not approve new projects (Kamminga 1989: 33). For example, in 1987 the EC decided to withhold approval of a $52 million project for Burkina Faso (Marantis 1994: 7 n30). There were also instances of behind-the-scenes pressure in the course of negotiations to push for greater observance of human rights (European Parliament 1993: 4, 1997: 78). However, overall, the norm of non-interference had a clear constraining effect on European states.

1b: Lomé suspension becomes the new status quo

The norm of non-interference ceased to constrain European states following the end of the Cold War. At this time, European leaders galvanized around a consensus that protecting human rights was a legitimate reason for interference (European Commission 1991b: 10, 57), and that calls to respect state sovereignty were not a valid cover for human rights violations (European Commission 1991a: 6). Alongside this, European leaders consolidated the position that they had been moving towards since the mid-1980s, that respect for human rights was a prerequisite for economic development which justified and even necessitated the incorporation of human rights in decision-making over development assistance (European Commission 1991b: 45, 50-51, 57-58). Finally, with the possibility of defection to the Soviet Union no longer a viable bargaining chip for ACP states, the costs of using punitive measures to enforce norms decreased greatly.

This shift happened quite abruptly and was reflected in both rhetoric and action. From 1980 to 1989, Liberia was the only case of Lomé support being suspended for reasons relating to human rights (Arts 2000: 423-426; Hazelzet 2005: 4-5). In 1987, French president Francois Mitterrand eschewed the idea that France would discuss human rights with former French colonies, noting that "We're not here to organize a collective police force" ("Mitterrand Says Human Rights Progress Requires Time" 1987). In August 1988, following an outbreak of ethnic violence in Burundi during which thousands were killed by army soldiers and tens of thousands were displaced, the European Commission expressed concern to the Burundian government, and a number of Western European governments threatened to reduce aid (Kamminga 1989: 33; Moser 1988). Yet, in the end, Lomé assistance was not suspended. As late as April 1989, a representative of the European Commission asserted that the Commission could not develop a human rights policy "[i]n the absence of a mandate from the Treaties or from the Member States" (Arts 2000: 265 n195).

By contrast, in 1991, the European Commission offered a very different understanding of what was permissible under the treaty, referencing suspension of Lomé obliquely in a communication to the Council and Parliament which state that "[a]lthough the fourth Lomé Convention contains no express sanctions clause in the case of human rights violations, the spirit of the Convention allows certain consequences to be drawn." The communication further elaborated that "serious human rights violations justify action that cannot be considered to constitute interference in internal affairs" (European Commission 1991a: 6). The European Council responded to this communication later that year by issuing a Declaration on Human Rights, which similarly asserted that protecting human rights is the "legitimate and permanent duty of the world community" which "cannot be considered as interference" (European Council 1991). This declaration became one basis of their external human rights policy (Fierro 2003: 212-213 n3; European Commission 1992a: IV, XVI).

These shifts in rhetoric were accompanied by actual suspensions of Lomé cooperation, with European states openly disregarding the norm of non-interference in responding to violations of human rights. In 1990, Lomé cooperation was suspended on three occasions. In 1991, there were an additional six instances of suspension, followed by four in 1992, three in 1993, and another four in 1994.[7] In spite of the absence of a suspension clause, Lomé suspensions became a regular practice.

2a: Opposition to a suspension clause from least-likely states

Throughout the 1970s and 1980s, while European leaders and bureaucrats accepted the constraints imposed by the norm of non-interference, ACP states consistently opposed a

[7] Numbers are taken from compilations of uses of negative conditionality by Arts (2000: 423-426) and Hazelzet (2005: 4-5).

suspension clause. Though some offered limited support to cutting off aid in response to especially egregious regimes like Amin's, they uniformly objected to the institutionalization of these conditions in Lomé (King 1997: 56). They argued, among other things, that it represented inappropriate interference in their domestic affairs (Arts 2000: 168; Beall 2022; Hill 1985: 669-671; King 1997; Young-Anawaty 1980).

