

**Mayor Dada Morero**  
City of Johannesburg Metropolitan Municipality  
Metropolitan Centre  
1<sup>st</sup> Floor Council Chamber Wing  
158 Civic Boulevard  
Braamfontein  
Johannesburg  
2000

90 Rivonia Road, Sandton  
Johannesburg, 2196  
PO Box 61771, Marshalltown  
Johannesburg, 2107, South Africa  
Docex 26 Johannesburg  
T +27 (0) 11 530 5000  
F +27 (0) 11 530 5111  
[www.webberwentzel.com](http://www.webberwentzel.com)

## By Sheriff of the High Court

**And to:** Interested parties listed in Annexure "A"

Your reference	Our reference	Date
	A Thakor / M Iisley / T Kathrada 4009947	28 August 2024

Dear Mayor Morero

## Request for an urgent meeting to save the art collection of the Johannesburg Art Gallery

1. We act for the Johannesburg Heritage Foundation ("**JHF**") and the Friends of Johannesburg Art Gallery ("**FoJAG**") (collectively referred to as "**our Clients**").
2. The JHF, as set out in its Constitution, is dedicated to ensuring that the valuable cultural and natural heritage of Johannesburg is preserved for future generations.
3. FoJAG is a not for profit company registered in 1976 to support the Johannesburg Art Gallery ("**the JAG**"). Over the years, FoJAG has played an invaluable role in sustaining the JAG through financial contributions, publishing guides, expanding membership, organising exhibitions, raising funds to acquire art, and overall supporting the gallery's mission.
4. Our clients write to you in the public interest and out of a well-justified concern that the JAG's heritage assets are at risk of being irreparably damaged unless immediate and decisive action is taken.
5. The JAG houses one of the most important art collections in Africa. It is a crucial cultural and historical resource of South Africa's history of colonialism, apartheid and the ongoing struggle for equality.
6. Established in 1908 under a Deed of Donation ("**the Deed**"), the JAG was entrusted to the City of Joburg ("**COJ**") as the custodian of the art collection, whilst the Art Gallery Committee

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**Senior Partner:** JC Els **Managing Partner:** SJ Hutton **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AE Bennett AP Blair K Blom AR Bowley M Bux V Campos RI Carrim T Cassim SJ Chong ME Claassens KL Collier KM Colman KE Coster K Couzyn DB Cron PA Crosland R Cruywagen JH Davies KM Davis PM Daya HM de Villiers ST Dias L de Bruyn A de Meyer PU Dela M Denenga C Dennehy DW de Villiers BEC Dickinson DA Dingley G Driver W Drue GP Duncan HJ du Preez CP du Toit TC Dye SK Edmundson LF Egypt KH Eiser AE Esterhuizen K Fazel G Fitzmaurice JB Forman L França M Garden OH Geldenhuys MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw M Mahlangu S Manley V Mannar L Marais G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall N Moodley L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry S Patel N Pather GR Penfold SE Phajane MN Phala M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjettan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts Y Robbertse S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira P Singh S Sithole J Smit MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tihavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali L van Tonder N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warmington J Watson AWR Westwood RH Wilson KD Wolmarans

**Chief Operating Officer:** SA Boyd

was made responsible for managing the artworks. Pertinently, the Deed imposes obligations on the COJ to preserve the JAG collection and maintain the Lutyens Building, which houses the JAG. The relevant clauses in the Deed provide that:

*"UPON TRUST that the said Municipal Council shall maintain and keep in a proper state of repair and in good order and condition the said [JAG] and its surroundings"*

and

*"said Municipal Council shall maintain and keep in proper state of repair and in good order said pictures and other works of art."*

A copy of the Deed is attached as "**B**".

7. We are instructed that the COJ has neglected its duties as contained in the Deed and has failed to maintain the Lutyens building. Not only has the building not been preserved and maintained, but the precious art collection has not been kept in a proper state of repair and under safe conditions. Notwithstanding JAG being a member of the International Council of Museums, it has failed to implement the protocols for properly handling and preserving its artworks, which compromises their public enjoyment and protection. Without urgent intervention, the artworks will be lost. This will inflict immense harm on the residents of the COJ and deprive future generations of the ability to benefit from the JAG's precious heritage assets.

### **Risk of damage to JAG's art collection**

8. On 13 August 2024, our clients visited the JAG and were given a tour by the Chief Curator, Mr Khwezi Gule. Our clients were able to observe first-hand the limited collection on display and the poor state of the building. Our clients learnt that 9000 artworks are in storage and that only one percent of the art collection is currently on display. Notably, half of the storage rooms, where the remaining art are housed, are unsafe from water ingress, and the art collection must be routinely moved around to makeshift storage sites during heavy rains. There is an imminent threat to this art with the upcoming rainy season.
9. Resultantly, the artworks are at severe risk of damage, and some have already been damaged beyond repair. With every spate of rainfall, the need to move the artworks poses several dangers, including:
  - 9.1 physical handling. Every time a piece of art is moved by hand, there is an unnecessary and unacceptable risk of accidental drops, scratches, or impacts, particularly if the movement is hurried due to a leaking roof or other urgent situations;
  - 9.2 environmental fluctuations. Artworks are sensitive to changes in temperature, humidity, and light. Moving them between storage locations exposes them to varying environmental conditions, which causes deterioration; and
  - 9.3 lack of proper storage space, packing and crating. Makeshift storage sites, such as the JAG's old coffee shop and board room area that is currently being used, do not have the necessary climate control, security, or protective measures that the primary storage units ought to offer. Not only does that contribute to increased wear and tear, but it poses an increased security risk of theft, vandalism, or accidental exposure to harmful conditions.

10. Our clients found the exhibition halls to be in dire condition with limited, if any, displays. Of the 15 exhibition halls in the JAG, only two are operational. The remaining halls are closed and inaccessible to the public, meaning that artworks that would typically be on display are now confined to dangerous and often makeshift storage rooms.
11. Due to the limited artworks on display, there is very little for visitors to see, and this is reflected in the low visitor numbers, approximately 5000 per annum, most of which are from schools that visit the gallery on school tours. This stands in contrast to the 7.2 million visitors who attended the Louvre last year – the most popular art museum in the world – and the 189,003 visitors who visited the Zeitz Museum of Contemporary Art Africa in the City of Cape Town.

