Summitry and AU management of security challenges, 2002-2012

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This article examines the role of summitry in AU's engagement with security challenges on the continent. It notes that although it is difficult to measure the success of summitry, because its outputs (summit decisions) depend on external variables for implementation, it is a practice that serves useful purposes. The article demonstrates that summitry in the AU is a forum for regional cooperation and articulation of legal instruments for mandated actions, making it a platform through which strategies for managing security challenges are decided. It however contends that the character of the AU, and the nature of international politics in which the decisions of the UN Security Council, dominated by western powers, supersede those of the regional bodies directly affected by those issues contributed to the limited impact of summitry on AU management of security challenges.

Keywords: Summitry, security challenges, AU, Assembly, Peace and Security Council (PSC)

Introduction

The notion of security, traditionally defined as protection from internal and external threats, notably armed conflicts, has no doubt been redefined with the advent of the concept of human security, referring to protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards (Booyse 2002; UNDP 1994). This notwithstanding, conflict, construed as 'the overt coercive interactions of contending collectivities' (Gurr 1970: 24), and a situation in which a minimum of two parties strive at the same moment in time to acquire the same set of scarce resources (cited in Henfy 1995: 362) remains a major source of security challenges in Africa. Armed conflicts in the form of civil wars, violent communal conflicts, and post-election violence are among the security challenges widespread in Africa. In 1996 alone, fourteen African countries experienced different forms of armed conflict (Anan 1998:3), while the continent had a total of 19 cases of armed conflict between 1990 and 2001 (Ericsson et al 2002: 65). This underlines the description of Africa as a major theatre of political turmoil, instability and insecurity (Adejumobi 2004: 60). As a result, issue of peace, security and stability has been one of the major concerns of Africa’s regional and sub-regional multilateral organisations.

However, debates about management of security challenges by Africa’s regional organisation, the African Union (AU), have routinely focused on the organisation’s strategies of conflict prevention, management and resolution, with little consideration for the platform or forum through which the strategies are articulated and formulated. Thus while mediation, negotiation, deployment of peacekeeping forces and peace-building among others, have been the focus of many analysis, summitry has received little attention in scholarly literature on the AU; although it has received substantial scholarly attention on other international organisations, including G7/G8, North...
Atlantic Treaty Organisation (NATO), Organisation of American States (OAS), and European Union (EU) (see Ludlow 2014; Reynolds 2014; Finberg 2010; Melissen 2003). This paper seeks to remedy this lacuna, using the content analytical method to examine the practice of summitry in the AU, as it relates to the organisation’s efforts to address security challenges between 2002 and 2012. To this end, the literature on summitry and the summit communiqués, declarations, decisions and reports of AU organs, as well as other relevant documents are contents analysed, and the result descriptively presented. The article is divided into six sections. The first section is the review of relevant literature cum conceptual analysis. The second and third sections focus respectively on the overview of the AU system and the legal basis for the practice of summitry in the AU. The fourth section discusses the role of summitry in AU’s management of security challenges, while the fifth analyzes the processes involved in AU summitry and the dynamics that underlay it. The sixth section examines factors that militated against the use of summitry in contributing to the management of security challenges during the period understudy.

**Summitry: the anatomy of a concept**

Several studies have focused on summitry [otherwise called summit diplomacy]. They include Bayne (2014); Mourlon-Druol & Romero (2014); Ludlow (2014); Reynolds (2014; 2007), Finberg 2010; Dunn (1996), Berridge (2010; 1996), Melissen (2003), Park 1996, and Hodder-Williams (1996). The studies focused on different aspects and forms of summitry including its meaning, types, origins, purposes, and nature. For example, while Finberg (2010) discusses the practice of summitry in the OAS, and Park (1996) examines how summitry relate to peace and security, using NATO as a case study, Suzuki (2014) focuses on the role of summitry in Japan-European Economic Community (EEC) trade relations. These studies highlight the relative salience of summitry to the workings and operations of international organisations.

On the issue of meaning, there is a consensus in the literature that summitry does not lend itself to easy definition and conceptualization, because of the myriad of interpretations and forms the concept has engendered for years. However, in its traditional diplomatic conception, as used by Winston Churchill, summitry implied ‘meetings at the highest levels of government to resolve international differences.’ (Dunn 1996: 4).

Implicit in the Winston Churchill’s conception is that only the meetings of Heads of State and Government to resolve international disputes, whether economic, political or whatever, constitute summitry. Donald Watt deepened this conception by arguing that ‘for a meeting to qualify as a summit it must be multilateral and be between the recognised leaders of the great powers’ (cited in Dunn 1996: 14). The traditional conception of summitry is however restrictive given a number of reasons, three of which are quite conspicuous. One, it fails to recognise as summitry the meetings of officials below the rank of Heads of State and Government, thus neglecting the fact that Heads of State and Government do at times mandate their representatives to attend official meetings with other Heads of States and Government.

