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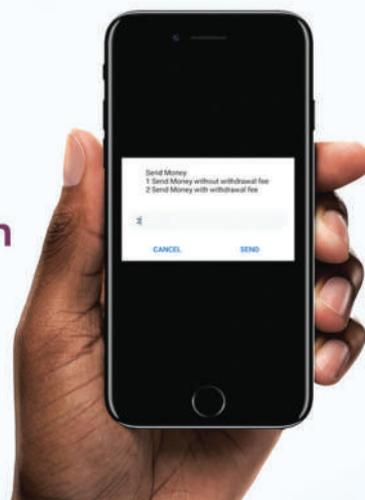
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Pascalinah Kabi

Frazer Solar reiterates claims that Majoro lied about solar deal

FRAZER Solar, a German company that has previously accused Prime Minister Moeketsi Majoro (pictured) of lying about its abortive M1, 7 billion solar energy deal with the previous Thomas Thabane-led government, has reiterated its claims against the premier.

In a statement this week, Frazer Solar alleged that Dr Majoro submitted an affidavit to the Gauteng High Court indicating that he was aware of the botched deal which has come to haunt the government.

The company also alleges that Dr Majoro's affidavit indicates that despite his denials, former Minister on the Prime Minister's Office, Temeki Tšolo, signed the main supply agreement on behalf of the government.

The Lesotho government wants the Gauteng High Court to reverse its April 2021 judgement endorsing a South African arbitrator's January 2020 decision to award Frazer Solar £50 million (M856 million) damages for the government's alleged breach of its 2018 contract with Frazer Solar.

The same court granted Frazer Solar's application to garnish the royalties due to Lesotho in terms of the binational Lesotho Highlands Water Project (LHWP).

This after Lesotho had failed to pay the multi-million maloti damages awarded by South African arbitrator, Vincent Maleka, for the government's alleged breach of the M1, 7 billion contract aimed at providing Lesotho with 40 000 solar water heating systems, 20 megawatts of solar power capacity, 1 million LED lights and 350 000 solar lanterns over four years.

Buoyed by the court judgment, Frazer Solar also moved to seize the Lesotho government assets in other countries. These include the government's shares in a Mauritian company, West Indian Ocean Cable Company (WIOCC).

The looming seizure of the assets finally jolted the government into action and last month, it dispatched an inter-ministerial delegation for talks with South Africa to stop Frazer Solar from laying its hands on the water royalties and any other Lesotho assets in South Africa.

The government followed up on the talks by assembling a team of lawyers from four different law

... alleges premier confessed to Gauteng High Court that he knew about the botched tender,
... claims that ex-minister Tšolo signed deal on behalf of govt,
... other senior govt officials were also aware of and vocally supported the deal.

firms in South Africa to collectively formulate an application for the reversal of the court judgement garnishing the water royalties.

The Lesotho Times has not seen a copy of Dr Majoro's affidavit to enable it independently verify the company's latest allegations.

Attorney General, Rapelang Motsieloa, who has been designated as the government spokesperson on the issue, yesterday said they could not release Dr Majoro's affidavit to the media.

"Frazer is releasing all these details but I cannot comment on their truthfulness as they are hoping we will glorify them with a response," Advocate Motsieloa said.

"I am not going to respond. It is not possible to share the prime minister's affidavit filed in the Gauteng High Court in the Frazer Solar matter with you," Adv Motsieloa added.

However, Frazer Solar insists that Dr Majoro's affidavit indicates that he and other government officials were aware of the 2018 deal.

The company said that contrary to their testimonies to the Public Accounts Committee (PAC) last week, Mr Tšolo, Mr Thabane's personal aide, Hlophe Matla, and former Government Secretary, Moahloli Mphaka, were all aware of the controversial deal.

It also said that Dr Majoro had admitted that Mr Matla and Mr Tšolo's former secretary, Masentle Ntobaki, all witnessed the signing of the main supply agreement.

"Frazer Solar wishes to provide clarity around statements made to the Public Accounts Committee (PAC) by former Minister Temeki Tšolo, former Government Secretary Moahloli Mphaka and ABC aide, Mr Hlophe Matla, and to draw attention

to contradictions in the evidence provided by Prime Minister Moeketsi Majoro to the South African court," the company said in its statement.

"Following appearances at the PAC over the past week, the following claims have been made and reported on: Mr Matla stated that he never witnessed the agreement with Frazer Solar being signed; Minister Tšolo stated he never signed the agreement and (former) Government Secretary Mphaka stated he never received any legal papers.

"Frazer Solar reiterates that all stakeholders consulted — from the King and the Prime Minister, down to and including Mr Matla, Minister Tšolo and Government Secretary Mphaka — not only knew about the Frazer Solar project but were vocally supportive of its ambitions.

"On the express and explicit instructions of former Prime Minister Tom Thabane, Minister Tšolo categorically and in full knowledge of its substance signed the Supply Agreement, witnessed by Mr Matla and Ms Ntobaki on 24 September 2018," Frazer Solar said.

The company alleges that Dr Majoro's affidavit to the Gauteng High Court contradicts Messrs Matla, Mphaka and Tšolo's testimonies to the PAC.

"Prime Minister Majoro's sworn affidavit submitted to the South African court outlines his version of events and the official (government of Lesotho) GOL position. These are in direct contradiction to the statements made by Mr Matla, Minister Tšolo and Government Secretary Mphaka to the PAC.

"Dr Majoro's affidavit states that: 1. Mr Matla and Ms Ntobaki witnessed Minister Tšolo and Robert Frazer signing the Supply Agree-

ment. 2. Minister Tšolo did sign the Agreement, but wasn't authorised. 3. It is "improbable" that Minister Tšolo did not sign the supply agreement. 4. Government Secretary Mphaka confirms he received the legal documents but did nothing about it, forwarded them to no-one, informed no-one and acted only to 'file them away,'" Frazer Solar said.