### **The structural defects in the Lutyens building**

12. During the visit, our clients observed the deteriorating state of the Lutyens building and the risk it poses to the artworks. The Lutyens building was built in 1914, with the Meyer-Pienaar wing added in 1986. However, it has become dilapidated due to inadequate maintenance and failed restoration efforts, each leaving it in a worse condition than before.
13. The building has deteriorated to such an extent that it now jeopardises the preservation of its culturally and historically invaluable art collection.
14. During their visit, our clients identified the below listed defects which render the Lutyens building unfit for the purpose of operating an art gallery:
  - 14.1 first, persistent roof leaks have compromised the building's structure and have caused severe damage to the structural integrity of the building. In particular, the rainwater damaged the storerooms, resulting in damage to highly valued artworks. Also affected include, among others, the ceiling, as can be seen by the photographs attached as "C". These photographs, taken by our clients during their visits to the JAG, provide a glimpse into the building's deplorable condition. However, they do not fully capture the extent of the disrepair and neglect. The true severity of the situation can only be appreciated through a firsthand inspection of the premises;
  - 14.2 second, there is rising damp in the basement section of JAG, due to overflow water from the reflection pool not draining properly;
  - 14.3 third, the storage rooms that are used to house the majority of the artworks are in a perilous state. They lack climate control and strict lighting protocols. The storage rooms are also at constant and unacceptable risk of flooding, fire, and structural collapse; and
  - 14.4 fourth, the gallery in the basement hall has been closed off due to safety risks, internal decay and debris, the presence of mould, the risk of slipping and other hazards.
15. If urgent and immediate steps are not taken to preserve the collection, irreparable harm will continue to be caused to the artworks due to the structural defects described above and the COJ's failure to discharge its custodial responsibilities over them.

### **The historical and cultural significance of the artworks**

16. The JAG houses artworks of acclaimed international and local artists such as Pablo Picasso, Auguste Rodin, Claude Monet, Gerard Sekoto, Sydney Khumalo, Jacobus

Pierneef and William Kentridge. The JAG collection is thus one of indisputable heritage value and cultural significance.

17. The JAG has the largest public art collection in South Africa. It is an eclectic collection of both traditional artefacts and contemporary South African and international art from the 15<sup>th</sup> century to the present.
18. Professor Federico Freschi, the Executive Dean of the Faculty of Art, Design, and Architecture at the University of Johannesburg, penned a summary of the significance of the JAG collection at the request of JHF and FoJAG, which we attach marked "D".
19. As set out by Professor Freschi, the collection held by JAG symbolises South Africa's artistic and cultural heritage that spans South Africa's history of colonialism, apartheid and the ongoing struggle for equality. JAG's collection is unique and cannot be found at any other South African gallery or worldwide. The key points Prof Freschi demonstrates in his note are that:
  - 19.1 the JAG collection is one of the most important art collections in Africa because it consists of a wide range of art, from "*traditional Southern African Art*" to contemporary international works, and is a "*crucial cultural and historical resource*";
  - 19.2 the JAG should not only be a site for the everyday visitor but has immense potential to be used as an important educational tool to foster "*critical engagement with art and history*". For example, the JAG has served as a research institution to reclaim and honour previously excluded and marginalised African artists; and
  - 19.3 the JAG is a publicly owned, and publicly available resource that has the potential to democratise art appreciation and provide a shared cultural experience. The JAG belongs to the people of Johannesburg and South Africa, and its accessibility is essential for the community's cultural and intellectual growth.
20. The JAG should preserve and promote Johannesburg's cultural identity and diversity and foster community engagement and education. There can be no doubt that the JAG is a key asset in the COJ's cultural landscape. As we explain below, the COJ is not only legally obliged to properly maintain the JAG, but there is a Constitutional duty on the COJ and its public officials to respect, protect, and promote the heritage and cultural wealth of the JAG's art collection, which belongs to the COJ's residents.
21. Despite its rich offerings, the JAG has been neglected by the COJ, and such neglect cannot continue.

### **Request to COJ for an urgent engagement meeting to discuss JAG**

22. Our clients are addressing this letter to you because, according to the Deed, the Mayor has an oversight role as chair of the Art Gallery Committee, coupled with the responsibility to convene Art Gallery Committee meetings and keep minutes as envisaged by the drafters of the Deed. The Mayor's role was integral to the success of the JAG. We understand that over time the Mayor delegated this function to councillors who blatantly failed to discharge the Mayor's custodial responsibilities in respect of the JAG's art collection.
23. The perilous state of JAG unequivocally confirms that the JAG's governance mechanisms need urgent review and revision and that the COJ has failed to allocate the requisite budget and resources to protect the JAG's priceless assets.

24. Accordingly, our clients request that an urgent high-level meeting be held with you and the interested parties listed in Annexure "A". This meeting should discuss both an interim solution and a long-term solution to the JAG's problems.
25. The presence of the heritage authority officials is necessary because the JAG was declared a National Monument in the Government Gazette of 6 January 1993, in terms of the National Monuments Act. When the National Monuments Act was superseded by the National Heritage Resources Act ("**NHRA**") in 1999, the building was automatically converted to a Grade 2 Provincial Heritage Site in terms of the NHRA.
26. Given the imminent threat to the art collection, as this letter outlines, an urgent interim solution is required to protect these invaluable assets. Our client, FoJAG, has developed a comprehensive interim plan that incorporates strategies to rehouse, restore and digitise the JAG's art collection at no cost to the COJ. The interim solution is critical and must be implemented before the start of the summer rains, which are expected to begin in a month or less. We attach this plan marked "**E**".
27. The long-term solution calls for a discussion and extensive public participation in the JAG's management, function, location and restoration. To date, the COJ's attempts to renovate and cause repairs to the JAG have been unsuccessful and have failed dismally. The scope of work needs to start by considering the waterproofing and roofing of the JAG in its entirety – not piecemeal, as has been the case previously. The crisis JAG finds itself in shows that the COJ does not have the capacity or budget to fix the problems, as things stand. A long-term solution may entail the COJ developing and implementing a public-private partnership to ensure that the JAG can be restored and improved.
28. On 28 June 2024, our clients informed the MMC for Community Development, Cllr Magwentshu, and the Director of Executive Support: Community Development, Ms. Nelisiwe Baai, of the urgent need for a meeting with relevant stakeholders to develop an action plan to secure and restore the art collection and the Lutyens Building.
29. Unfortunately, this email was ignored, prompting our clients to send a follow-up on 4 July 2024. In response, Ms. Baai stated that the MMCs for Community Development and Finance had conducted a "*joint oversight*" of the JAG in early June 2024 to plan for its refurbishment. She also mentioned that an internal task team had been formed to "*fast-track the refurbishment*". Ms. Baai assured our clients that the task team would share the refurbishment plans as the process unfolded and promised to keep our clients informed of all developments.
30. To date, our clients have not received any further communication from the MMC, Ms. Baai, or anyone representing the task team. It is unclear whether the task team still exists or whether the COJ is committed to completing the refurbishment. In light of the continued silence from the MMC and Ms. Baai, our clients followed up with emails on 5 and 17 July 2024, but received no response. On 19 August 2024, Cllr Magwentshu whose office our clients had been communicating with, was replaced by Cllr Gwamanda, who was appointed as MMC for Community Development.
31. In our clients' most recent email to the MMC and Ms. Baai, they emphasized that the artworks housed in the JAG cannot remain in the Lutyens building during the approaching rainy season. As we have explained, the building, in its current state of disrepair, cannot adequately protect the artworks, and our clients have been advised that many pieces are likely to be damaged irreparably if they remain in the building. The inherent risks to the artworks render this matter extremely urgent and worthy of urgent intervention.