Two, it limits the goal of summitry to only efforts to resolve international crises between state actors, thereby ignoring the critical role that non-state actors play in contemporary international politics. Three, it overlooks issues of socio-economic and political cooperation in inter-state relationship. Another perspective, though similar to that of Winston Churchill, is that summitry is ‘the meetings between incumbent heads of government and state and/or political leaders and the highest representatives of an international organisation’ (Melissen 2003: 5). The difference between the two perspectives is that while the latter perspective recognises and accommodates as summitry the meetings of political leaders and the top
echelons of international organisations such as the UN, AU, EU, and OAS, among others, the former limited the practice to only political leaders of states.

On the issue of typology or forms of summitry, it is contended in the literature that there are many types of summitry. The Yalta conferences of 1945, involving the big powers, and the Johannesburg summit on sustainability in 2002, for example, have little in common, though both were summits (Melissen 2003: 4). Likewise there is substantial difference between the Rio Group summit of 2008 that resolved the border dispute between Colombia and Ecuador, and the 1999 Asia-Pacific Economic Cooperation (APEC) summit that called for UN military intervention in East Timor (Finberg 2010: 4). The multiple typologies of summitry, Melissen (2003: 3) however noted made it difficult for meaningful generalizations to be made about the concept. Moreover, though there are many types of summitry, it is not every conceivable meeting, personal communication and direct face-to-face contact of political leaders or their representatives that constitute summitry. These include personal diplomacy, telephone conversations (telephone diplomacy), and direct talks by means of video conferencing, and ceremonial visits or state visits (Melissen 2003: 5). This is because an important element of summitry is that the meeting/summit must be prearranged with regards to location and time, and the agenda predetermined.

On the origin of summitry, scholars concur that the practice of summitry antedates contemporary time (Reynolds 2007; Dunn 1996; Melissen 2003; Ball 1976). Melissen (2003: 9), though alluded to the fact that summitry antedates modern time, pointed to its unpopularity in international affairs before the Second World War, citing, among other things, the fact that the US President participated in his first direct face-to-face meeting with one of his peers only in 1919. It is however argued that summitry acquired political and diplomatic meaning after the term ‘summit’ was applied to diplomacy by Winston Churchill in February 1950 (Reynolds 2007: 1; Melissen 2003: 1). Since then, the practice of summitry has broadened, becoming an institutionalized component of several multilateral, bilateral and international organisations including the Commonwealth, G7, G20, the UN, EU, and AU, among others.

The universal currency that summitry gained since the 1950 is attributable to a number of factors, including the functions it performs in international political and diplomatic circle. Writing on Inter-American summitry, Fienberg (2010: 2) argued that the five summits and two special summits of the Americas between 1999 and 2009 served a number of purposes, including adding legitimacy to democratic norms and values, providing a forum for face-to-face engagement of leaders, and, on occasion, addressing crises of the moment. In the case of Japan-EEC trade relations, Suzuki (2014: 168) noted that summitry has, among other things, ‘put the country (Japan) in a position from which it could negotiate out of conflict’. Besides Berridge (2010) enumerates the purposes of summitry as, alerting political leaders on the importance of international issues, facilitating private consultations among leaders, providing opportunity for leaders to bypass bureaucratic layers, serving as forum for the acquisition of practical diplomatic skills, and fostering close interactions and personal contacts among political leaders. The flip side of these purposes, as Ball (1976: 32) argued, is that ‘when leaders have disparate backgrounds, customs, and languages ... ethical attitudes and ideologies, summitry is more likely to produce mistaken and misleading impressions...’ However, there is sufficient evidence, including memoirs of political leaders and opinions of professional negotiators to suggest that summitry promotes good personal relations among political leaders, which have been decisive in complex and difficult situations (Melissen, 2003).

Furthermore, the notion of summitry in contemporary diplomatic practice has expanded and become less restrictive. First, the purpose of summitry, which in the traditional conception was the resolution
of international disputes, has broadened to include economic and cultural cooperation among states as well as issues of general concern to states such as global warming. Also, the term ‘summit’ has become increasingly applied to all kinds of meetings of political leaders, including ‘less formal meetings, official visits and communications among political leaders’ (Dunn 1996: 14). This has given rise to different terms, such as ‘funeral summits/funeral diplomacy’ (Berridge 1996). Besides the term ‘summit’ has become so commonly and loosely used that it is today no longer applied to only meetings at the highest levels of government, but to almost everything including religious and social gatherings. This has created serious doubts about the appropriateness of applying summity to diplomacy, as, according to Ball (1976: 14), ‘it [summitry] has become so vague in meaning as to be not only useless but downright misleading’.

