

# MEDIA BRIEFING NOTE

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## Overview

On Monday 17 May 2021, lawyers acting for Frazer Solar GmbH ('FSG') began a worldwide enforcement action against assets held by the Kingdom of Lesotho. Enforcement followed a full and final arbitration ruling in South Africa against the Kingdom of Lesotho, which awarded €50 million in damages to FSG.

## Government Response

In a press conference in Maseru, Lesotho, on Wednesday 19 May 2021, Moeketsi Majoro, Prime Minister of Lesotho, addressed the legal action, claiming not to have been contacted by FSG. Mr Majoro said:

*"We were made aware first in South African newspapers, and then in international newspapers, of an arbitral award with a company called Frazer Solar. We were taken aback by this, but we are studying this arbitral award and will respond appropriately to it."*

*We are a bit surprised that it was an award in South Africa not a Court in Lesotho, but we are trying to understand why. The company indicated that it was lobbying institutions around the world to help attach Lesotho's property so it can repay. I would have thought that if they really thought we owed them money, the first port of call would be to come to Lesotho and get us to pay. But as things be, we will try to understand what is going on.*

*Lesotho's properties both in Lesotho and overseas are protected and we don't think the action that they are proposing will succeed. In the next few weeks we will understand what is going on, we are mobilising our own resources to try to understand."*

On Thursday 20 May 2021, Keketso Sello, Minister of Communications, Science and Technology, responded to the legal action in an interview with the Lesotho Times. Mr Sello said:

*"I was a minister at that time and I don't remember the government of Lesotho entering into a contract of that sort with anyone. However, we are closely monitoring the developments and the government is currently applying its mind on how best to address this matter.*

*The nation must be rest assured that Lesotho is not going to have its assets seized by anyone. We will not allow that to happen. After all, our assets are protected from seizure by international protocols and no one will lay claim to such assets because of disputed contractual obligations."*

## Evidence to the Contrary

It is not credible for Mr Majoro to claim surprise or lack of knowledge regarding this legal action. As Finance Minister (2017-2020), Mr Majoro was personally involved in FSG's engagement with the Government of Lesotho and, meeting with and corresponding with company representatives on multiple occasions over the course of more than a year.

Mr Majoro's knowledge of the legal action is evidenced in the table below, which presents **25 instances since 2019** in which Mr Majoro and his office were informed in person, by email, or by fax of the existence of the dispute, the arbitration proceedings, the arbitration award, and the pending enforcement action.

Attached in Appendix A is a 'Read Receipt' from Mr Majoro's government email account, sent on 19 April 2021.

**SCHEDULE OF SERVICE  
FRAZER SOLAR GMBH // THE KINGDOM OF LESOTHO**

<b>DOCUMENT DESCRIPTION</b>	<b>DATE OF SERVICE</b>	<b>METHOD OF SERVICE</b>	<b>RECIPIENT</b>
Letter of Demand	15 March 2019	Served by sheriff  E-mail  Fax	P Lebusa – Senior Private Secretary's Office- Prime Minister's Office, Lesotho
July Notice calling for information in terms of Clause 18 of the Agreement	11 July 2019	By hand  E-mail  Fax	P Lebusa – Prime Minister's Office, Lesotho
Letter of Termination of the Supply Agreement	29 July 2019	By hand  Per registered post  E-mail  Fax	Prime Minister's Office  P.O Box 527 Maseru, Lesotho
Notice of Arbitration	30 July 2019	Served by sheriff	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Arbitrator Appointment Request	7 August 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Confirmation of Appointment of Arbitrator/Tribunal	14 August 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Notice of Preliminary Meeting	15 August 2019	By hand  E-mail	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho

Preliminary Meeting Agenda	22 August 2019	E-mail	
Preliminary Meeting Agenda	26 August 2019	By hand	General Secretary's Office – Prime Minister's Office, Lesotho
Preliminary Meeting Agenda	27 August 2019	E-mail	
Note on Jurisdiction, Draft Procedural Order No. 1, Statement of Availability and Draft Minutes of Preliminary Meeting	9 September 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Statement of Availability, Minutes of Preliminary Meeting, Procedural Order No. 1 and Procedural Timetable	17 September 2019	By hand	Prime Minister's Office, Lesotho
Statement of Claim	14 October 2019	By hand	Prime Minister's Office, Lesotho
E-mail from Arbitrator Maleka confirming that Call will proceed on 25 November 2019	24 November 2019	E-mail	
Notice of Preliminary Procedural Call	25 November 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Letter evidencing proof of service	27 November 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Letter to Respondent	27 November 2019	E-mail	
Minutes of Preliminary Procedural Call and Procedural Order No. 2	29 November 2019	By hand	P Lebusa – General Secretary's Office – Prime Minister's Office, Lesotho
Arbitration Award	28 January 2020	E-mail	
Arbitration Award	31 January 2020	Hand delivered	Prime Minister's Office, Lesotho
Letter of Service dated 4 December 2020, UK Enforcement Order, Claim Form and Witness Statement	4 December 2020	By hand By hand	Ministry of Mining Registry, Lesotho Prime Minister's Office, Lesotho

South African Enforcement Application	8 December 2020	Diplomatic delivery by hand via South Africa's High Commission in Lesotho	Ministry of Foreign Affairs, Lesotho
Caselines invitation to participate in South African hearing	20 March 2021	E-mail	Note: Invitation pending
Notice of Set Down of South African Hearing	19 April 2021	E-mail  Fax	Note: Read receipt received from Mr Moeketsi Majoro
Notice of Set Down of South African Hearing	20 April 2021	Hand Delivery	Government Secretary's office, Lesotho

## APPENDIX A

This document is a 'read receipt' sent by Mr Majoro's government email account on 19 April 2021 in response to an email sent by lawyers acting for FSG notifying Mr Majoro of pending enforcement proceedings.

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**From:** Moeketsi Majoro <Moeketsi.Majoro@gov.ls>  
**To:** Petersen Hertog Attorneys  
**Sent:** 19 April 2021 19:48  
**Subject:** Read: Notice of set down - Case number 2020/33700 - Frazer Solar GMBH // The Kingdom of Lesotho

Your message

To: Moeketsi Majoro  
Subject: Notice of set down - Case number 2020/33700 - Frazer Solar GMBH // The Kingdom of Lesotho  
Sent: Monday, April 19, 2021 3:32:13 PM (UTC+02:00) Harare, Pretoria

was read on Monday, April 19, 2021 8:47:45 PM (UTC+02:00) Harare, Pretoria.