

Procedural Checks and Constraint through Delegation

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 enable interference within 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 interventionist action. If stronger states become willing to openly disregard the norm of non-interference, this presents interventionist action as the new status quo. In response, weak states can attempt to re-establish constraints over these actions by formally expanding authority for carrying 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; Finnemore, 2003; Getachew, 2019). These states, in fact, played an important role in expanding the norm of non-interference following independence, constraining powerful states through the exercise of productive power (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 overall patterns of interference within IOs skewing towards interference that is more frequent and harsher for weaker or geopolitically unimportant states (Donno, 2010; Stone, 2008).

What explains the decision to permit interference within international organizations? One possibility is that, over time, states have come to see multilateral intervention as beneficial or legitimate under some circumstances. 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 interference 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 interference, but to do so alongside rules delineating the process through which action can be taken. I call these rules procedural checks. Creating procedural checks 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. It can also draw strong states away from unilateral action and back into IOs, where weak states are better positioned to exercise influence. This modification of existing rules represents a form of institutional power, as laid out in the framework paper of this special issue (xxx, 2022).

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-

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.

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-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 granting 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 international organizations

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, frequently at the expense of weaker states.² These theories highlight how power continues to be a defining feature of relations between states, even within ostensibly 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).

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

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; Schneider, 2011). Through IOs, weak states have established rules and norms that benefit 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 regard IOs as being 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 perceive 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). Others 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 expanding authority of IOs to enforce norms like human rights, weak states may be motivated 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 doing so 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 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 grant authority to 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 expect contestation will be 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. Empowering to constrain

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 grant authority for carrying out interventionist actions, while establishing procedural checks that limit or constrain the exercise of this authority. This creates new opportunities for exercising institutional power.

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

Norms like the norm of non-interference 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 these conditions hold and strong states accept the norm of non-interference, then weak states can leverage these beliefs, highlighting where particular actions contravene this norm and pushing back against new 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 norms or to otherwise alter those states' incentive structures. 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.

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

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. 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.

Even under circumstances where strong states accept the norm of non-interference, weak states do not expect that their appeals to this norm will prevent unwanted actions outright. Rather, it can help 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. These procedural checks can enhance weak states' institutional power by re-establishing structure over the actions of powerful states. By expanding the existing institution, they can channel interference back into the IO, creating new opportunities for constraining the powerful (xxx, 2022).

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 interference, 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 interference in two ways. First, they create new constraints over 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 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,

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.

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 interference, it can be difficult for powerful states to legitimately refuse these terms.

Second, strong states accept and comply with rules constraining their behavior in their relations with weak states because doing so makes creating and maintaining beneficial 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:

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

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 above. 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 here 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 based on the explanation that this change was 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 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 and at which point suspension of Lomé in response to human rights violations became the new status quo for the ACP states. Because these implications involve European actors altering their behaviors to comport with the norm of non-interference and being responsive to ACP state appeals to this norm, they conflict with an explanation based purely on state power. On the other hand, they do not rule out 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 in their relations with ACP states because of their beliefs regarding the legitimacy and the benefits of abiding by this norm. I expect that European states will alter their behaviors and constrain their actions in light of arguments from ACP states that appeal to this norm. Where they violate the norm, they will attempt to provide justification for these behaviors or attempt to 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, and they will no longer be responsive to calls for non-interference by ACP states.

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. 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. However, it produces additional observable implications that are more distinctive to the argument that they were establishing procedural checks, including opposition to suspending Lomé assistance from least-likely states, support for other forms of

interference, and continued, widespread opposition to a suspension clause *after* they have accepted the clause.

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 alongside attempts to

establish 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 agreeing to it, 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.

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

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.

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 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, Western 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), highlighting the brutality of Idi Amin's regime (Oberdorfer, 1977).

Once Uganda had caught the attention of the European 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).

Mounting pressure to act on 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). At the same time, European actors remained concerned about the illegitimacy of interfering in former colonies, 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).

When ACP states rejected the addition of such a clause as inappropriate interference (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 acknowledged concerns about legitimate relations between the two groups, affirming 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 in response to sustained ACP resistance (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, but not in the form of a suspension clause. Instead, it was limited to the preamble, a reference to "human dignity" in the body of the treaty, and a joint, non-binding declaration in the annex asserting the need for "respect for [man's] dignity and protection by law" (King, 1997: 59). These additions were 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 when they took actions that 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; Fierro, 2003; Kamminga, 1989; Marantis, 1994; Price, 2004), European states refrained from outright suspensions of Lomé, with the one exception being the suspension of assistance to 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 to European states of using punitive measures to enforce norms decreased greatly.

This shift happened quite abruptly. 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 acknowledged 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 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).

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

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, states that existing theories would most expect to support it. 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. Patterson asserted 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). As discussed below, representatives of Senegal offered some support for incorporating human rights into Lomé, but with a focus on responding to human rights violations by *European* states, and they did not support adding a suspension clause. 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 the 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 a suspension clause in the Lomé Convention, the representative was firmly opposed.

This position was reflected in other contexts outside the Lomé system throughout this time period. 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). During a trip to Brussels in 1990, the Secretary General of the regional organization the Organization of African Unity, who was an advocate for human rights within Africa, publicly rejected the tying of aid to human rights (European Commission, 1990: VIII).

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.” This was 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, 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 the parliament's 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 became clear to the ACP group that the norm of non-interference and the absence of a formal suspension clause were no longer having the effect of limiting the use of 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 conditions (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 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 contentious 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).

These debates continued the following year. A heavily amended version of the report, stripped of the endorsement of a suspension clause, was finally 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), a significant and highly qualified concession towards the use of conditions, and hardly an endorsement of the practice.

Another example of this new strategy occurred during a meeting of the ACP-EC Council in May 1992. As in the Joint Assembly, ACP states 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, which European states rejected 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 power to veto suspensions (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 an agreement 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

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.

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 pushed 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) as “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'état and without recourse to the consultation procedures, the EU responded to another coup in Niger by initiating consultation, and 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 (Mbangi, 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 to discuss suspending assistance (Bradley, 2005: 1; Hazelzet, 2005: 3).

4: Overlapping objections to a suspension clause

Rather than corresponding with 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 endorsing 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 prior to 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 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

⁹ Out of over 70 ACP states, only 10 states did not vote in support of the resolution. Botswana abstained, and Equatorial Guinea, Ghana, Guinea, Liberia, St. Kitts and Nevis, Sao Tome and Principe, Seychelles, Somalia, and Vanuatu were not present for the vote. Voting records available in the U.N.’s online repository: <https://digitallibrary.un.org/record/283331?ln=en>.

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 competing 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.¹⁰

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,

¹⁰ See Elgström (2000) for a thorough refutation of this explanation.

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 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.

Relatedly, 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 procedural checks in 1992, and they 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 empower IOs with unwanted authority as a way of resisting the exercise of this authority. This alternative understanding of why weak states expand the authority of international organizations, 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 quieter forms of resistance builds onto scholarship questioning the idea that the post-Cold War order, including as manifested in the institutionalization of interference, enjoyed widespread public support (Adler-Nissen and Zarakol, 2021). In fact, the apparent post-Cold War liberal consensus may have masked subtle 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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