Consequently, summity, for the purpose of this article, is construed as the official meetings of Heads of State and Government or their representatives to address issues of common concern. Inherent in this definition is the assumption that summity is not restricted to only issues of international disputes and meetings between Heads of State and Government. This definition suggests that only the official meetings (that is statutory meetings, with predetermined agendas) of Heads of State and Government or their representatives constitute summity. The definition is useful because it redefines the traditional diplomatic conception of summity within the changing dynamics of diplomacy in contemporary international system. This is shown by the fact that summity at both the levels of Heads of State and Government or their duly accredited representatives of the member states of the African Union (AU), as would be demonstrated in the article, has provided forum for regional cooperation and the legal instruments for mandated actions for the attainment of peace, security and stability on the continent.

The AU system: an overview
Following changes in global political system brought about by the collapse of communism in 1994, and the realisation by African leaders that the Organisation of African Unity (OAU) had been ineffective in addressing Africa’s security challenges (Hodder-Williams 1996), the AU was established. This was through the adoption, in 2000, of the Constitutive Act, which serves as the charter and legal foundation and working document of the organisation. This was followed by a former inauguration at Durban, South Africa, by African Heads of State and Governments in 2002 (AU n.d.).

Broadly speaking, the AU was designed as an institution to promote the collective interests of Africa in international politics. This, it was hoped, would be achieved through effective fostering of interstate cooperation, prevention, management and resolution of inter-state and intra-state conflicts, and the promotion of socio-economic development of African states. Thus, the vision of the AU is that of ‘an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena’ (AU n.d.). In order to achieve this, the AU is structured around ten organs, which constitute the AU system. According to article 5 of the Act, the AU system comprised the Assembly of Heads of State and Governments [hereafter the Assembly], which is the supreme organ in the system; the Executive Council, the Commission, the Peace and Security Council [hereafter the PSC], the Permanent Representative Committees, the Pan-African Parliament, African Court of Justice and Human Rights, Economic, Social and Cultural Council (ECOSOC), the Specialized Technical Institutions, and the Financial Institutions. There is also provision for the Assembly to establish any other organ it deems fit at any time. These organs, with the exception of the Assembly and the PSC, are composed of accredited representatives below the rank of Heads of State and Government of member states of the AU. However, the Assembly
and the PSC are composed of Heads of States and Government and/or their duly accredited representatives. The fundamental overall objective of these organs is the promotion of peace, security, stability and socio-economic development of Africa. In order to achieve the objective, particularly with respect to peace and security, the AU system relies on summitry in the Assembly and the PSC, as forum for deliberation, formulation and coordination of regional actions.

**Legal instruments for summitry in the AU**

Summitry in the AU is provided for and institutionalized by the Constitutive Act, which specifies and contains details about the structure, functions and nature of operation of the organisation. However, in view of the adopted definition of summitry and the focus of this article on peace and security, it is instructive to note that only the official meetings of the Assembly or their duly accredited representatives and those of the PSC qualify as summitry. This is because of two reasons. One, the Assembly and the PSC are more directly involved in peace and security issues than any other organs of the AU system. This is shown by the functions of both organs as contained in the Constitutive Act, and more specifically the functions of the PSC as contained in the Protocol relating to the establishment of the PSC [hereafter the PSC Protocol].

While article 9(g) of the Constitutive Act enumerates the functions of the Assembly to include management and resolution of conflicts and peace-building, article 2 of the PSC Protocol lists the functions of the PSC as prevention, management and resolution of conflict. Furthermore, whereas articles 4(h) and 4(j) of the Constitutive Act and the PSC Protocol respectively authorize AU intervention in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, the PSC is mandated, under article 7(e) of the PSC Protocol ‘to recommend to the Assembly...intervention, on behalf of the Union...’ These provisions made AU an interventionist organisation, unlike its predecessor, the OAU, which was a lame duck institution with respect to issues of peace and security on the continent due to its non-interventionist approach to conflict resolution (see Hodder-Williams 1996).

Two, the fact that article 6 of the Constitutive Act recognizes that the Assembly is composed of Heads of State and Government or their duly accredited representatives, and that membership of the PSC is only open, according to article 8(2) of the PSC Protocol, to permanent representatives, ministers and Heads of State and Governments underscore that official meetings of both organs fall within our summitry framework.