During negotiations for Lomé II, ACP states regularly met amongst themselves to discuss and update their positions, and they emerged from each of these meetings with a unanimous position against introducing of human rights into the convention (Arts 2000: 168; European Commission 1978a: III, 1978b: II-III). At one meeting of the ACP-EEC Joint Committee, an African representative asserted that the Europeans must "destroy the feeling that some ACP countries have that the Community was using human rights as a punitive term against them" (Arts 2000: 244). As discussed above, during negotiations over Lomé III in 1983 and 1984, the ACP states remained united in objecting a suspension clause (Hill 1985: 669-671; King 1997: 59; Marantis 1994: 13 n56). This attitude persisted into the negotiations for Lomé IV in 1988 and 1989 (Price 2004: 127).

Objections to a suspension clause came not just from dictatorships and states abusing human rights, but from democracies and states that respected and supported human rights. A core reason for these objections was the view held by the ACP group that economic conditions were counter to the human right to development and the establishment of a new international economic order (NIEO). As part of their campaigns for both the right to development and the NIEO, they asserted that increased development assistance and preferential trade were an entitlement of developing states, while use of aid to pressure or influence state behavior was an abrogation of developed states' obligations (Beall 2022). This made the addition of a suspension

clause to Lomé especially objectionable, as Lomé had been expressly designed to institutionalize the NIEO (Crawford 1996: 504; Oyewumi 1991).

Caribbean states, among the most democratic and rights-respecting, were among the biggest advocates for the human right to development and the NIEO (Demas 1978). During negotiations for Lomé II, P.J. Patterson, a representative of Jamaica and an important architect of Lomé, argued against the introduction of human rights into Lomé, asserting flatly that they "ha[ve] no place in an agreement dealing with trade and cooperation" (Young-Anawaty 1980: 87 n106). Senegal, an important advocate for human rights within Africa and the U.N., was also one of the most important proponents of this understanding of the right to development (Gathii 2020). During negotiations for Lomé III, the President of the ACP Council of Ministers, a representative of Botswana, one of the strongest democracies in Africa, stated that they objected to inclusion of human rights "due to the inappropriateness of the Convention as an instrument for its expression and implementation" (European Commission 1983: IV).

One notable example came from a representative of Uganda in 1980, who noted that ACP states were "very clear" that human rights should not be a part of Lomé, and that this was "not because they do not appreciate the need for protecting humanity" (European Commission 1980: 24-25). He expressed concerns that "[o]nce you put [a suspension clause] in the Convention it is very easy, maybe by accident, to try to make use of it" (25). This was less than a year after Amin was removed from power, and it was this same government that was loudly critical of both the U.N. and the O.A.U. for not doing more to stop Amin while he was in power and advocated greater enforcement of human rights in those bodies. However, with respect to including human rights provisions in the Lomé Convention, the representative was firmly opposed.

This position was reflected in other contexts outside the Lomé system. In the U.N., a 1979 resolution in the U.N. Commission on Human Rights expressing "concern" that "human

rights conditions are being imposed in bilateral and multilateral trade policies" received uniform support from developing states (Alston 1982: 167 fn 58). Within the regional organization the Caribbean Community, Caribbean states decried the use of "economic aggression" and "subtle and indirect measures of coercion," insisting that states "refrain from interference and/or intervention by economic means in the internal and external affairs of another State" (Caribbean Community 1982). In 1987, the G77 condemned the increasing use of conditionality on aid, which they characterized as "intolerable" and "undermin[ing] their independence and sovereignty" (U.N. Conference on Trade and Development 1987: Para. 34).

