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## MEMORANDUM

**TO:** H.E. Moussa Faki Mahamat, AUC Chairperson  
 Dr. Monique Nsanzabaganwa, AUC Deputy Chairperson  
 Dr. Guy Fleury Ntwari, Legal Counsel  
 Mme Lindiwe Khumalo, Clerk of the Pan African Parliament

**RE:** THE UNLAWFUL CONDUCT RESULTING IN THE DISRUPTION ON BUSINESS AT THE PAN AFRICAN PARLIAMENT BY THE 2<sup>ND</sup> VICE PRESIDENT, HON. DR. ASHEBIRI WOLDEGIORGIS GAYO

### 1.0 INTRODUCTION

- 1.1 On Wednesday 23<sup>rd</sup> August 2023, the 2<sup>nd</sup> Vice President of the Pan African Parliament, Hon. Dr. Ashebiri Woldegiorgis Gayo, an Ethiopian Member of Parliament representing the Eastern Region in the Bureau, pitched up at the precincts of the Pan African Parliament in Midrand, Johannesburg, unannounced, declared himself the Acting President of the Pan African Parliament, and began convening a series of meetings with Management wherein he issued unlawful directives that violate the PAP Protocol, the Rules of Procedure, and go against the tenets of good corporate governance.
- 1.2 These actions must not be viewed as an attempt by Hon. Dr. Gayo, and his backers to reverse the amendment of the PAP Rules of Procedure because purportedly they violate the PAP Protocol. Far from it. There is no nobility or principled stand in defence of the Protocol in this whole charade. In fact, if anything, the events of the past week have exposed the cabal's actions for what they are and what they have always been – a veiled attempt by Hon. Dr. Gayo and his backers to subvert the principle of rotation and assume the position of President of the Pan African Parliament.
- 1.3 It is a matter of record that Hon. Dr. Gayo started fighting against the principle of rotational leadership and the amendment of the Rules of Procedure long before the process of amending the PAP Rules had begun in 2022. During the well-documented disagreements on the implementation of the principle of rotation within the PAP, Hon. Dr. Gayo stood on the side of those opposed to rotation and fought tooth and nail to ensure that rotation would not be entrenched in the PAP Rules of Procedure as directed by the Executive Council and plenary assembly resolutions. The trump card that Hon. Dr. Gayo and those opposed to rotation were basing their arguments on was that rotation was a principle and not a rule in the PAP and was, therefore, not binding on the Pan

African Parliament. It, therefore, stands to reason that they would fight any attempt to amend the Rules of Procedure to provide for rotation in the Rules.

