

A disaster for Lesotho

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Lesotho's defeat in its court battle against Frazer Solar is a monumental disaster.

The judgment by the High Court of South Africa is a near-fatal blow to Lesotho's development agenda. Unless something dramatic happens by way of a soft settlement or an improbable victory in the apex court, Lesotho will have to pay nearly M1.2 billion to Frazer Solar.

We are disgusted.

The judge methodically dismissed the entire premise of Lesotho's application for rescission, poking holes into Lesotho's attempts to get the court to nullify the arbitration award that left Lesotho in the lurch.

He dismissed the claim that former minister Temeki Tšolo lacked the authority to sign the supply agreement with Frazer Solar.

The arbitrator and the South African High Court had jurisdiction over the matter, he ruled. The claim that Lesotho was not properly served to appear for the arbitration and in the initial case for the enforcement of the award is frivolous, he said.

So was former Prime Minister Moeketsi Majoro's argument that he was unaware of the agreement, the arbitration and the initial ruling when he was still finance minister.

The judge said former Prime Minister Thomas Thabane backed the agreement and assured Frazer Solar of the government's commitment to its implementation. Therefore, Tšolo was not an overzealous minister cutting deals with foreign companies but had the prime minister's blessings. Majoro was not an innocent bystander. Indeed, nothing Lesotho can say will justify ignoring the arbitration process and not fighting Frazer Solar's case to enforce the order.

Not even the Lesotho High Court's judgment nullifying the supply agreement will help. It doesn't appear that Lesotho stands a chance on appeal.

People slept on the job by not defending Lesotho during the arbitration process and initial court case.

Any punishment against those who dropped the ball or were complicit in this matter pales in comparison to the

consequences we have to suffer.

The least Tšolo, Thabane, and Majoro can do is accept their mistakes and apologise.

Sadly, Tšolo persists with the absurd defence that his signature was forged, Majoro clumsily disperses blame and Thabane is visibly silent.

Still, they will be remembered as the men who inflicted a devastating blow on Lesotho's fiscus and economy by their actions or inaction.

Our generation and the next will pay a huge price for their sins.

As we scrounge for resources to pay the debts, government projects will have to be suspended. We are already broke even without the crushing burden of this debt.

There will be no new roads, clinics and schools. The little infrastructure will not be maintained. Fewer people will be sponsored into universities and colleges.

There will be little left for safety nets for the poor.

Retrenchments in government and defaulting on other debts are a real possibility. We could be in a fix from which we might not escape for years.

Be very, very afraid!

It is understandable why there is collective anguish across the country. From government to the private sector, from the poor to the rich, from the old to the young and the yet-to-be-born.

The lessons from this debacle are clear. Never put incompetent people in positions of authority. When we hire the so-called experts we should be sure of their commitment to diligently protect our national interests.

We must have strong systems to protect our national interests against opportunistic foreign companies as well as unscrupulous and inept political leaders.

While enduring the pain of a debt we never wanted, we should say "Never again!" and vigorously pursue those who got us into this mess to deter others from taking us down the same treacherous path.