32. We attach the email communication between our clients and the relevant COJ officials as "F".

### The COJ has a legal duty to take urgent measures to safeguard the JAG's art collection

33. The Deed states in no uncertain terms that the donors established the JAG *"for the promotion of the Arts [...]and in particular [so] that the inhabitants of the Town of Johannesburg and of the neighbourhood thereof and other persons resorting thereto may have the benefit and enjoyment of the said pictures, and other works of art as they may be so used and applied for the purposes of an Art Gallery."* It further provides that the Council must:

*"maintain and keep in a proper state of repair and in good order and condition the said Art Gallery and its surroundings and the said pictures and other works of art, and shall hold and apply and keep the same in suitable and proper order for the general purposes of an Art Gallery and Museum of Industrial Art for the Town of Johannesburg for the promotion of the Arts and Artistic Crafts and in particular that the inhabitants of the Town of Johannesburg and of the neighbourhood thereof and other persons resorting thereto may have the benefit and enjoyment of the said pictures, and other works of art as they may be so used and applied for the purposes of an Art Gallery and Museum of Industrial Art . . ."*

34. The donors entrusted the COJ with custodial powers over the JAG and its art collection because it has every incentive, and should be able to deploy adequate resources, to reasonably ensure the safety of the art so that residents and future generations can benefit from its rich heritage.
35. The COJ, the Council, the Mayor, the City Manager, and the City's officials ("**the Municipal entities**") are also bound by section 7(2) of the Constitution to respect, protect, promote, and fulfil the rights in the Bill of Rights.
36. Sections 16(1)(b) and (c) of the Constitution provide that everyone has the right to freedom of expression, which includes the freedom to receive or impart information or ideas and the freedom of artistic creativity. Freedom of expression extends not only to those who seek to impart information or ideas but also to those who may be the recipients of expression. That freedom is diminished by the COJ's failure to take reasonable steps to preserve the JAG and its art collection. The right to freedom of expression is not merely about the ability to express oneself, but it also includes the public's right to access and engage with various forms of creative expression.
37. The JAG is a critical institution facilitating residents' access to this right. It houses one of Africa's most important art collections, offering a diverse array of artistic works that represent local and international cultural heritage. These artworks serve as a medium through which artists, past, present and future, may receive information and develop their artistic creativity. The right to freedom of artistic creativity not only protects the outcome or end product of the artistic process, but also the process of artistic creation itself. The JAG's art collection is a repository of art and a vital platform for artistic creativity. The COJ's failure to fulfil its duties of trust over the JAG and its art collection violates the constitutional right to freedom of expression and, without urgent intervention, will inflict irreparable harm on the COJ's residents and artists.
38. Under the heading "[l]anguage and culture", section 30 of the Constitution states that "everyone has the right to participate in the cultural life of their choice, so long as doing so

is not inconsistent with any provision of the Bill of Rights". This constitutional right is intended to ensure that everyone has the opportunity to engage with, preserve, and enjoy their cultural heritage and expressions. It acknowledges that cultural participation is a fundamental right that must be respected, protected and promoted by the Municipal officials.

39. The failure by the Municipal entities to take reasonable steps to safeguard the JAG and its artworks diminishes the rights of the COJ's residents to participate in the cultural life of their choice. The JAG is a crucial cultural institution that ought to provide residents with access to its rich, vast and diverse art collection. This collection is not merely a set of objects but a repository of the cultural heritage of both South Africa and the broader world. When the Municipal entities fail to maintain the gallery and its artworks, it directly impedes the ability of residents to access and engage with this cultural resource, impoverishing their cultural lives. The JAG houses a collection representing a wide array of cultural expressions, from traditional African artefacts to contemporary global art works. This diversity is essential for allowing residents to engage with different aspects of their own culture and to explore and appreciate the cultures of others. Allowing the JAG and its artworks to be destroyed risks losing this diversity forever, and narrowing the cultural experiences available to residents.
40. Our clients are of the view that if regard is had to the South African White Paper on Arts and Culture, which speaks of the transformative power of the arts, there can be no justification by the COJ to refuse to initiate urgent plans to reasonably protect the JAG's cultural assets and make the JAG's artworks accessible to the COJ's residents for their benefit and enjoyment. In particular, the White Paper states that:

*"rooted in freedom of expression and creative thought, the arts, culture and heritage have a vital role to play in development, nation building and sustaining our emerging democracy"; and*

*"because art, culture and heritage are drivers of social transformation according to social practices, values, traditions and histories of cultural community, "the remaking of South Africa into a just and inclusive society cannot be accomplished without drawing on the creative, cultural and heritage resources of all our people."*

41. In failing to take reasonable steps to preserve the JAG and its artworks, the Municipal entities also violate the constitutional right to property. Section 25 of the Constitution provides that "[n]o one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property". The Municipal entities' neglect of the JAG and its artworks is resulting in their loss, depriving the residents of the COJ of their property.