- 1.4 In fighting against the principle of rotation, Hon. Dr. Gayo even questioned the authority of the AUC Chairperson when he insisted that the PAP must abide by the principle of rotational leadership in Bureau elections held in June 2022 in compliance with Assembly decision Assembly/AU/757(XXXIII) of February 2020. It is on record that the 2<sup>nd</sup> Vice President perceived this as a “*confiscation of power of legislative organ by executive organ in PAP’s case by AU employees*”. He criticised the decision by the Executive Council that the June 2022 elective session should be supervised by the AUC Chairperson with the assistance of the Office of the Legal Counsel arguing that, “*Since we care about the image of our continent, total damage will be done if AU Staff will replace the PAP Bureau and chair the parliamentarians meeting. What message are we conveying to the world?*” The fight is and has always been against the principle of rotation because it takes away the position of President from the Eastern Caucus and Hon. Dr. Gayo for the next six years.
- 1.5 In that context, Hon. Dr. Gayo has been trying to frustrate the amendment of the PAP Rules of Procedure to ensure that rotation is not codified in the Rules and does not become obligatory within the PAP. Even after the Rules of Procedure had been amended, he tried to block the swearing-in of the 1<sup>st</sup> Vice President, Hon. Professor Massouda Mohamed Laghdaf, after successful re-election and redesignation to PAP by her national Parliament. The intention was to keep the 1<sup>st</sup> Vice President out of PAP so that he becomes the most senior Vice President in terms of ranking. Once Zimbabwe goes for elections, he then becomes Acting President and, in the event that he had succeeded in reversing the amendment of the Rules of Procedure, he could then declare a vacancy and freely contest for the Presidency without the encumbrance of rotation in the Rules.
- 1.6 That is the end game that the AUC and any other Organ needs to be wary of to avoid being used to support personal ambitions at the expense of the greater good of the Pan African Parliament. The usurpation of the post of Acting President by Hon. Dr. Gayo on 23<sup>rd</sup> August 2023, and the actions he has taken since then, including: Declaring a vacancy in the position of President and 1<sup>st</sup> Vice President (the latter of whom was sworn-in at the May Plenary session and assumed her position as 1<sup>st</sup> Vice President); Installing himself in the office of the President; Removing photos of the President and 1<sup>st</sup> Vice President from the presidential photo gallery; and, Writing to the AUC purportedly on behalf of the Bureau acknowledging that the amended Rules of Procedure should be withdrawn; – all expose what has been his agenda all along, that is, to take over the position of President of PAP.
- 1.7 Clearly, the issue at stake here is not whether or not the amended Rules comply with the PAP Protocol. That is just a smokescreen to mask the underlying political ambitions. The thrust is to reverse the amendment of the Rules of Procedure and, in the process, do away with the **rule of rotation** and pave the way for ascendancy to the position of President. Once you do not recognise the amended Rules, you do not recognise rotation.

## **2.0 SUMMARY OF UNLAWFUL CONDUCT SINCE 23<sup>RD</sup> AUGUST 2023**

**2.1** Among the unlawful actions taken by Hon. Dr. Gayo since he pitched up at PAP on 23<sup>rd</sup> August 2023 and declared himself Acting President are the following:

- i. Issuing an instruction to the new Clerk, Mme Lindiwe Khumalo, to declare the seat of the President and the 1<sup>st</sup> Vice President vacant both of whom are still office bearers in line with the amended PAP Rules of Procedure;
- ii. Unilaterally responding to the letter of the AUC Chairperson purportedly on behalf of the Bureau seeking to reverse the amendment of the Rules of Procedure;
- iii. Deliberately misleading MPs by peddling the narrative that the letter from the AUC Chairperson requesting the Bureau to respond to allegations that the amended Rules of Procedure violate the PAP Protocol invalidates the Rules of Procedure;
- iv. Attempting to dismiss the Director of the Bureau, the Policy Officer and the Secretary to the President from the employ of the Pan African Parliament for refusing to be used in his political shenanigans;
- v. Illegal appointment of a Temporary Director of the Bureau while the incumbent is still in post;
- vi. Demanding the keys to the office of the President, installing himself in the office despite having his own office at PAP, taking photos and distributing them to show the world that he has taken over the presidency at PAP;
- vii. Maligning the character of the President, fellow Bureau Members and the Director of the Bureau in meetings with Management and through proxies on Twitter;
- viii. Roping in Bridgette Motsepe, a South African mining mogul and PAP Ambassador with strong links to the former President of Botswana, Ian Khama, to sponsor some MPs from Zambia, Botswana and Malawi to support him in an attempt to divide the Southern Caucus;
- ix. With the aid of Mme Bridgette Motsepe, he invited the SABC to the PAP to give him coverage while ensconced in the office of the President to show the world that he has finally ascended to the office of the President;
- x. Issuing 'official' pronouncements on Twitter through the account of one Joseph Kalimbwe which bring the name of the Pan African Parliament into disrepute;
- xi. Threatening the Clerk with instant dismissal if she issues a ticket for the 3<sup>rd</sup> Vice President, Hon. Lucia Maria Mendes Goncalves Dos Passos, to come to PAP to assume her position as Acting President;
- xii. Intimidating and harassing staff, including the new Clerk, into actioning decisions that are unlawful; and,
- xiii. Hiring three henchmen to prevent the Bureau staff from accessing their offices in a diplomatic institution.