African states, who comprised a significant majority of the ACP group, adopted a resolution in the Organization of African Unity (O.A.U.) in 1990 expressing concern at the "increasing tendency to impose conditionalities of a political nature for assistance to Africa" (O.A.U. Assembly of Heads of State and Government 1990). During a trip to Brussels that same year, the Secretary General of the O.A.U., an advocate for human rights within the region, publicly rejected the tying of aid to human rights (European Commission 1990: VIII). This is not to say that there were no ACP states that expressed any support for a suspension clause, only that there was substantial and consistent opposition from states that might have been expected to support it.

2b: Support for other forms of interference

During negotiations for Lomé II, there was actually some very limited support by ACP states for incorporating human rights in Lomé. However, this was limited to creating mechanisms for addressing human rights violations that would be applicable to all states and did not include the use of suspensions (Garnick and Twitchett 1979: 553). This initiative came from Senegal, a state that was a major advocate for human rights at this time, who suggested that a "reference to

human rights [in Lomé] would be a powerful weapon for the ACP States in showing that Europeans did not respect the rights of the individual," a reference to Europe's complicity with apartheid and violations of the rights of ACP migrants. The proposal received some initial support before being dropped in favor of excluding human rights from Lomé (Stormorken 1984: 17), along with a cautionary statement that "when the time comes" to incorporate human rights, it "should not be used as a veiled pretext for interfering in the internal affairs of Member States" (ACP-EEC Consultative Assembly 1978: 8).

In the second half of the 1980s, ACP states began to agree to major expansions of the system for human rights enforcement within Lomé's parliamentary bodies. In 1985, they gave the parliament's secretariat, referred to as the Bureau, authority to monitor human rights, issue resolutions, and form working groups (Arts 2000: 245-246; ACP-EEC Joint Committee 1985: Article 3(v)). In 1987, they expanded this authority to include examining violations brought to their attention by NGOs and taking "appropriate action" on them, which came to include conducting in-country investigations and issuing resolutions that harshly condemned governments for human rights violations (Arts 2000: 227-231, 245-250).

However, this did not translate into support for suspending Lomé. In 1983, ACP states responded to the European Parliament's interest in human rights violations in Nigeria by adopting a joint resolution supporting "frank dialogue on mutual respect of human rights" (European Commission 1983c: 3), alongside two amendments asserting that human rights should not be factored into economic negotiations (European Parliament 1983: 20-21). In 1987, the joint parliament sent a mission to investigate the human rights situation in Suriname, with whom the Netherlands had suspended bilateral aid in 1982 because of human rights violations. Both before and after the investigation, the joint parliament issued several resolutions calling for the Netherlands to reinstate aid (266).

3: ACP states respond to new status quo by establishing procedural checks

Following the end of the Cold War, it was clear to the ACP group that the norm of non-interference and the absence of a formal suspension clause were not having the effect of limiting suspensions. In 1991, the Vice President of the Joint Assembly, a representative of the ACP, stated simply that "it is a fact" that aid was being linked to political rights (European Commission 1991b: 53). Once European states began to systematically disregard the norm of non-interference, ACP states shifted to criticizing European actors for imposing sanctions through unilateral decision-making that lacked transparency, rather than criticizing the suspension of aid *per se*. They pushed for clear, inclusive procedures for suspending Lomé and argued for these procedures to be followed.

An early and notable example of this occurred at the ACP-EEC Joint Assembly in February 1992, when European Minister of Parliament José Enrique Pons Grau introduced a report on democracy, human rights, and development in ACP countries (the "Pons Grau report") which was intended to be adopted by the Joint Assembly in order to formally introduce the practice of suspensions into Lomé. The report asserted, among other things, that "[t]he dogma of non-interference in internal affairs must yield to the principle of human rights," and it referenced the "duty…to intervene in the internal affairs of states" (Marantis 1994: 27 n123). The report was highly controversial, and debates over the report were unusually contentions for the assembly. ACP states proposed around 100 amendments (European Commission 1992c: 7-8) and in the end, refused to adopt the report, something which had never before happened (Arts 2000: 276; European Commission 1992c: 7).