Furthermore, the Constitutive Act and the PSC Protocol are the basis of summitry in the Assembly and the PSC respectively. While the Constitutive Act stipulates and recognizes statutory meetings of the Assembly, the PSC Protocol does the same for the PSC, for the purpose of conflict prevention, management and resolution. A number of provisions in the Constitutive Act underscore this (AU 2000). First, article 6(2) stipulates that the Assembly holds statutory meetings at least once in a year in an ordinary session, and in extraordinary session at the request of any member state, subject to the approval of two-thirds majority of all member states of the AU. Based on this, the Assembly held nineteen statutory meetings at ordinary session between 2002 and 2012. Second, the Constitutive Act, in article 7(1), stipulates that decisions during meetings in Assembly should be decided by consensus, or in case consensus fails, by two-thirds majority of member states of the AU. Based on this, the Assembly held nineteen statutory meetings at ordinary session between 2002 and 2012. Second, the Constitutive Act, in article 7(1), stipulates that decisions during meetings in Assembly should be decided by consensus, or in case consensus fails, by two-thirds majority of member states of the Union, and in case of procedural matters, by simple majority. Third, article 7(2) specifies that two-thirds of the total membership of the AU constitute a quorum at meetings of the Assembly, thereby emphasizing summitry in the Assembly.
In the same vein, articles 5 and 8 of the PSC Protocol provide the basis for summitry in the PSC. While article 5 focuses on the composition of the PSC, article 8(12-13) stipulates that members have one vote each, and that decisions at statutory meetings should be taken by consensus or, in case of failure of consensus, by simple majority on procedural matters and on all other matters, by a two-thirds majority of members voting. Besides, article 8(2) specifies that summit meetings in the PSC be held at three levels: the Permanent Representatives level, the Ministerial and Heads of State and Government levels. While the article requires Permanent Representatives to meet as often as necessary, at least twice in a month, the Ministers and Heads of State and Government are required to meet once a year.

Records have however shown that PSC meetings at the level of the Permanent Representatives held more frequently, averaging five times in a month, between 2006 and 2010, because of increasing cases of violent conflicts on the continent (AU 2010a: 23). By 4 September 2012, the PSC has held three hundred and thirty-two summit meetings across its three levels (AU 2012a), and a number of extra-ordinary meetings. These summits, like those of the Assembly, which focused on peace and security issues, served certain purposes and yielded multiple and diverse results. It is to the purposes that summitry in the Assembly and the PSC served between 2002 and 2012 and the results that were produced that we now turn.

**Role of Summity in AU management of security challenges**

Between 2002 and 2012, a number of African countries were faced with security challenges that threatened their peace, security and stability, and that of the continent as a whole. These include civil war in Côte d’Ivoire from 2002 to 2004, continued protracted war of attrition in Somalia and Sudan, which predated 2002, post-election violence in Kenya in 2007, Zimbabwe in 2008 and Côte d’Ivoire in 2011; coup d’états in Madagascar in 2009, Mali and Guinea Bissau in 2012, terrorist activities by radical militant/terrorist groups such as Boko Haram in Nigeria and al-shabaab in Somalia, and political violence in Tunisia, Egypt and Libya in 2010/2011.

A careful analysis of relevant documents on some of these cases and other issues that bothered on security revealed that summitry in the Assembly and the PSC provided forum for collaboration and formulation of regional responses to security challenges. With respect to the Assembly, the first summit of the organ in July 2002 established the PSC, as a standing decision-making organ of the AU on peace, security and stability in Africa, through the adoption of the PSC Protocol (AU 2002). With the establishment of the PSC, and the coming into force of its protocol in 2003, issues of peace and security on the continent received considerable attention in the AU in a number of ways.

First, alongside the PSC, a number of bodies were established by the Assembly through article 2(2) of the PSC Protocol to address security issues in Africa. These are Panel of the Wise, Continental Early Warning System (CEWS), an African Standby Force (ASF) and a Peace Fund (AU 2002). These bodies and the PSC and regional economic communities (RECs) and regional mechanisms for conflict prevention, management and resolution (RMs) constitute what is known as the African Peace and Security Architecture (APSA), a collective security and early warning mechanism for the continent (AU 2010a).

Second, the PSC provides information to the Assembly on the state of peace and security on the continent through reports and communiqués of its meetings, thereby enabling the Assembly, and by extension the AU to be actively seized of the security challenges confronting member states. A perusal of a number of documents revealed that recommendations and reports of the PSC, in line with articles 9(1b) and 7(c and q) of the Constitutive Act and the PSC Protocol respectively, regularly constitute part of the agendas.
of meetings of the Assembly. For example, matters related to security on the agenda of the meetings of the Assembly at the fifteenth and sixteenth ordinary sessions in January and July 2011 respectively, and the eighteenth and nineteenth ordinary sessions in January and July 2012 respectively stemmed from PSC reports and communiqués (see AU 2012b for example). This allowed the Assembly, during those sessions, to deliberate on a number of peace and security-related issues including the 2011 post-election violence in Cote d’Ivoire, and political violence in Libya, and the indictment of President Omar al-Bashir of Sudan by the International Criminal Court (ICC) over allegations of war crimes and crimes against humanity perpetrated in Darfur.

Third, and lastly, the establishment of the PSC facilitates the implementation of the peace and security components of the decisions and resolutions of the Assembly. This is because of and in line with the provision of article 6(g) of the PSC Protocol which mandates the PSC to perform any function that may be decided by the Assembly.

Furthermore, summitry in the Assembly and the PSC during the period under study provided legal instruments for regional mandated actions, including mediation, negotiation and imposition of sanctions among others, against threats to the security and stability of African states. This is underscored by some examples, three of which are discussed here. The first relates to how summitry in the Assembly fostered regional mandated response to political instability arising from military coup d’états, exemplified by the adoption of an African Charter on Democracy, Election and Governance [hereafter democracy charter] at the eight ordinary session of the Assembly in 2007. The focus of the democracy charter is that unconstitutional changes of government constitute a serious threat to stability, peace, security and development of Africa (AU 2007a).