## **3.0 BACKGROUND TO THE PRESENT ACTIONS**

### **3.1 STRATEGY MEETING: ADDIS ABABA, ETHIOPIA, 15 AUGUST 2023**

**3.1.1** The events of the past few days are not coincidental but the outcome of a well-orchestrated plot conceived at a meeting convened in Addis Ababa, Ethiopia, on Tuesday 15<sup>th</sup> August 2023. The plot was hatched by **Hon. Dr. Gayo** and **Hon. Roger Nkodo Dang** (a former 2 term President of PAP who wanted a 3<sup>rd</sup> term but failed when H.E. Chief Charumbira took over), with the financial support of **Mme Bridgette Motsepe**. With financial support from Mme Motsepe, Dr. Gayo invited the following

current and former PAP MPs from the Southern Region to Addis Ababa for a planning meeting:

1. **Hon. Miles Sampa, Zambia**
2. **Hon. Yeremiah Chihana, Malawi** (contested against Chief Charumbira in the June 2022 elections and lost)
3. **Hon. Steven Mikaya, Malawi**
4. **Hon. Kobotswana, Botswana** (former PAP MP)
5. **Joseph Kalimbwe**, a Zambian social media activist and vitriolic critic of the ruling ZANU PF Party and H.E. Chief Charumbira.

**3.1.2** Hon. Dr. Gayo and Mme Motsepe paid for the Members' flight tickets, hotel accommodation and the Members were given **USD 1000** each as a token of appreciation for their support and services. The aforesaid are the MPs actively involved in the plot to unseat Chief Charumbira as PAP President.

**3.1.3** While in Addis Ababa, we are made to understand that the cabal tried, albeit unsuccessfully, to get audience with the AUC Chairperson and also tried to force the office of the Legal Counsel to issue a legal opinion supporting their position on the amendment of the PAP Rules of Procedure.

**3.1.4** The PAP Rules of Procedure were unanimously adopted by the Plenary Assembly on 4<sup>th</sup> November 2022. The cabal is seeking to have the amended Rules of Procedure withdrawn by the AUC on the false premise that they violate the PAP Protocol. The underlying motive is to fight against the principle of rotation, prevent returning Members who are office bearers in PAP from assuming their positions after re-election in their home countries, and pave the way for Hon. Dr. Gayo to assume the presidency of PAP. The main target is, therefore, H.E. Chief Fortune Charumbira, the PAP President.

**3.1.5** The idea of roping in MPs from the Southern Region is motivated by two objectives:

- i. Firstly, the false narrative they are trying to push is that PAP MPs are generally not happy with the leadership of H.E. Chief Charumbira. The presence and support of MPs from the Southern Region lends credence to that narrative by giving the impression that even the Southern Region, the President's own Region, is displeased with his leadership.
- ii. The cabal is aware that the principle of rotation is now firmly entrenched in the amended Rules of Procedure. If they fail to have the amended Rules withdrawn, even if H.E. Chief Charumbira were to step down, the next President can only come from the Southern Region until the end of the region's tenure in 2025. The cabal, therefore, needs a candidate from the Southern Region to express an interest in the Presidency and challenge H.E. Chief Charumbira's incumbency. It will not be surprising if the candidate comes from one of the MPs named above.

#### **4.0 WHAT IS THE STRATEGY?**

The cabal's strategy is multi-pronged:



- i. Lobby the AUC, Ministers of Foreign Affairs and Heads of State to revoke the amended Rules of Procedure under the guise that they violate the PAP Protocol to prevent H.E. Chief Charumbira and the 1<sup>st</sup> Vice President, Hon. Professor Massouda Mohamed Laghdaf, from resuming their positions as **Returning Members** after elections in their respective countries, Zimbabwe and Mauritania.
- ii. Support the 2<sup>nd</sup> Vice President, Hon. Dr. Gayo, to unprocedurally take over as Acting President once the Parliament of Zimbabwe is dissolved at midnight on 22<sup>nd</sup> August 2023 on the basis that H.E. Chief Charumbira is no longer an MP in Zimbabwe and thus no longer a PAP MP.
- iii. Declare a vacancy in the position of President and 1<sup>st</sup> Vice President, and push for elections during the Committee Sittings.
- iv. Source for funding from Mme Bridgette Motsepe to convene Committee Sittings at PAP at the earliest possible convenience and, in any event, before H.E. Chief Charumbira is sworn-in as an MP in Zimbabwe.
- v. If the amended Rules of Procedure are withdrawn, declare a vacancy in the Presidency and nominate Hon. Dr. Gayo as a candidate on the basis that rotation is not in the Rules and is, therefore, not binding on PAP.
- vi. If the amended Rules of Procedure are not rescinded, proceed to declare a vacancy in the Presidency during the Committee Sittings and elect a sponsored MP from the Southern Region to take over from H.E. Chief Charumbira and finish the term. The said MP will be a mere stooge under the direct control of Hon. Dr. Gayo for the duration of his tenure.
- vii. In the event that H.E. Chief Charumbira is sworn-in before this plan is executed, they are trying to use the aforementioned Southern Region MPs to mobilise the support of other MPs in the region to nominate a different candidate for the position of President. Hon. Sampa has been deployed to Mozambique and Angola to persuade the PAP MPs from these countries to support their position. Overtures have also been made to MPs in Malawi, Namibia, Tanzania and South Africa but these have been spurned.
- viii. Build a sustained media attack on the PAP President, H.E. Chief Charumbira, and the ruling ZANU-PF Party through Zambian social media activist, Joseph Kalimbwe, and the South African media to malign his character and reputation, discredit his suitability as a President and sway public opinion against him and the revolutionary party.
- ix. Push forward the false narrative the H.E. Chief Charumbira has been mismanaging funds at PAP by engaging a huge number of support staff during sessions resulting in the prevailing budgetary constraints which, of course, are a result of underfunding, in order to sway the sentiment of MPs and the public against him.

## **5.0 ACTION TAKEN TO DATE**

- In line with the aforementioned strategies, Hon. Dr. Gayo, Hon. Yerehiah Chihana, Hon. Miles Sampa, Hon. Steven Mikaya and Hon. Kobotswana, travelled to Midrand, South Africa, on Sunday 20<sup>th</sup> August 2023, under the guise of attending the BRICS Summit. Air tickets, hotel accommodation and allowances were funded by Bridgette Motsepe.
- Through Bridgette Motsepe, they had received invitations to a pre-BRICS dinner organised by the Progressive Business Forum, an appendage of the ANC in which Motsepe wields huge influence.
- At the behest of Mme Motsepe, speakers at the dinner were instructed to recognise the 2<sup>nd</sup> Vice President, Dr. Gayo, notwithstanding the presence of the PAP President.