## Conclusion

42. As things stand, the COJ and the Art Gallery Committee have dismally failed to preserve the JAG art collection and have neglected their duties to create a conducive environment for the public of Joburg to enjoy the artworks. The COJ and Art Gallery Committee are therefore in breach of the public duties vested in them by the Deed and the Constitution.
43. Our clients seek to assist the COJ and Art Gallery Committee to rectify the breach through a process of engagement with the identified interested parties so that the proposed solutions can be discussed and implemented. We shall be pleased if your office would acknowledge receipt of our letter and indicate your availability for a meeting during the week of **3-9 September 2024**. Please acknowledge receipt of our letter by no later than

2 September 2024. Should we not hear from you by 2 September 2024, we will infer that the COJ do not regard this demand as urgent and has no inclination to meet with our clients.

44. At the outset, we wish to note that our clients have already obtained the financial backing of third parties that are amenable to assisting with the relocation and storage of the JAG collection pending the refurbishment of the Lutyens building. Therefore, the COJ has nothing to lose, and all to gain, by agreeing to work with and alongside our clients in the pursuit of this project.
45. In the event that you fail to adhere to our clients' demands, our clients reserve the right to take necessary legal action to urgently enforce the public interest provisions contained in the Deed and protect against the ongoing violation of the implicated constitutional rights. If possible, our clients wish to avoid unnecessary litigation which will be highly embarrassing for the City and its officials.
46. It is our clients' sincere hope that the situation can be amicably resolved in the best interests of all concerned.

Yours faithfully



**WEBBER WENTZEL**

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Direct fax: +27 11 530 6875

Email: [asmita.thakor@webberwentzel.com](mailto:asmita.thakor@webberwentzel.com)



**Annexure A**

**1. City Manager: Mr Floyd Brink**

Metropolitan Centre  
1<sup>st</sup> Floor Chamber Wing  
158 Civic Boulevard  
Braamfontein  
Johannesburg  
**Service by Sheriff of the High Court**

**2. MMC for Community Development: Kabelo Gwamanda**

13th Floor  
A Block Metro Centre  
158 Civic Boulevard  
Braamfontein  
Johannesburg  
Email: [Kabelo.ihm@gmail.com](mailto:Kabelo.ihm@gmail.com)  
**Service by email**

**3. Director Executive Support for Community Development: Ms Nelisiwe Baai**

13th Floor  
A Block Metro Centre  
158 Civic Boulevard  
Braamfontein  
Johannesburg  
Email: [NelisiweB@joburg.org.za](mailto:NelisiweB@joburg.org.za)  
**Service by email**

**4. Chief Curator of JAG: Arts, Culture and Heritage: Mr Khwezi Gule**

Cnr Klein and King George Streets  
Joubert Park  
Johannesburg  
Email: [Khwezig@joburg.org.za](mailto:Khwezig@joburg.org.za)  
**Service by email**

**5. Head: Provincial Heritage Resources Authority Gauteng: Ms Tebogo Molokomme**

2<sup>nd</sup> Floor  
Surrey House Building  
35 Rissik Street  
Johannesburg  
Email: [Tebogo.molokomme@gauteng.gov.za](mailto:Tebogo.molokomme@gauteng.gov.za)  
**Service by email**

**6. South African Heritage Resources Agency CEO: Adv Lungisa Malgas**

Email: [lmalgas@sahra.org.za](mailto:lmalgas@sahra.org.za)  
**Service by email**

**7. Art Galley Committee Members**

- a. **Joseph Gaylard (Acting Committee Chair)**  
[jgaylard@prohelvetia.org.za](mailto:jgaylard@prohelvetia.org.za)  
Service by email
- b. **Melissa Goba**  
[melissagoba15@gmail.com](mailto:melissagoba15@gmail.com)  
Service by email
- c. **Molemo Moiloa**  
[moiloa.molemo@gmail.com](mailto:moiloa.molemo@gmail.com)  
Service by email
- d. **Nontobeko Ntombela**  
[nontobeko.ntombela@wits.ac.za](mailto:nontobeko.ntombela@wits.ac.za)  
Service by email
- e. **Pfunzo Sidogi**  
[sidogip@tut.ac.za](mailto:sidogip@tut.ac.za)  
Service by email
- f. **Philippa van Straaten (JAG Registrar and Committee Secretary)**  
[PhilippaV@joburg.org.za](mailto:PhilippaV@joburg.org.za)  
Service by email

***DEED OF DONATION, JANUARY 1913***

**DEED OF DONATIO INTER VIVOS**

**Be it hereby made known** That on this the twenty-first (21st) day of January, One Thousand Nine Hundred and Thirteen (1913) before me,

JAMES JOHNSON HOYLE,

Notary Public, duly admitted and sworn, residing and practising at Johannesburg in the Transvaal Province of the Union of South Africa, and in presence of the subscribing witnesses to his signature personally came and appeared

SIR LIONEL PHILLIPS, BARONET

of Johannesburg aforesaid, acting herein for himself and on behalf of his wife

FLORENCE PHILLIPS

of Johannesburg aforesaid, and also on behalf of

OTTO BEIT

and

MAX MICHAELIS

both of London. England (the Appearer, the said Lady Phillips, the said Otto Beit and Max Michaelis being hereinafter referred to as "the Donors")

AND THE APPEARER acting as aforesaid did declare:

THAT WHEREAS in or about the year 1910 the Donors did agree to unite themselves with other persons connected with the Town of Johannesburg with the object of acquiring pictures, statues and other works of art, including herein old furniture lace and other articles having an artistic value, to be used and applied for the general purposes of an Art Gallery and Museum of Industrial Art for the behoof and public benefit of the inhabitants of the said town and the neighbourhood thereof and of others resorting thereto:

AND WHEREAS the Municipal Council of Johannesburg by virtue of the powers vested in it under Section 24, Sub-Section 16 of Ordinance No. II (Private) of 1906, and

with and under the consent of His Excellency the Governor-General of the Union of South Africa in Council, is about to erect and provide a building to be used and employed as an Art Gallery and Museum of Industrial Art (hereinafter referred to as the said Art Gallery and for other purposes:

AND WHEREAS the Donors have acquired for the purposes of the said Art Gallery the pictures statues and other works of art, furniture, lace and the like, all as described in the Inventory hereunto annexed and signed as relative hereto and referred to hereinafter as "the said pictures and other works of art" all of which shall be placed in or about the said building:

AND WHEREAS the Donors are desirous of arranging for the continuance of the said Art Gallery and the securing of its general objects more efficiently and permanently and for that purpose of vesting the said pictures and other works of art in the Municipal Council of Johannesburg in trust for the ends, uses and purposes hereinafter mentioned, subject to the control of the body hereinafter referred to as the Art Gallery Committees:-

NOW THEREFORE THE APPEARER acting as aforesaid did declare that in pursuance of the desire above set forth the Donors do hereby give, grant and convey the whole of the said pictures and other works of art, all as described in the said Inventory to and in favour of the Municipal Council of Johannesburg, upon and for the trusts, intents and purposes and with and under and subject to the powers and provisions hereinafter expressed of and concerning the same, that is to say: UPON TRUST that the said Municipal Council shall maintain and keep in a proper state of repair and in good order and condition the said Art Gallery and its surroundings and the said pictures and other works of art, and shall hold and apply and keep the same in suitable and proper order for the general purposes of an Art Gallery and Museum of Industrial Art for the Town of Johannesburg for the promotion of the Arts and Artistic Crafts and in particular that the inhabitants of the Town of Johannesburg and of the neighbourhood thereof and other persons resorting thereto may have the benefit and enjoyment of the said pictures, and other works of art as they may be so used and applied for the purposes of an Art Gallery and Museum of Industrial Art, subject nevertheless to the proviso, as it is hereby agreed and declared, that the said Municipal Council shall do and perform no act, matter or thing with reference to the purchasing or acquisition of other works of art for the behoof of the public, or the removal, whether temporary or permanent, from the said Art Gallery of the said pictures and other works of art or any of them, before and until the said Municipal Council shall have consulted with and received the advice and consent of a Committee, to be styled the Art Gallery Committee, which shall be constituted as follows, that is to say, by the following seven persons, namely: the Mayor of Johannesburg, one person to be nominated and appointed from time to time by the Government of the Union of South Africa, one person to be nominated and appointed from time to time by the said Municipal Council, LADY FLORENCE PHILLIPS aforesaid, RAYMOND WILLIAM SCHUMACHER, Esquire, PATRICK DUNCAN, Esquire, C.M.G., M.L.A., Barrister at Law, and HERBERT BAKER, Esquire,

F.R.I.B.A., Architect, all of Johannesburg aforesaid, PROVIDED ALWAYS that if any of the four members last above named or any other members to be appointed in their stead as hereinafter is mentioned or any of them shall die or be desirous of being discharged from or refuse or decline or be incapable to act on the said Art Gallery Committee then and in such case and when and so often as the same shall happen it shall and may be lawful to and for the majority of the members for the time remaining from time to time to nominate and appoint any other person or persons to be a member or members in the stead or place of the member or members so dying, or desiring to be discharged or refusing or declining or becoming incapable to act as aforesaid and every person to be so nominated and appointed as aforesaid shall have all the powers and authorities of the member in whose room he shall be substituted; provided further and in order to make provision for the temporary absence from Johannesburg or temporary inability to act of any one or more of the said Members it shall be competent for each of the Members other than the Mayor of Johannesburg and the Members to be appointed by the Government of the Union of South Africa and by the Municipal Council of Johannesburg by writing under his or her hand addressed to the Mayor of Johannesburg to nominate and appoint an alternate to act on the said Committee during the temporary absence or inability to act of such member subject to the approval of every such appointment by a majority of the remaining members of the Committee, and in the case of the Mayor of Johannesburg and the members appointed by the Government and by the Municipal Council of Johannesburg as aforesaid it shall be competent for the Government to nominate and appoint an alternate to the member by the said Government nominated and appointed as aforesaid and for the Municipal Council of Johannesburg to nominate and appoint alternates in place and stead of the Mayor and of the member by the said Municipal Council nominated and appointed as aforesaid, and all such nominations shall be communicated in writing by the person or persons making the same to the Mayor of Johannesburg and each of the said alternates shall by virtue of such appointment be empowered to act as and in place and stead of the member for whom he may be appointed as alternate during the temporary absence or inability to act of such member;

PROVIDED ALWAYS and it is hereby agreed and declared that the said Municipal Council shall not keep the said Art Gallery closed upon Sundays and Public Holidays nor by itself or through any person representing it remove, exchange or dispose of, varnish or repair the said pictures, statues and other works of art after the same shall have been placed in the said Art Gallery to be provided by the Council as aforesaid, nor shall the said Municipal Council add to the collection comprising the said pictures, statues and other works of art any other pictures, statues, casts, models, furniture, books or any other works of art or chattels whatsoever without first obtaining the consent of the said Art Gallery Committee nor shall the said Municipal Council appoint nor from time to time remove a Curator or Curators of the said Art Gallery without first obtaining the advice of the said Art Gallery Committee AND IT IS HEREBY FURTHER PROVIDED that four members shall constitute a quorum for the transaction of business by the said Art Gallery Committee that the Mayor of Johannesburg from time to time

shall act as convener and shall be responsible for the proper and safe-keeping of the Minutes of the proceedings of every Meeting of the same, subject always to the said Art Gallery Committee having power to make rules and regulations for the conduct of its business.

ALSO personally came and appeared before me, the Notary, on the 22nd day of January, 1913, in presence of the subscribing witnesses to his signature,

WILLIAM RICHARD BOUSTRED

in his capacity as the Mayor of Johannesburg, who declared to accept the donation aforesaid on behalf of the Municipal Council of Johannesburg and to undertake on behalf of the said Council to carry out all and singular the obligations on the said Council imposed as conditions of the said gift.

IN WITNESS WHEREOF the Appearers, the said SIR LIONEL PHILLIPS, BARONET, and the MAYOR OF JOHANNESBURG have hereunto set their hands at Johannesburg on the respective dates hereinbefore written in the presence of the witnesses ALAN SMITH and ERNEST DEGENHART, JOHN ALEXANDER MOODIE and FRANK HOLLAND, who together with the Appearers and me (the Notary) have subscribed to the original hereof remaining filed in my Protocol.

OUOD ATTESTOR,

J. JOHNSON HOYLE,  
NOTARY PUBLIC.

The Minute hereof has been duly stamped with a one shilling (1/-) stamp.