Specifically, article 23 recognises a number of changes to democratically elected governments as unconstitutional namely, coup d’états, interventions by mercenaries, armed dissidents and rebels; refusal of an incumbent leader to surrender power after free and fair election, and constitutional amendment or revision that does not conform to the principles of democratic change of government. To deter these unconstitutional means of changing government, article 25 prescribes sanctions, including suspension from AU activities and a number of punitive economic measures.

Based on the democracy charter and other relevant provisions of the Constitutive Act, the AU was able to respond decisively to unconstitutional changes of governments in states where such occurred between 2002 and 2012. These include AU’s reactions and response to the military coup d’états in Madagascar in 2009 and Mali and Guinea Bissau in 2012, among others. While the AU imposed travel ban and asset freeze on the military junta that ousted the government of Mali in 2012 (Reuters 2012), it suspended the country as well as Madagascar and Guinea Bissau from all its activities. The actions by the AU, with cooperation from sub-regional organisations such as the Economic Community of West African States (ECOWAS), had some, though limited, impacts, including compelling the military juntas/perpetrators of the coup to agree to a timetable for early restoration of democratic government in Mali and Guinea Bissau, although Madagascar delayed on its scheduled elections.

The second way by which summitry promoted regional mandated actions involves the deployment of AU peacekeeping forces to a number conflict zones including Darfur and Somalia. In Darfur, the AU deployed a peacekeeping force, the AU Mission in Sudan (AMIS) between 2004 and 2007 to end the cycle of violence that had led to the death of thousands of people (Ekengard 2008). The deployment of AMIS was consequent upon summitry in the PSC and the Assembly between May and July 2004, including the third summit of the Assembly of July 2004 where the
establishment and deployment of AMIS was finalised and authorised (AU 2004).

By the same token, deployment of a peacekeeping force to Somalia, to address the deplorable security situation in the country, was the product of summity in the Assembly and PSC at different times. In 2007, for example, the PSC, at its sixty-ninth summit considered the security situation in Somalia, and authorised the deployment of the AU Mission in Somalia (AMISOM) (AU 2007b). Among other things, AMISOM was mandated to stabilise Somalia, and facilitate delivery of humanitarian aid to the people (AU Commission 2008). The deployment of the peacekeeping forces had multiple impacts. In the case of AMIS, it contributed to the signing of the Darfur Peace Accord in May 2006 and the increase international concern for the conflict, as shown by the transformation of AMIS into a hybrid peace mission of the UN and AU, known as the AU/UN Mission in Darfur (UNAMID) in 2007 after the UN had agreed to assist the AU peace mission. Notwithstanding, the security situation in the Darfur region remained extremely fragile.

The third example of regional action that was a product of summity is AU mediation in political crises in Libya and Cote d'Ivoire in 2011. In Libya, following the violent civil unrest that began in February 2011, summity in the PSC and the Assembly led to AU intervention in the form of mediation and dialogue. For example, the 265th PSC summit of 10 March 2011, at the level of Heads of State and Government, authorised AU mediation, resulting in establishment of an AU Ad-hoc High-Level Committee with the mandate to hold talks with the Libyan authorities and rebel-led Transitional National Council (TNC) (AU 2011a). In addition, AU’s position on the crisis was a product of summity, as shown by the decision of the Assembly summit of 25 May 2011, which condemned Gaddafi’s violent crackdown on protesters and showed strong support for Libyans right to democracy, social justice, and socio-economic development (AU 2011b).

Also, AU responses to post-election violence in Cote d’Ivoire between December 2010 and April 2011, which stemmed from the controversies that surrounded the 28 November 2010 presidential election, were facilitated by summity in the Assembly and the PSC. The position of AU, which emphasised commitment to peaceful resolution of the crisis and respect for the wishes of Ivorians as expressed in the election results declared by the country’s Independent Electoral Commission (IEC), was the product of summity, as shown by the 249th and 250th PSC summits of 30 November and 4 December 2010 respectively (AU 2010b). Aside from taking a position on the crisis based on the decisions of PSC summits, the AU supported efforts to broker dialogue, including the AU Chairperson-supported emergency mission of Thabo Mbeki to Abidjan to discuss with the parties to the crisis, which however failed due to the refusal of Laurent Gbagbo, the incumbent president, to accept the electoral victory of Alassane Quattara, the president-elect (AU 2010b).

