

# Kelo Seleka

Senior Associate



Kelo Seleka is a Senior Associate in our Dispute Resolution practice. He has experience in public law (including administrative, constitutional, and public finance, procurement related laws), public international law. He also has experience in general and commercial litigation as well as arbitrations in the energy and infrastructure sectors. Kelo has provided these legal services to both public and private entities.

## About Kelo

Kelo was admitted as an attorney in 2016 and practiced as such for over 5 years before joining Cliffe Dekker Hofmeyr in 2022. He has experience in public law (including administrative, constitutional and public finance, procurement related laws), public international law. Kelo also has experience in general and commercial litigation as well as arbitrations in the energy and infrastructure sectors. He was promoted to Senior Associate in 2024.

## Credentials

### Education

- LLB, University of South Africa (2013)
- LLM in Environmental Law, University of Witwatersrand (2022)
- Admission as attorney (2016)

## News

### Africa's green industrial dawn: A global call for action and partnership

Africa finds itself at a pivotal juncture, uniquely positioned to champion a new era of sustainable development. Faced with the dual challenges of climate change and the urgent need for robust economic development, the continent is increasingly looking towards a green industrial revolution. This isn't merely an environmental imperative; it's a strategic pathway to unlock unparalleled competitiveness, generate meaningful employment for its burgeoning populations, and secure long-term prosperity. Now, African policy experts are making a compelling case to the Group of Twenty (G20): it is time to back Africa's green ambitions and align global trade and investment frameworks to realise this transformative vision.

## Contact Kelo

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## Expertise

[Dispute Resolution](#)

## Location

Johannesburg

## Language

English

Setswana

## Reforming public procurement regulations to unlock private sector participation in critical infrastructure projects in South Africa

Infrastructure is the backbone of economic development, as it acts as a catalyst for trade within a country and across its borders. As such, it is imperative that the state puts innovative regulatory measures in place that will facilitate investment through the participation of the private sector in key public infrastructure projects such as roads, ports, railways, energy and other trade related infrastructure.

## Liability of municipal officials for unauthorised, irregular, fruitless and wasteful expenditure

Municipalities have original constitutional powers and are directly responsible for the management of their affairs. They are required to comply with the norms and standards imposed on them by national legislation. The Municipal Finance Management Act 56 of 2003 (MFMA) was enacted to "secure sound and sustainable management of the financial affairs of the municipalities", and "to establish treasury norms and standards for the local sphere of government". One of the ways it does this is by recognising the possibility that expenditure may not occur in a manner that illustrates sound and sustainable management and by creating liability and recovery mechanisms around that recognition to minimise financial exposure for municipalities.

## 'New Dawn' for Public Procurement in South Africa: The Public Procurement Act becomes law

Following its adoption by the National Assembly on 16 May 2024, President Cyril Ramaphosa on 23 July 2023, assented to signed into law the Public Procurement Act 28 of 2024. The Public Procurement Act seeks to create a single framework that regulates public procurement, including preferential procurement, by all organs of state, with the necessary efficiency, cost-effectiveness and integrity and enhance transparency and integrity, among others, to combat corruption, ensure efficient, effective and economic use of public resources and advance transformation and broadened economic participation.

## The soon to be 'new' preferential procurement framework

In addition to regulating public procurement generally, the long title to the Procurement Bill states that the Bill is meant to prescribe a framework within which preferential procurement must be implemented. Of course, this must be so, because the Constitution requires national legislation be enacted to provide for such a framework. It is important to note, however, that in as much as national legislation must prescribe a framework, the prerogative power to create and implement a preferential procurement policy within that framework remains with the individual organs of state and institutions. This was confirmed by the Constitutional Court, and is something that cannot be taken away from procuring entities by the Procurement Bill.

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