The company also accused Dr Majoro of lying when he told the media last month that he did not anything about the abortive deal.

It said his affidavit to the Gauteng High Court confirms that, "Majoro knew but didn't act.

"In addition, Dr Majoro has directly contradicted himself. He has repeatedly said to the media that he had no knowledge of the matter until it become public on 18 May 2021. However, in his affidavit he acknowledges he did personally receive legal documentation on the case on 21 March 2021, almost two months beforehand. He further acknowledges that neither he, the Government Secretary or Chief Legal Officer took any action and 'that no steps were taken to oppose the matter'. This documentation related to the water royalties and due to Dr Majoro's admitted inaction, Frazer Solar seized the water royalties unopposed," the German company said.

This is not the first time that the company has accused Dr Majoro of lying about the deal.

Last month, Frazer Solar said it had notified the premier of its initial Gauteng court application in an



email on 19 April 2021. The company said it had then received a notification that Dr Majoro had received and read the email.

Frazer Solar further claims that Dr Majoro was personally involved in the botched solar deal. It claims the premier met with Frazer Solar representatives and corresponded with them on several occasions.

AG stops PAC's Frazer Solar deal probe

Pascalinah Kabi

... says parly committee's hearings will compromise Lesotho's court case against German company

ATTORNEY General Rapelang Motsieloa has ordered the Public Accounts Committee (PAC) to stop its probe into the previous Thomas Thabane-led government's botched M1, 7 billion solar energy deal with German company, Frazer Solar.

Advocate Motsieloa stopped the probe on the grounds that current and former government officials' testimonies before the parliamentary committee would compromise Lesotho's case currently before the Gauteng High Court in South Africa.

The PAC launched its own investigations into the controversial 2018 deal which has resulted in the government being ordered by a South African arbitrator to pay off £50 million (M856 million) in damages to Frazer Solar. This for allegedly breaching a 2018 contract the company claims to have entered into with Mr Thabane's government for the supply of solar water heating systems, solar generated electricity, LED lights and solar lanterns over four years.

Frazer Solar insists it had a valid agreement that was signed by former Minister in the Prime Minister's Office, Temeki Tšolo. The company says the project was not implemented due to current Prime Minister Moeketsi Majoro's dogged refusal to sign the financing agreement when he was finance minister under the Thabane government.

Mr Tšolo appeared before the PAC last week and angrily denied signing the controversial deal. He told the PAC members, who included former cabinet minister, Nyapane Kaya, that

his signature had been forged. He said he was "set up for failure" by unnamed people who had inked his signature on the botched deal.

More former and current government officials had been lined up to testify before the attorney general's decision to stop the PAC probe. In his letter to the speaker of parliament, Sephiri Motanyane, Adv Motsieloa says the PAC hearings are not in the best interests of the country as they will expose Lesotho's defence to Frazer Solar. The AG's letter was read out during the PAC's Tuesday sitting which had been convened to hear evidence from officials from the finance; development planning; public service as well as energy and meteorology.

PAC chairperson Teboho Sekata read the letter before cancelling the hearing. Reading from the letter, Mr Sekata, said, "it is now a matter of public knowledge that one Robert Frazer of Frazer Solar obtained an arbitration award in South Africa against the Kingdom of Lesotho for liquidated damages running into billions of maloti.

"Following the award, Frazer Solar approached the High Court in South Africa for recognition and enforcement of that award against the Kingdom's assets worldwide. The Kingdom has since approached the same court in Johannesburg to have the execution of the arbitrary award in favour of Frazer Solar stayed.

"The matter is ripe for hearing. It has since come to the attention of the office of the Attorney General that the parliamentary Public Accounts Committee, whose mandate I (Motsieloa) am not questioning, is busy collecting information surrounding the alleged or purported signing of the supply agreement...

"As I pointed out above, there is now a pending case in South Africa in which the Kingdom of Lesotho is a party. Over and above, preparations are underway to approach the High Court of Lesotho to have the alleged supply agreement reviewed and set aside. These ongoing investigations by the Public Accounts Committee could prove costly and prejudicial to our court cases. The very same information being collected by the Public Accounts Committee could be used against us by our opponent in court to gain advantage or even influence the legal outcome of our case."

Adv Mtsieloa's letter, as read out by Mr Sekata, clearly shows that there is no love lost between the government and Frazer Solar, who the former now regards as the "foreign enemy".

"The (PAC) committee may not even get all the information they need because some witness may be very reluctant to discuss any information while there is a case in court...The view I (Motsieloa) take is that the situation we find ourselves in as a nation regarding the

Frazer Solar matter against the Kingdom is akin to a nation under attack from a foreign enemy irrespective of how we ended up here.

"If ever there was a time to put aside whatever differences we may have as a nation, this is it. I am therefore writing to you honourable speaker to intervene and ask the Public Accounts Committee to consider holding their investigations in abeyance until we are finished with the court cases. I look forward to your urgent consideration of my request. Yours, service to the nation, Rapelang Mtsieloa, Advocate, Attorney General," Adv Mtsieloa's letter states.

Ms Sekata also read from parliament's Standing Order 43 (2) which states that parliament should "not refer to any matter on which a judicial decision is pending".

Mr Sekata said the PAC was therefore left with no alternative but to suspend its probe into the solar energy deal.

"As things stand, with the office of the Speaker (Motanyane) calling and informing us of the latest development, we regard this issue as a boundary which we cannot cross.

"This means that we cannot go ahead with our hearings as per Standing Order 43 and the decision made by the Speaker. Let us give the courts and the government a chance to deal with this matter and see where it will end," Mr Sekata said.