However, following the failure of the Mbeki-led effort and the continued refusal of the Gbagbo government to cede power to Quattara, the PSC at its 252nd summit of 9 December 2010, at the level of Permanent Representatives, authorised the suspension of Cote d’Ivoire from all AU activities until Quattara effectively assume power (AU 2010b). Besides, AU initiated mediation in the crisis, following the decision of the 259th summit of the PSC at the level of Heads of State and Government of 28 January 2011, which established an AU High-Level Panel, comprising eminent personalities, including some heads of state or government, with the mandate to ‘evaluate the situation and formulate, on the basis of relevant AU and ECOWAS decisions, an overall political solution’ (AU 2011c).
In line with its mandate, the panel held series of talks with the two contenders, Gbagbo and Quattara, and also with the President and members of the Constitutional Court, the Special Representative of the UN Secretary General, and the Head of the UN Operation in Côte d'Ivoire (UNOCI) (AU 2011d). The report of the panel reaffirmed the electoral victory of Quattara, requested Gbagbo to relinquish power, and provided guarantees for the safe exit of Gbagbo from office and for other concerned actors (AU 2011d). The AU mediation however failed, as the crisis was resolved through military action by forces loyal to Quattara, resulting in the arrest of Gbagbo on 11 April 2011 (Argles 2011; Schumann 2011; Rice 2011).

This followed helicopter attacks by UNOCI and the Force Licorne, the French force that was supporting UNOCI, on the residence and presidential palace of Gbagbo, the Ivorian Radio and Television (RTI) and Akouedo and Agban military camps (AU 2011d). This weakened the military capability of the Gbagbo government and caused its collapse. The involvement of UNOCI and the Force Licorne was predicated on paragraph 8 (d) of the UN Security Council resolution 1739 of 2007, which authorises ‘... the French forces to use all necessary means in order to support UNOCI... and in particular to... Help protect civilians in the deployment areas of their units’ (UN 2007).

**Summitry Processes in the AU**

An important element of summitry study is the processes involved in it, as they contribute to and/or shape summit outcomes. In the AU, several cases during the period under study, including the February-October 2011 Libyan crisis, illustrate the processes involved in the Assembly and PSC summits, and the dynamics that underlay them. In the Libyan case, like other cases, the PSC was the first to be seized of the crisis, which started on 15 February 2011, and to hold summits on it. This was in line with the functions of the PSC as specified in the PSC Protocol. The PSC became seized of the situation in Libya and convened several summits on it, including on 23 February 2011 (AU 2011e), eight days after the outbreak of violence, and on 10 March 2011 (AU 2011a). The PSC summits of 23rd February and 10th March 2011, which were its 261st and 265th summits respectively, followed reports of wanton killing of innocent civilians and protesters in violation of international law. The two summits involved presentations, including from the AU Commission and permanent representative of the Libyan government on the situation in the country.

Following the presentations and in-depth deliberations, the two summits, through the communiqués, condemned the Libyan government use of excessive force and lethal weapons on peaceful protesters; supported Libyans aspiration for democracy, justice, political reforms and socio-economic development; recognized the indissolubility of Libya’s territory and emphasized the need for a de-escalation of the crisis (AU 2011a; 2011e). However, the communiqué of the 265th summit (the second PSC summit on the crisis) was more comprehensive than that of the 261st summit, as it articulated a Roadmap to resolve the crisis, and rejected any form of foreign military intervention in it. The Roadmap included the establishment of an *Ad-hoc* High-Level Committee comprising of five Heads of State and Government, as well as the chairperson of the AU Commission (AU 2011a).

The *Ad-hoc* Committee was mandated to engage with all parties to the crisis, facilitate inclusive dialogue among them, continuously assess the situation, and engage with AU partners on early solution to the crisis (AU 2011a). A number of reasons were responsible for the decisions of the 265th summit. Foremost was that the crisis had deteriorated, resulting in loss of lives, and the fact that while the 261st summit was at the level of permanent representatives, the 265th summit was at the level of Heads of State and Government.

Also, as part of the process involved in AU summitry, the decisions of the PSC summits provided
information and constituted the basis of deliberations on peace and security issues at summit meetings of the Assembly, although Assembly summit decisions equally provided information and constituted the basis for PSC summits. This was evidenced in the Libyan case in which the decisions of the 261st and 265th summits of the PSC constituted part of the report deliberated upon by the extra-ordinary summit and the 17th Ordinary Session of the Assembly held on 25 May and 30 June-1st July 2011 respectively. These summits were the first by the Assembly to discuss the Libyan crisis.

During the summits, particularly the 17th Ordinary summit, the Assembly reviewed and endorsed the Proposals on a Framework of Agreement for a Political Solution to the Libyan Crisis (AU 2011f), which was engendered by the Ad-hoc High-Level Committee on Libya that was established by the 265th summit of the PSC. The endorsed Proposals, while it aimed at a speedy resolution of the crisis, emphasized a political solution to it.

