

Why Matekane snubbed Frazer Solar gesture

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MASERU - Prime Minister Ntsokoane Sam Matekane, on the advice of Attorney General, Advocate Rapelang Motsieloa, has rejected Fraser Solar's request to meet him in Johannesburg to discuss matters pertaining to the case between Fraser Solar and the country.

In an interview with Public Eye, Motsieloa said Frazer sent a letter to Matekane and he advised him not to look into it.

"By right, it was supposed to be sent by his lawyers, to the lawyers of the government of Lesotho, not directly to Prime Minister," he said.

He, however, indicated that the matter is still in court, therefore appeals to local media to ignore Fraser's weekly reports.

A statement by Britain's former Attorney General Geoffrey Cox who was seeking to mediate in the ongoing legal dispute between Fraser Solar and the Kingdom of Lesotho said Matekane rejected his request to mediate in the case before courts of law.

The statement released



Prime Minister Ntsokoane Sam Matekane

this week states that in early November 2022, Cox sent an introductory letter to Matekane, communicating his willingness to discuss with him and his advisors an amicable resolution to the long-running Fraser Solar dispute.

Via lawyers, the statement says Matekane rejected Geoffrey's offer, labelling

it as "inappropriate" and unauthorised.

A Frazer Solar spokesman said: "Geoffrey's offer to act as an impartial mediator should have reminded Matekane that the ongoing dispute is a serious matter with real consequences, and that it is not something that can be ignored or wished away."

The spokesperson further

indicated that the recent ruling by the High Court of Lesotho is irrelevant because it was made too late, almost three years after the independent arbitrator's ruling.

In addition, he said, the High Court has no jurisdiction over an international arbitration process that will continue to be recognised as valid by jurisdictions around the world. The statement further notes that Geoffrey was invited by Frazer Solar to reach out to the PM as an independent mediator, not as a legal representative of the company.

"Geoffrey is well suited to this role as he has been a practicing barrister for 40 years and was appointed Queen's Counsel (now King's Counsel) in 2003. During the past 19 years, Geoffrey has represented governments, corporations and individuals in negotiations, mediations and international arbitrations and other matters around the world," says the statement.

According to Frazer, the Government of Lesotho owes Fraser Solar €50 million (about M900 million) plus costs and interest.

"Although this problem was

not caused by Matekane, he is fully responsible for its resolution. Basotho will judge the wisdom of his decision to ignore this clear opportunity to end the case once and for all. As we enter 2023, Frazer Solar will expand its legal battle into new jurisdictions, with future investigations likely to bring international scrutiny onto allegedly corrupt financial dealings involving Lesotho government officials," the statement states.

In a statement issued on November 11, the DCEO noted that on April 28, a warrant of arrest against Frazer was issued for him to appear before court.

According to the statement, efforts are being made for the arrest of Frazer through relevant international bodies.

Shortly before the DCEO began this investigation in December 2020, serious allegations were made linking government officials to overpayments and bribes. The company maintains that the decisions taken by Moeketsi Majoro when serving as Finance Minister and Prime Minister are at the heart of both the Frazer Solar and Sinoma Tbea controversies.

EU wants more financial independence for IEC

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As a result, EU EOM recommends that the IEC be provided with budgetary independence through direct and timely access to funds approved in the national budget, with strengthened transparency and accountability requirements.

The observation mission has also recommended strengthening of the implementation of continuous civic education including in educational institutions, and timely voter education campaigns, both offline and online, with a specific focus on youth, women and persons with disabilities.

The mission further suggested improvement of accuracy and inclusiveness of the voter register.

This follows reports of voters' names that were missing on voter lists, further articulating that in some cases, voters were referred to IEC and directed to another polling stations.

Another priority suggestion by the EU election observation mission is for the government to enable the IEC to effectively perform its oversight tasks and extend them to all political parties' expenses and received donations to ensure effective transparency of party and campaign finance.

The recommendation is a result of their observation that although the law provides the

IEC with wide investigative powers, including inquiring into the management of allocated funds, entering offices of political parties, seizing books, accounts and documents, and interrogating any person if considered necessary for the needs of inquiry, the IEC is limited in the scope of its scrutiny as it can only investigate the use of funds it provides for campaign purposes.

The report observed that the IEC lacks financial and human resources to carry out these tasks. It reads that the IEC's limited resources undermined its capacity to perform its financial oversight functions.

The election mission also recommended introduction of reasonable limitations on political campaign expenditures and prohibition of use of state resources in order to create a level playing field among contestants.

The recommendation follows observation by the EU EOM that the campaign was characterised by the significant difference in financial resources between Revolution for Prosperity (RFP) and its competitors.

It notes that most political parties financed themselves through membership fees and donations to traditional parties severely dropped as business owners redirected their support to RFP in the 2022 elections, while most candidates were



counting on free airtime to get their messages to voters and door-to-door canvassing due to lack of resources.

The report further states that while other political parties were financially struggling, parties that were previously in power were running expensive rallies providing transport, food and T-shirts to attendees.

"The limited funds provided by the IEC did not level the playing field between parties with unequal financial resources, especially small political parties and independent candidates. This benefited RFP, as the party had substantial funds and transportation means to implement a broad and expensive election campaign, with its leader using helicopters to move around the country," the report.

The report further states that the EU EOM also observed several instances of the use of government vehicles for campaigning, which is

for parties in timely manner, making political contributions and expenditure non-transparent to the public.

“ The report further indicates that as much as polling staff was recruited on time and the IEC demonstrated competence in delivering the training, sessions were conducted in overcrowded and inadequate locations, with insufficient training materials.

illegal for ministers and “other officials” contrary to regional good practice, reads the report.

It further states that there are no limits on campaign expenditure

It said this leaves a crucial component of political party activity without proper institutional oversight and public accountability.