J. JOHNSON HOYLE,  
Notary.

[Here follows the signed inventory, listing the items in the 1910 catalogue plus 'Collection of Drawings and Pictures of the Pre-Raphaelite School' presented by Sir Sigismund Neumann, some more portraits (paintings and busts), 'Seven Cases Laces and Fabrics, containing pieces 59' and 'Case of Old Fans' from Lady Phillips, 'One Cape Dutch Wardrobe' from A E Balfour, and an 'Art Library' from Max Michaelis.]















## **The Significance of the Johannesburg Art Gallery (JAG) Collection**

The Johannesburg Art Gallery (JAG) holds one of the most significant art collections on the African continent in terms of its breadth, scope and historical significance.

Established in 1910 by Lady Florence Phillips with the intention of creating for the citizens of Johannesburg the opportunity to “own a picture collection, to possess works of art, [and] to be able to enjoy their own fine things,”<sup>1</sup> the gallery’s collection has grown over the past century grown to become a significant cultural resource, playing a crucial role in the development of Johannesburg as the diverse and vibrant cultural centre that it is. As with any public art collection, the JAG collection reflects the socio-cultural life of the city and the country. It is a visual narrative of Johannesburg’s—and by extension, South Africa’s—complex history. The collection tells stories of colonialism, apartheid, resistance, and the ongoing struggle for equality and justice. In this way, the JAG collection is not just a series of art objects; it is a cultural repository that speaks to the experiences, challenges, and triumphs of the people of this extraordinary city.

As a repository of artistic heritage, the JAG collection is invaluable, both in its material worth and its cultural, social and educational importance. From the traditional southern African art of the Brenthurst Collection to South African traditional, modern and contemporary art, through Dutch and Flemish paintings, prints and furniture, to nineteenth- and twentieth-century British and French paintings, watercolours, sculptures and prints, to contemporary international art, the collection is as impressive in scope as it is in substance, bespeaking a commitment from curators through the decades to representing in all its complexities and contradictions the fabric of Johannesburg’s – and by extension South Africa’s – cultural and social life.

From the outset, the collection has also been a vital educational resource, part of what was once a powerful research institution that contributed significantly not only to celebrating the riches of the collection, but also to reclaiming and honouring artists marginalised by colonialism and apartheid. Thus, apart from the material value of the

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<sup>1</sup> Thelma Gutsche, *No Ordinary Woman: The Life and Times of Florence Phillips*. Cape Town: Howard Timmins, 1966, p. 6.

collection, the fact of its existence is a beacon of cultural and historical significance, both for the city of Johannesburg and the broader understanding of art, society, and history in South Africa.

It is difficult to overstate the material value of the JAG collection in terms of the current art market. Many works are internationally significant pieces that would be all-but impossible for the Gallery to acquire today due to their astronomical cost – not least, a number of oil paintings by French Impressionists including, Bonnard, Derain, Monet and Signac – as well as important oil paintings and sculptures by canonical South African artists like Irma Stern, Maggie Laubser, J H Pierneef, Ernest Mancoba, Gerard Bhengu, George Pemba and others. In addition to the artworks, and in keeping with Florence Phillips’s injunction that the collection should contain “craftsmanship of every form so that the people could both enjoy beautiful things and learn to adapt them to their own materials and workmanship,”<sup>2</sup> the collection also comprises European and South African antique furniture as well as Oriental ceramics, textiles, fans and Japanese prints.

Beyond its material value, the JAG collection and the building that houses it is a historical artifact in its own right. The gallery was among the pioneers of modern art museums globally, established to educate the citizens of Johannesburg, then a burgeoning colonial city, about contemporary European art. As collections policies over the years changed to keep up with the challenges and possibilities of the changing political, economic and social fortunes of Johannesburg, the collection has come to offer a window into the artistic and social evolution of the country, making the gallery an essential part of South Africa’s cultural heritage. Ideally, the fact that these works are housed within a public collection amplifies their importance, as they should offer the people of Johannesburg and visitors alike the valuable opportunity to engage with works of considerable cultural and aesthetic importance that might otherwise be confined to private collections or inaccessible to the public. This accessibility is crucial, as it democratizes art appreciation and allows for a shared cultural experience. We are poorer as a city without it.

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<sup>2</sup> *Ibid.*

Furthermore, the inherent educational value of the JAG collection is immense. Like any great public collection, it should serve as an important resource for teaching history, society, and politics in a nuanced manner. In the past, through its diverse programme of exhibitions, lectures, workshops, and other educational initiatives, the gallery provided a platform for critical engagement with the collection. The collection allowed students, scholars, and the general public to explore complex themes and histories, making it a crucial tool for learning and reflection. The gallery's library and archives, which include important collections like the Federation Union of Black Artists (FUBA) archives, further enhance its role as a research institution. These archives have generated significant new knowledge about South African art and have reclaimed for history many artists who were previously marginalised or overlooked.

Public art collections, like that of JAG, serve as mirrors to the societies in which they exist. They reflect the evolution of thought, cultural dynamics, and historical events that have shaped the city and the nation. The JAG Collection is no exception; it captures the diverse and complex socio-cultural landscape of Johannesburg, from its colonial past to its vibrant present. Ultimately, the JAG Collection belongs to the people. It is a public asset that should be enjoyed, challenged, and engaged with by everyone. Like any significant collection in a thriving democracy, the collection exists to inspire challenge, uplift and provoke – qualities that are essential in any vibrant, dynamic society.

However, it is increasingly apparent that the JAG collection is under threat. The almost 100-year-old Sir Edwin Lutyens building that houses the gallery is in dire need of renovation. Indeed, the sandstone façade is so damaged, the roofs so full of leaks, and the general structure so badly neglected, that it may soon reach a point of no return; a 'demolition-by-neglect' and the consequent loss of an irreplaceable piece of significant cultural heritage. While plans for complete renovation have periodically been proposed, to date these have not materialised. As a result, both the building and the collection it houses are deteriorating. In some cases, the damage to artworks is irreparable. Allowing this collection to languish and decay is reprehensible; it is an injustice to future generations who deserve the opportunity to engage with this cultural and artistic heritage and make up their own minds about what it means to them and to the city.