Furthermore, it is important to note that proceedings at PSC and Assembly summits involved statements/presentations by Chairperson of AU Commission, representatives of parties to the crisis, as well as interested representatives of member states and AU international partners such as the UN, EU, and League of Arab States (LAS). For example, during the 291st summit of the PSC held on 26 August 2011 on the Libyan crisis, statements were made by the AU Commission, the representative of the Libyan government (TNC was unable to attend), representatives of governments of Tunisia and Tanzania, and the Deputy Secretary-General of the United Nations (AU 2011f). This underscores that summitry process in AU was inclusive. This notwithstanding, a number of factors undermined the effectiveness of summit decisions during the period understudy. These factors are discussed below.

**Militating factors against Summitry Outputs**

Despite the distinct functions that summitry served in AU’s management of security issues during the period understudy, two factors undermined the effectiveness of its outputs (summit decisions) in tackling security challenges. These are the nature of the AU and the character of international politics. With respect to the nature of the AU, issues of slow implementation of summit decisions, the lack of synergy between policies (formal commitments at summits) and practices, absence of political will by African leaders, and politicisation of some mandated actions, particularly mediation affected the extent to which summitry contributed to the management of security challenges. This is illustrated by a number of cases.

First, despite the creation and the important role of APSA in AU management of security on the continent, there was delay in the implementation of the provisions of the PSC Protocol regarding the components of APSA, thereby undermining its effectiveness. While the PSC Protocol came into force in December 2003, the PSC was the only active component of APSA between 2003 and 2012; other components were either non-existent or inoperative. The ASF, for example, was not fully operational as at 2012 (Aboagye 2012; Africa Review 2012), while CEWS and the Panel of the Wise, though functional, were plagued by operational and administrative difficulties such as shortage of staff and overdependence on external funding in CEWS, and the lack of defined role for the Panel of the Wise (AU 2010a). This affected the performance of APSA and the overall ability of the AU to effectively respond, better put intervene in major security crises on the continent.

In addition, absence of synergy between summit decisions and practice by the AU at some occasions cast serious doubts on the essence of summitry. Whereas the AU, through summitry in the Assembly, drafted and adopted the PSC Protocol which contains a preamble that emphasizes commitment to end
impunity and the scourge of war on the continent, some of its actions between 2002 and 2012 were contradictory. A good example was the AU rejection of the indictment of President Omar al-Bashir of the Sudan by the International Criminal Court (ICC). This was expressed in many summit decisions, including the eighteenth Assembly decisions of 29-30 January 2012, through which the AU demanded the UN Security Council to defer proceedings initiated against al-Bashir by the ICC on the ground that the Rome Statute that established the ICC does not apply to states that are not party to the statute (AU 2012b).

The AU action on the matter was clearly a negation of its commitment to end impunity on the continent as expressed in the preamble of the PSC Protocol and article 4(h and o) of the Constitutive Act, since the indictment was based on allegation of war crimes and crimes against humanity perpetrated in Darfur. Aside from being a negation of the preamble of the provisions of the PSC Protocol and the Constitutive Act, AU rejection of the indictment of al-Bashir was a subtle way of encouraging dictatorship and impunity by African leaders, since the African Court of Justice and Human Rights does not have the power and jurisdiction over international crimes such as war crimes and crimes against humanity.

Another problem of the nature of AU, which affected effective implementation of summit decisions, was the politicisation of summit-mandated actions, particularly mediation. In a number of countries including Libya, Cote d’Ivoire, Tunisia and Egypt in 2011, Madagascar in 2009, and Mali in 2012, among others, AU initiated mediation, understood as ‘the active search for a negotiated settlement to an international or intra-state conflict by an impartial third party’ (Berridge 2010:236) and ‘a process of conflict management...where those in conflict seek the assistance of...an outsider to change their perceptions or behaviour...’ (Bercovitch 1996:13). In some of these cases, AU mediation was largely a failure, as the crises were resolved through military actions of local and international actors such as in Libya, Tunisia, Egypt and Cote d’Ivoire, while some including the Madagascar case remained unresolved throughout the period understudy.

Though many factors underlined the non-resolution of some of these cases and the use of force to resolve some, the nature of AU intervention played a major role in the outcomes of the cases. In Cote d’Ivoire, for example, non-adherence to the principle of third party neutrality contributed to the failure of AU mediation in the country in 2011. A close examination of records and events surrounding the crisis revealed that though the use of military force to end the crisis was due to many factors, including Gbagbo’s recalcitrant attitude and desire to perpetuate power, AU’s display of bias, in that it accepted the disputed election result before any investigation, accounted for the failure of its mediation. The display of bias was evidenced in the communiqué of PSC summit of 30 November 2010, which was released barely two days after the disputed election results were announced, and that of 4 December 2010, in which the AU accepted the disputed election results and recognised Ouattara as the president-elect of the country (AU 2010b).