- The group remained in South Africa under the guise of attending the BRICS Summit, which they did not attend, and proceeded to the Pan African Parliament on the morning of Wednesday 23<sup>rd</sup> August 2023 to install Hon. Dr. Gayo as the Acting President of the Pan African Parliament.
- From Wednesday 23<sup>rd</sup> to Thursday 31<sup>st</sup> August 2023, the cabal was at the Pan African Parliament everyday calling for meetings with Management and issuing directives to the Clerk for immediate implementation.
- The directives included: Writing a letter to the AUC declaring a vacancy in the office of the President and 1<sup>st</sup> Vice President against the Rules of Procedure; Attempting to fire the Director of the Bureau, the Policy Officer and the Secretary to the President for refusing to implement unlawful instructions; Forcing the Clerk to engage a Temporary Director of the Bureau on contract while the incumbent is in post thus creating parallel structures; Demanding the keys to the office of the President, installing himself therein and taking photos to show the world that he has taken over as President; Hiring three (3) henchmen to bar the Bureau staff from accessing their offices; Harassing, intimidating and abusing Management to force them to action unlawful instructions.
- Threatening the Clerk with immediate dismissal if she facilitates the issuance of a ticket for the Acting President, Hon. Lucia Dos Passos, to travel to South Africa to assume her duties;
- Convening meetings with Bridgette Motsepe on Thursday 24<sup>th</sup> and Friday 25<sup>th</sup> August 2023 to mobilize funding for the convening of Committee Sittings with the intention of deposing H.E. Chief Charumbira by declaring a vacancy during the Committee session and mobilizing support for Hon. Dr. Gayo (if the amended Rules of Procedure are withdrawn) or another candidate of their choice from the Southern Region (if the Rules are not withdrawn);
- Removing pictures of the President and the 1<sup>st</sup> Vice President from the Presidential gallery and posting this action on Joseph Kalimbwe's Twitter page as confirmation that H.E. Chief Charumbira was no longer the President of PAP;
- Making public pronouncements on Dr. Gayo's illegal actions through the Twitter page of Joseph Kalimbwe, a Zambian social media activist, including claiming to have deposed H.E. Chief Charumbira, fired the Director of the Bureau and revoked the Ambassadorial appointment of Prophet Uebert Angel;
- Inviting the SABC's Sophie Mokoena to give him coverage while ensconced in the President's Office to give the impression that he has taken over;
- Deliberately misleading the public in the interview that the amended Rules of Procedure have been invalidated by the AUC Chairperson and seeking to whip up public sentiment against the adopted Rules before any determination is made;
- Making unfounded allegations aimed at tarnishing the reputation of H.E. Chief Charumbira on the PAP MPs' whatsapp platform through Hon. Chihana, Hon. Sampa, Hon. Newton Samakayi (Zambia) and Hon. Menyani Zulu (Zambia).
- The cabal has also requested a meeting with the AUC Chairperson, the PRC Chairperson, the Chief of Staff and the Legal Counsel purportedly to discuss the PAP Budget. The meeting has not been sanctioned by the Bureau and the composition of the delegation exposes the mission's motives. Clearly a meeting on the PAP budget ought to include, at the very least, the Bureau of the Committee on Budget, Finance and Monetary Affairs, support staff from the Finance Department and even other Bureau Members. All these are not included in the mission and the trip is being funded by Mme Bridgette Motsepe. It is, thus, undoubtedly a political mission spearheaded by Hon. Dr.

Gayo and Mme Motsepe. They will be departing Johannesburg for Addis Ababa at midnight on 31<sup>st</sup> August 2023. The AUC has since confirmed the meetings.

## **6.0 ISSUES TO NOTE**

### **6.1 IS DR. GAYO THE ACTING PRESIDENT?**

**No.** Rule 19 of the PAP Rules of Procedure provides two criteria for a Vice President to act as President – **order of ranking and rotation**. Going by the order of ranking, the 1<sup>st</sup> Vice President would be the most senior and thus the Acting President. However, both the 1<sup>st</sup> Vice President and the 2<sup>nd</sup> Vice President have acted as President this year in the absence of the President, with the 2<sup>nd</sup> Vice President acting as recently as March 2023. Therefore, in terms of rotation, the lot falls on the 3<sup>rd</sup> Vice President, Hon. Lucia Maria Mendes Goncalves Dos Passos, to act as President. In compliance with the Rules of Procedure, H.E. Chief Charumbira duly appointed Hon. Dos Passos as Acting President on 21<sup>st</sup> August 2023. So, both in terms of ranking and rotation, Hon. Dr. Gayo cannot be the current Acting President. His usurpation of this role is thus a violation of the principle of rotation and the PAP Rules of Procedure which are very clear on the acting criteria.