Ultimately, the JAG collection belongs to the people of Johannesburg, and by extension, to all South Africans. It is a public treasure that should be accessible to everyone, allowing the public to enjoy it, be challenged by it, be offended by it, be inspired by it, and be uplifted by it. The role of art in society is not just to please but to provoke thought, evoke emotion, and inspire change. On the eve of our celebration of 30 years of democracy, the JAG collection has the potential to fulfil this role magnificently, offering endless opportunity to celebrate our diversity, cherish our freedom of choice, and affirm our common humanity.

In the final analysis, the JAG collection is an irreplaceable asset of immense material, cultural, and educational value. It is a vital part of Johannesburg's history and a beacon of South African art. Its 'fine things' belongs to the people, and it is their right to have access to it, to learn from it, and to be inspired by it. Preserving this collection for future generations is not just a responsibility; it is a moral imperative.

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**Professor Federico Freschi**

Executive Dean | Faculty of Art, Design & Architecture

University of Johannesburg (writing in his personal capacity)



## Action Plan for the Relocation and Preservation of the JAG Collection

**Objective:** Safeguard and preserve the Johannesburg Art Gallery (JAG) collection by relocating it to a secure facility, ensuring its future accessibility, and activating it through digitisation and virtual engagement.

### 1. Immediate Relocation:

- **Timeline:** Urgent
- **Task:** Pack up and move the entire JAG collection to a secure storage facility at Ditsong Archives in Pretoria, part of DSAC.
- **Responsibility:** Friends of JAG (FoJ) will manage the project in partnership with the City of Joburg. A corporate benefactor will fund 80% of the costs, and the balance will be funded by the Government of France/a Specialist Service Provider with a global track record that can transfer critical skills to the JAG team/local project team.
- **Goal:** Prevent further deterioration due to the current building's unsafe conditions.

### 2. Secure and Fit-out Storage:

- **Timeline:** Within the first 3 months.
- **Task:** Fit out the storage space to house the collection securely for up to 5 years, making it accessible to the professional team that needs to work on it.
- **Responsibility:** FoJ in partnership with the CoJ, Corporate benefactor and Ditsong Archives.

### 3. Collection Assessment, Valuation and Digitisation:

- **Timeline:** Over 5 years.
- **Task:** Audit, assess value and condition, and digitise the entire collection, making it accessible to the public.
- **Responsibility:** FoJ, CoJ, MEMORIST at a reduced fee (80%) due to a partnership with the Embassy of France.
- **Goal:** Ensure the collection is accessible online and preserved digitally.

### 4. Public Engagement via Virtual Platform:

- **Timeline:** Ongoing during the 5-year period.
- **Task:** Activate a virtual museum on platforms like Google Arts & Culture and others, as agreed to by all partners. Copyright is a critical consideration in that process.
- **Responsibility:** Friends of JAG in partnership with COJ.
- **Goal:** Maintain public access and engagement with the collection.

## 5. Long-Term Planning:

- **Task:** Explore options for a new fit-for-purpose JAG satellite gallery and a governance structure that ensures a sustainable institution. Funding to build a new fit-for-purpose JAG satellite gallery.
- **Responsibility:** Friends of JAG, in partnership with COJ and key stakeholders.
- **Goal:** Ensure the collection's legacy continues in a supportive and sustainable environment.

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JOHANNESBURG  
  
HERITAGE FOUNDATION

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**From:** David Fleminger <david@joburgheritage.org.za>

**Sent:** Wednesday, July 17, 2024 3:18 PM

**To:** 'Nelisiwe Baai' <NelisiweB@joburg.org.za>

**Cc:** 'Lubalo Magwentshu (Cllr)' <LubaloM@joburg.org.za>; 'lubamgt08@gmail.com' <lubamgt08@gmail.com>; 'Flo bird' <flo@joburgheritage.org.za>; 'Pinky Mtebele' <PinkyMt@joburg.org.za>; 'Susan Nkupane' <SusanNku@joburg.org.za>; 'Kathy Munro' <kathy@zimstone.co.za>; 'Stanley Mlambo' <StanleyMl@joburg.org.za>; 'Mokomane Mekgoe' <MokomaneM@joburg.org.za>; 'Millicent Sikazwe' <MillicentS@joburg.org.za>; 'Jocelyn Rhodes' <jocelyn@formspacecontent.co.za>; 'brian' <brian@briankent.joburg>; 'Eben Keun' <eben@breinstorm.co.za>; 'Luke Goncalves' <lukegoncalves@yahoo.com>; 'Phethile Dlungwana' <PhethileD@joburg.org.za>; 'Stanley Itshegetseng' <StanleyI@joburg.org.za>; 'Sello Morero (Cllr)' <Dada.Morero@gmail.com>; 'yunus@kathradafoundation.org' <yunus@kathradafoundation.org>; 'gugulethu@kathradafoundation.org' <gugulethu@kathradafoundation.org>

**Subject:** RE: Johannesburg Art Gallery - urgent intervention required

Greetings MMC Magwentshu and Ms Baai

It was great to see you at the Blue Plaque unveiling in Soweto last week!

I'm writing to ask if there's been any progress with the Art Gallery task team headed by Nelisiwe? Has the task team met yet, have any decisions been made, and would it be possible for us to attend the next meeting?

As I mentioned, the JAG issue really is a matter of great urgency. There are only have a couple of months before the rains begin (around mid-September) and we've been advised that the collection cannot afford to suffer another rainy season in the current storage conditions. The time to act is now!

We are aware that the Friends of JAG (copied in) may have a potential solution for the temporary relocation and restoration of the collection. We would encourage a meeting with them to see how they can assist. I have also reached out to the Art Gallery Committee but have not received a response.

Furthermore, it has recently come to our attention that a selection of approximately 60 works from the JAG collection was sent to Europe as part of a travelling exhibition in 2020. We cannot determine the current whereabouts of these paintings, which is alarming! Do you have any information about this? There may also be another loan of around 56 works that were sent out in 2018, but this could be the same loan – it isn't clear. Either way, there doesn't seem to be a public record of either loan, nor a proper inventory of the works loaned out.

So, we desperately need a constructive engagement about both the immediate safety of the collection and the longer-term plans for the restoration of the JAG building itself.

Unfortunately, if we do not see definite action within the next week or two, we will be pursuing legal action to force the city to live up to their mandate of care with regards to JAG (which COJ is obligated to maintain on behalf of the people of Johannesburg, as stipulated in the deed of donation).

I trust you appreciate our sense of urgency and look forward to hearing from you soon.