The AU’s position, which was declared before it initiated mediation in the crisis, points to partisanship and belies the principle of impartiality, a central element for successful mediation. This is because it ignored Gbagbo’s argument that the election results were manipulated in favour of Quattara (Rice 2010). Although AU position on the crisis can be situated within the broader context of the position of the UN and ECOWAS, both of which recognised the election result and demanded the transfer of power to Quattara (Rice 2010; AU 2011e), and speculations that Gbagbo’s claim of electoral fraud was an attempt to buy time, yet AU should have ensured neutrality and impartiality in order for mediation to succeed. The lack of impartiality on the part of the AU and Gbagbo’s
ambition to perpetuate power underscored his refusal to respect AU decisions, including the decision of the High-Level Panel, which was binding on all parties to the crisis (AU 2011g; AU 2011h), and thereby undermined the effort to resolve the crisis without the use of military force.

Also, the nature of international politics regarding relationship between the UN and regional bodies, as structured by chapters VII and VIII of the UN charter, affected implementations of some decisions of PSC and Assembly summits. Under chapter VII of the UN charter, decisions of the UN Security Council (UNSC) supersede those of regional bodies. This, during the period under study, affected implementation of some summit decisions of both the PSC and the Assembly, as they were overridden or thwarted by UNSC decisions. For example, the activities of the AU ad-hoc High-Level Committee on Libya, established by the 265th PSC summit to, among other things, engage with parties to the crisis, was affected by UNSC Resolutions 1970 and 1973 of 26 February and 17 March 2011 respectively.

Due to the provisions of the resolutions, which banned and barred all flights in Libya's airspace (UN 2011a & b), the AU ad-hoc Committee could not, as it would have wanted, engage with the Libyan government and the TNC. This was because the Committee required authorization under the resolutions to do so. This accounted for the inability of the ad-hoc Committee to travel to Libya on 20 March 2011 to meet with parties to the crisis, who had agreed to interact with it, and to assess the situation in the country early enough, because its request for permission was denied (AU 2011i). Although the ad-hoc Committee held meetings with parties to the crisis in Tripoli and Benghazi on 10 and 11 April 2011 respectively, the travel ban, intended to enforce the arms embargo clause in the resolutions, compelled it to meet with parties to the crisis in places other than Libya including Nouakchott, Addis Ababa and Pretoria (see AU 2011i: 4-8). This resulted in the absence of either of the parties to the crisis at some of the meetings.

Similarly, the insistence of the US and the EU that any ceasefire in Libya must include the removal of Gaddafi from power (see AU 2011i: 10) thwarted the AU's desire for a political solution to the Libyan crisis, as expressed through communiqués of the 17th Ordinary Session (the Malabo summit) of the Assembly and the 265th summit of the PSC. This is because instead of a political solution, the Libyan crisis was resolved through military action by US-led NATO. This resulted from the fact that in addition to arms embargo, resolution 1973 imposed a no-fly zone on Libya and tacitly recognized foreign military intervention, though forbade foreign occupation (UN 2011b). This underlined military intervention by NATO from 31 March to 20 October 2011, predicated on the enforcement of the no-fly zone clause and protection of civilian populations in Libya, resulting in the overthrow of Gaddafi.

However, it is important to note that though the imperative of protecting civilians contributed to the NATO intervention, the intervention was a reflection of the position of the US and the EU on the removal of Gaddafi from power, as a prelude to ceasefire and as a solution to the crisis. This position by the US and EU was expressed and maintained throughout the crisis, and underlined many of the western countries-led initiatives to end it. Thus, while the AU, because of its preference for a political solution, pursued dialogues with parties to the crisis, some of the western-led initiatives focused on the removal of Gaddafi and post-Gaddafi Libya. The Libya Contact Group, for example, established in London on 29 April 2011 by the foreign ministers and leaders of the EU, UN, LAS, Organisation of Islamic States (OIC) and NATO, also called for the removal of Gaddafi on the ground that his government had lost any legitimacy (AU 2011i: 12). As a result of the leverage, including military and political, that the US, EU, and NATO had, some summit decisions of the AU Assembly and PSC on the Libyan
crisis failed, as they could not be pursued to logical conclusions.

Conclusion
This article has demonstrated that summitry is a legal and institutionalised practice in the AU. In the context of peace and security during the period understudy, summitry in the Assembly and the PSC provided platform for deliberations and coordination and the articulation of legal instruments for regional mandated actions. This underlined AU peace support operations between 2002 and 2012, demonstrated by PSC authorisation of the deployment of peacekeeping forces to Burundi (AMIB), Comoros (AMISEC), Sudan (AMIS) and Somalia (AMISOM) (AU 2010a), though with varied impacts.

But whereas summitry provided the platform for dialogue, resulting in mandated regional actions, the nature of AU undermined its essence and contribution to the management of security challenges. By the same token, the nature of international politics, in which the decisions of the UNSC, dominated by western powers, supersede those of the regional bodies directly affected by those issues, contributed to the lack of implementation of certain AU summit decisions, and accounted for their failure. Consequently, while it is difficult to address the nature of international politics, as it relates to relationship between the UNSC and regional bodies, it is imperative that for the full essence of summitry to be realised the pathologies in the AU should be mitigated.

References


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