Debates over the report continued the following year. A heavily amended version of the report, stripped of the endorsement of a suspension clause, was adopted, along with an amendment proposed by ACP states that it was necessary "to define the criteria and methods to

be used to evaluate respect for…human rights," and that decisions should be the result of "full dialogue" between the two groups (Arts 2000: 280). The amended report further asserted that "negative measures should only be instituted where all possibilities of dialogue with the countries concerned have been exhausted" (Marantis 1994: 28 n125).

During a meeting of the ACP-EC Council in May 1992, ACP states similarly expressed displeasure with the "unilateral" decisions by the European Council to suspend aid. The ACP states suggested setting up a "joint ACP-EC body" to determine whether or not human rights had been violated and, if they had, whether to suspend assistance. European states rejected the proposal as "unnecessary" (European Commission 1992b: 10).

By the time discussions over Lomé IV-*bis*[8] began in 1994, rather than pushing to keep suspensions out of the treaty, the main concern of ACP states was adding procedural checks, which included requiring dialogue with states prior to suspending their assistance and providing the ACP states with a voice in decisions to suspend aid (Arts and Byron 1997: 79-80; Crawford 1996: 507; European Commission 1994b: 7; King 1997: 94; Marantis 1994: 27 n123, 28 n125). ACP states favored a system wherein suspensions would be decided on through joint decision-making, under which both the EEC and ACP sides would have to approve suspension of Lomé (Arts and Byron 1997: 79).

European states remained uninterested in establishing procedural checks, and they were particularly unwilling to accept a system that would give ACP states veto power (Arts 2000: 238-239; King 1997: 94). Instead, France brokered a deal for a consultation mechanism in which the ACP states would have a voice in decisions to suspend aid, though not veto power (Arts and Byron 1997: 79-80; King 1997: 94). By December 1994, the two groups had reached agreement

[8] Lomé IV was designed to last for ten years instead of five, with a mid-term review at the five-year mark in lieu of a complete renegotiation.

on making human rights an "essential element" of Lomé, which permitted suspension of the treaty in response to violations of human rights. This was added along with a new set of rules laying out the process for invoking and executing this clause (Arts and Byron 1997: 83-85; Crawford 1996: 506-507).

As laid out in the treaty, consultations were to take place between the EU Troika, on the European side, and a parallel troika of ACP states, plus two additional members of the ACP Council of Ministers chosen by the accused state. A waiting period that must be respected prior to suspending assistance was established, with the accused state allowed fifteen days to respond to the invitation for consultations except in cases of "special urgency." Finally, the treaty specified that suspensions "shall be revoked as soon as the reason for taking them has disappeared" (Lomé Convention 1995: Article 366a).

After Lomé-*bis* was adopted, European states did not immediately abide by the new consultation procedures, and ACP states responded by criticizing European states for failing to follow the procedures and pushing for adherence to the new rules. In 1996, after Niger was suspended without recourse to the consultation procedures, the ACP co-President of the Joint Assembly conveyed the ACP states' "anxiety…on hearing of the decision by the EU to suspend its cooperation with Niger only 48 hours…and without holding any consultations" (Arts 2000: 238; Crawford 1996: 507). A representative of Côte d'Ivoire suggested that the EU had "rushed into punishing Niger without hearing their side" (European Commission 1996b: 10). Similarly, after suspending cooperation with Equatorial Guinea that same year, the ACP adopted a resolution deploring the suspension of Lomé and urging the use of consultation procedures (Arts 2000: 238). When Nigeria had its aid suspended in 1996, their representative focused their criticism on the failure to follow the established process rather than on the suspension itself. The representative criticized the decision to "unilaterally impose sanctions, without giving Nigeria a

hearing" (Arts 2000: 238), which was "not in a spirit of dialogue," (European Commission 1996b: 8).