### **6.2 CAN AN ACTING PRESIDENT REVERSE THE DECISIONS OF PLENARY?**

**Certainly Not.** The Plenary Assembly, consisting of all MPs, is the highest decision-making body of the Parliament. The Bureau of the Pan African Parliament acts under the direction of the plenary assembly and is responsible for ensuring the implementation of plenary decisions. Even the President, let alone a Vice President, cannot reverse or act against the decisions of the Plenary Assembly. In that regard, Hon. Dr. Gayo cannot act outside the Rules of Procedure adopted by the plenary assembly whether or not he agrees with the provisions of the Rules. He cannot, therefore, declare a vacancy in the office of the President and the 1<sup>st</sup> Vice President when the plenary has adopted Rules which clearly define “*cessation of membership*”, “*vacancy*” and “*Returning Members.*” In the same vein, he cannot declare himself Acting President when the Rules are clear on the acting criteria. All the actions he has performed to date are illegal given that he is not the Acting President.

### **6.3 CAN AN ACTING PRESIDENT FIRE BUREAU STAFF?**

The Acting President, which status is contested, cannot fire Bureau staff or any staff for that matter. The contracts of Bureau staff are clear that they serve at the discretion of the President and not the Acting President. Accordingly, the Acting President has no locus standi to dismiss Bureau staff. Secondly, the term of office of Bureau staff is tied to the tenure of office of the President. Under the amended Rules of Procedure, the incumbent President remains the substantive President even after going for elections until his/her national Parliament advises the PAP that he has not been redesignated to the Pan African Parliament. In this case, H.E. Chief Charumbira is already a Senator in the Parliament of Zimbabwe and is only awaiting swearing-in in his national Parliament to return as a Returning Member and assume his seat as President. Bureau staff thus remain officers of PAP under the amended Rules and can only be dismissed by the appointing authority.

## **6.4 THE BIGGER POLITICAL DIMENSION**

### **6.4.1 THE BRIDGETTE MOTSEPE-IAN KHAMA DIMENSION**

As has already been mentioned, one of the major sponsors of the cabal is Mme Bridgette Motsepe, a South African businesswoman with close ties to the former President of Botswana, Ian Khama. Her fight with H.E. Chief Charumbira, stems from his refusal to grant offices at the PAP precincts to Africa Forum, an organisation of former Heads of State chaired by Ian Khama. H.E. Chief Charumbira has declined to do so in recognition of the potential ramifications of this move on both the PAP and the AU's relations with Botswana, given Ian Khama's fractious relationship with the current government led by H.E. President Masisi. Both Mme Motsepe and Dr. Gayo have been trying to persuade H.E. Chief Charumbira to give offices to Africa Forum at PAP and he has steadfastly refused to do so. Dr. Gayo, on the other hand, oblivious of the politics, has promised Mme Motsepe that once they get rid of H.E. Chief Charumbira, under his stewardship PAP will open its doors to the Africa Forum. H.E. Chief Charumbira has thus become a victim of a wider political struggle in his attempt to defend the interests of both the PAP and the AU.

## **7.0 WAY FORWARD**

The AUC must not entertain the attempt by Hon. Dr. Gayo and his team to reverse the amendment of the PAP Rules of Procedure. Notwithstanding the fact that the AUC, or any other Organ for that matter, has no jurisdiction to review the PAP Rules of Procedure, the amendment process followed due process, involved the office of the AU Legal Counsel, and the Rules conform with the PAP Protocol and were unanimously adopted by the Plenary Assembly. Allegations that the amended Rules of Procedure violate the PAP Protocol are nothing more than a smokescreen to disguise the real intention of removing the principle of rotation from the Rules and paving the way for Hon. Dr. Gayo to contest for the Presidency.



**H.E. Chief Fortune Zephania Charumbira**  
**PRESIDENT OF THE PAN AFRICAN PARLIAMENT**



**Hon. Professor Massouda Mohamed Laghdaf**  
**1<sup>ST</sup> VICE PRESIDENT**





**Hon Lucia Maria Mendes Goncalves Dos Passos**  
**3<sup>RD</sup> VICE PRESIDENT**



**Hon. Francois Ango Ndoutoume**  
**4<sup>TH</sup> VICE PRESIDENT**

