

Mukelwe Mthembu

Senior Associate



Mukelwe Mthembu is a Senior Associate in our Dispute Resolution practice. She has experience in commercial litigation, arbitration proceedings and procurement law. Mukelwe provides regulatory, risk advisory and dispute resolution services in both the public and private sector.

About Mukelwe

Mukelwe joined Cliffe Dekker Hofmeyr as a Candidate Attorney in 2018. She served her articles of clerkship whilst serving in CDH's Dispute Resolution Practice, Employment Law Practice and Competition Law Practice.

In September 2021 she was admitted as an attorney of the High Court of South Africa and has been practicing in Dispute Resolution and Litigation since, wherein she has been appointed as an Associate.

Mukelwe was promoted to Senior Associate in 2024.

Credentials

Education

- LLB, University of the Witwatersrand

Experience

- Legal advice

Advised major banking institutions on the enforceability of various government agreements and/or legality of such underlying public law requirements for the government (i.e. governments/state-owned) action/conduct for purposes of considering whether to fund particular transactions/projects.

- Legal advice

Representing multi-national oil companies in arbitration and litigation in various matters that affect the sale and distribution of petroleum products in South Africa.

News

Contact Mukelwe

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[Mukelwe on LinkedIn](#)

Expertise

[Dispute Resolution](#)

Location

Johannesburg

Language

English

isiZulu

[The establishment of the Public Procurement Tribunal](#)

The complex public procurement system in South Africa has been fertile ground for litigation over many years, and to say that law reports are replete with cases dealing with public procurement would be an understatement. Litigation in this context almost invariably brings significant delays in public procurement. Those delays cost money and cause much frustration and inefficiency within public procurement, and are a significant contributor to the lack of service delivery. The unnecessary complexity in the public procurement regulatory framework often results in confusion that invariably leads to disputes.

[Another judgment on prescription?](#)

Whether it relates to the meaning of a debt or the running of prescription, it seems that every year, the courts are obliged to publish judgments dealing with one or the other.

[Nigeria's incoming Arbitration and Mediation Bill, 2022](#)

The incoming Arbitration and Mediation Bill (Bill) in Nigeria, which is said to be more commercially aware and more in tune with international practices, is set to change the legal landscape of mediation and arbitration in Nigeria.

[Can the enforcement of an international arbitral award be stayed pending the finalisation of a separate action instituted in court?](#)

The High Court in *Industrius D.O.O v IDS Industry Service and Plant Construction South Africa (Pty) Ltd* JOL 51033 (GJ) recently dealt with this issue.

[Exemption clauses and liability for damages](#)

Pens are mightier than swords! None more so than the one used to draft exemption clauses, aka "disclaimer clauses". An exemption clause is a contractual modification to the common law rule as to risk; a "shield" if you will, absolving one party, either wholly or partially from an obligation or liability which would or could arise at common law under a contract. Our courts have also demonstrated a willingness to give effect to exemption clauses.

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