Over the course of several years, pressure from the ACP states elicited rule-following from European states. In 1998, European states used the consultation procedures for the first time (Arts 2000: 234), and in subsequent years, they increasingly followed the established steps of engaging in consultations before suspending Lomé assistance (Bradley 2005; Hazelzet 2005: 2). Notably, in 1999, three years after they suspended assistance to Niger within 48 hours of a coup d'etat and without recourse to the consultation procedures, the EU responded to another coup in Niger by invoking the consultation procedures. Aid was never suspended (Bradley 2005: 4). In 2004, the government of Togo actually initiated consultations to get Lomé benefits reinstated nearly a decade after they had been suspended (Mbangu 2005: 1, 11-12). The 2000 Cotonou Agreement, which succeeded Lomé, expanded the procedural checks even further, extending the waiting period and adding a separate procedure for "policy dialogue" to be pursued before even beginning consultations on suspending assistance (Bradley 2005: 1; Hazelzet 2005: 3).

4: Overlapping objections to a suspension clause

Rather than corresponding to a broad shift in attitudes, the willingness of ACP states to finally agree to a suspension clause overlapped with their continued criticism of the use of suspensions (Crawford 1996: 505-506; Marantis 1994: 3 n7, 13 n58). In discussing Lomé, representatives of a number of ACP states, including states that had democratic governments or that otherwise supported human rights, continued to register objections. In 1991, a representative from Barbados, a long-time democracy with a good human rights record, noted that "when we cut off aid to a developing country because of human rights violations, it is not the political leaders that suffer most, it is the masses of people" (European Commission 1991b: 53). In 1995, during an

interview with the President of Namibia, another ACP country with a relatively positive record of human rights and democratic governance, was asked about the use of human rights conditions on aid. The president replied that "We do not want to be subjected to this kind of thing by foreigners…for them to impose their foreign policy because of aid is deplorable" (European Commission 1995: 35).

These ongoing objections were present during the debates over the Pons Grau report in 1992 and 1993. As noted above, report was quite controversial, and ACP states initially refused to adopt it. The version that was eventually adopted in 1993 had excised the language calling for the use of suspensions, while adding a warning that "human rights must not be used as 'fashion concepts' by countries of the North as a means of shirking their obligations regarding the development of the countries of the South" (Arts 2000: 279). When negotiations for Lomé-*bis* began in 1994, the official ACP position put forward supported the inclusion of human rights in Lomé, but with the caveat that they should be included "without direct or indirect conditionalities" (European Commission 1994a: 6). In an address before negotiations, the President of the ACP Council expressed concern that "punitive measures" for addressing human rights problems can be "dysfunctional" (European Commission 1994a: II). Outside of Lomé, a 1993 U.N. General Assembly resolution condemning "economic measures as a means of political and economic coercion against developing states" was supported by nearly all ACP states (U.N. General Assembly 1993).[9]

It was in spite of these objections that the ACP group's negotiation strategy focused on establishing procedural checks. After the new agreement was concluded with the new suspension

[9] Out of over 70 ACP states, the only states that did not support the resolution were Botswana, which abstained, and Equatorial Guinea, Ghana, Guinea, Liberia, St. Kitts and Nevis, Sao Tome and Principe, Seychelles, Somalia, and Vanuatu, which were not present for the vote. Voting records available in the U.N.'s online repository: https://digitallibrary.un.org/record/283331?ln=en.

clause, the ACP Council President conveyed their ambivalence toward the new clause. He noted during the signing ceremony that the ACP countries had been "disappointed" with Europe's use of "unilateral" suspension of aid, which contradicted the spirit of the convention, and stressed the use of caution in applying the new suspension clause (European Commission 1996a: 4).

5. Evaluating procedural checks alongside other explanations

A different explanation for the addition of a suspension clause to Lomé, which I have addressed throughout, is it was a straightforward case of asymmetric bargaining in which more powerful European actors were able to push through the clause against the opposition of the weaker and economically dependent ACP states. Indeed, power asymmetries are an important piece of why a suspension clause was ultimately added to Lomé, but this by itself does not account for the timing of the final incorporation of the suspension clause, the earlier restraint exhibited by European states, or their acceptance and eventual use of the consultation procedures once they were established.

In fact, by the time Lomé III was concluded in 1984, increasing debt servicing burdens and decreased commodity prices had already radically diminished the ACP group's bargaining power, and negotiations already took the form of a "take-it-or-leave-it" offer by the European side (Elgström 2000: 177-181; Hill 1985: 663; Price 2004: 114). The situation was even worse by the adoption of Lomé IV in 1989, at the end of Africa's "lost decade." Yet, it was not until 1990 that European states began widely employing suspensions of Lomé, and not until 1994 that conditions were formally adopted.

Additionally, the procedural checks were established at the initiative of ACP states, with European states initially regarding them as "unnecessary" (European Commission 1992b: 10. See also Arts 2000: 238-239). Evidence suggests that once the procedural checks were adopted,

European states came to be constrained by them despite their substantial material advantages. They have abided by and even agreed to expansions of procedural checks in spite of the fact that these procedures have made the process of suspending Lomé slower and more burdensome. A 2005 study of the use of these consultation procedures reported that a number of EU policymakers referenced the "procedural difficulties" that arose in carrying out consultations. Referencing ACP initiatives to further expand the procedural checks, the policymakers noted the "dangers of further institutionalisation," expressing "fear that the…introduction of additional steps…would overburden the system" (Mbangu 2005: 14).

Alternatively, ACP states may have become willing to accept a suspension clause because they came to view it as legitimate and even beneficial following the diffusion of human rights norms, political liberalization, and shifts in incentives for making human rights commitments. There was, in fact, substantial liberalization and a growing willingness of ACP states to support the enforcement of human rights, especially after the end of the Cold War. However, as discussed above, both during and after the Cold War, many states respected and supported human rights while objecting to a suspension clause, even seeing the clause itself as counter to the human right to development. Where norm diffusion and liberalization increased the ACP states' willingness to cooperate on human rights within Lomé, it primarily manifested as openness to expanding the authority of their joint parliament beginning in the second half of the 1980s. ACP states were only willing to collectively accept economic conditions after they were already being employed, and this shift overlapped with continued objections to a suspension clause.

Finally, this decision could have been motivated by the Rwandan genocide, which occurred only months before states formally agreed on adding the suspension clause and may have shocked the ACP states into accepting more drastic measures for responding to human

rights violations. However, ACP states had already shifted towards calling for greater transparency and voice in the use of suspensions in 1992, and procedural checks were part of the ACP-EEC Joint Assembly proposals for Lomé-*bis* in February 1994, prior to the start of the genocide.

6. Conclusion

The dynamics described in this paper suggest that weak states may delegate unwanted authority as a way of resisting the exercise of this authority. This alternative understanding of delegation, as a way of establishing procedural checks, can help shine light on other important moments of institutional change. The institutionalization of the responsibility to protect in the 2005 World Summit Outcome Document took place following years of Western interventionism and growing U.S. unilateralism. As institutionalized in this document, it emphasizes the use of capacity-building and preventative action; stresses that action should abide by international law, including Chapter VII of the U.N. Charter; and expands the influence of weaker states through calling for cooperation with "relevant regional organizations" (U.N. General Assembly 2005: Para. 138-139). Adoption of this resolution can be seen, in part, as a way of constraining powerful states who had become increasingly unencumbered in carrying out humanitarian interventions.

The understanding of delegation as resistance builds onto scholarship questioning the idea that the post-Cold War order, including its manifestation in institutionalization of interference, enjoyed widespread public support (Adler-Nissen and Zarakol 2021). In fact, the post-Cold War liberal consensus may have masked subtler attempts of weak states to manage a new status quo brought about by American hegemony. Recent contestation of liberal norms and the liberal order may be the result of increased space for contestation brought about by the rise of alternative powers, including formerly weak states in the Global South.

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