Many thanks

David Fleminger – JHF Chair

083 455 7311

[www.joburgheritage.org.za](http://www.joburgheritage.org.za) / 060 813 3239



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**From:** David Fleminger <[david@joburgheritage.org.za](mailto:david@joburgheritage.org.za)>

**Sent:** Friday, July 5, 2024 12:06 PM

**To:** 'Nelisiwe Baai' <[NelisiweB@joburg.org.za](mailto:NelisiweB@joburg.org.za)>

**Cc:** 'Lubalo Magwentshu (Cllr)' <[LubaloM@joburg.org.za](mailto:LubaloM@joburg.org.za)>; 'lubamgt08@gmail.com' <[lubamgt08@gmail.com](mailto:lubamgt08@gmail.com)>; 'Flo bird' <[flo@joburgheritage.org.za](mailto:flo@joburgheritage.org.za)>; 'Pinky Mtebele' <[PinkyMt@joburg.org.za](mailto:PinkyMt@joburg.org.za)>; 'Susan Nkupane' <[SusanNku@joburg.org.za](mailto:SusanNku@joburg.org.za)>; 'Kathy Munro' <[kathy@zimstone.co.za](mailto:kathy@zimstone.co.za)>; 'Stanley Mlambo' <[StanleyMl@joburg.org.za](mailto:StanleyMl@joburg.org.za)>; 'Mokomane Mekgoe' <[MokomaneM@joburg.org.za](mailto:MokomaneM@joburg.org.za)>; 'Millicent Sikazwe' <[MillicentS@joburg.org.za](mailto:MillicentS@joburg.org.za)>; 'Jocelyn Rhodes' <[jocelyn@formspacecontent.co.za](mailto:jocelyn@formspacecontent.co.za)>; 'brian' <[brian@briankent.joburg](mailto:brian@briankent.joburg)>; 'Eben Keun' <[eben@breinstorm.co.za](mailto:eben@breinstorm.co.za)>; 'Luke Goncalves' <[lukegoncalves@yahoo.com](mailto:lukegoncalves@yahoo.com)>; 'Phethile Dlungwana' <[PhethileD@joburg.org.za](mailto:PhethileD@joburg.org.za)>; 'Stanley Itshegetseng' <[StanleyI@joburg.org.za](mailto:StanleyI@joburg.org.za)>; 'Sello Morero (Cllr)' <[Dada.Morero@gmail.com](mailto:Dada.Morero@gmail.com)>; 'yunus@kathradafoundation.org' <[yunus@kathradafoundation.org](mailto:yunus@kathradafoundation.org)>; 'gugulethu@kathradafoundation.org' <[gugulethu@kathradafoundation.org](mailto:gugulethu@kathradafoundation.org)>

**Subject:** RE: Johannesburg Art Gallery - urgent intervention required

Good morning, Ms. Baai

Thank you for your response. We are glad to hear that a task team has been set up to deal with the issues around JAG.

Please could you send us a breakdown of who is on this task team, with contact details. We would like to get in touch with them directly regarding timelines, scope of works, budget allocated, etc. We also want clarity on whether the task team will only be dealing with repairs to the building or if they are also considering the safety of the art collection itself.

We would also like the breakdown and contact details for the Johannesburg City Library interdepartmental committee so we can follow up with them regarding progress made in their bi-weekly meetings. Thus far, we have heard nothing from them despite assurances in the media release dated 24 May 2024 that regular updates would be forthcoming.

As I'm sure you'll appreciate, these kinds of task teams have been set up several times in the past but no effective action has been forthcoming. Accordingly, as representatives for Joburg's heritage, we would like to engage directly with them to determine the progress for ourselves and see how we can constructively contribute to a speedy resolution.

We remain committed to working with you and the task teams to achieve concrete results with regards to both JAG and the JCL.

Sincerely

David Fleminger – JHF Chair  
083 455 7311  
[www.joburgheritage.org.za](http://www.joburgheritage.org.za) / 060 813 3239



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**From:** Nelisiwe Baai <[NelisiweB@joburg.org.za](mailto:NelisiweB@joburg.org.za)>  
**Sent:** Thursday, July 4, 2024 5:59 PM  
**To:** [david@joburgheritage.org.za](mailto:david@joburgheritage.org.za)  
**Cc:** Lubalo Magwentshu (Cllr) <[LubaloM@joburg.org.za](mailto:LubaloM@joburg.org.za)>; [lubamgt08@gmail.com](mailto:lubamgt08@gmail.com); 'Flo bird' <[flo@joburgheritage.org.za](mailto:flo@joburgheritage.org.za)>; Pinky Mtebele <[PinkyMt@joburg.org.za](mailto:PinkyMt@joburg.org.za)>; Susan Nkupane <[SusanNku@joburg.org.za](mailto:SusanNku@joburg.org.za)>; 'Kathy Munro' <[kathy@zimstone.co.za](mailto:kathy@zimstone.co.za)>; Stanley Mlambo <[StanleyMl@joburg.org.za](mailto:StanleyMl@joburg.org.za)>; Mokomane Mekgoe <[MokomaneM@joburg.org.za](mailto:MokomaneM@joburg.org.za)>; Millicent Sikazwe <[MillicentS@joburg.org.za](mailto:MillicentS@joburg.org.za)>; Jocelyn Rhodes <[jocelyn@formspacecontent.co.za](mailto:jocelyn@formspacecontent.co.za)>; brian <[brian@briankent.joburg](mailto:brian@briankent.joburg)>; 'Eben Keun' <[eben@breinstorm.co.za](mailto:eben@breinstorm.co.za)>; 'Luke Goncalves' <[lukegoncalves@yahoo.com](mailto:lukegoncalves@yahoo.com)>; Phethile Dlungwana <[PhethileD@joburg.org.za](mailto:PhethileD@joburg.org.za)>; Stanley Itshegetseng <[StanleyI@joburg.org.za](mailto:StanleyI@joburg.org.za)>; Sello Morero (Cllr) <[Dada.Morero@gmail.com](mailto:Dada.Morero@gmail.com)>  
**Subject:** RE: Johannesburg Art Gallery - urgent intervention required

Good afternoon Mr David Fleminger

This is to acknowledge receipt of your email.

Just to put you at ease, a joint oversight was conducted by the MMCs of Community Development and Finance early June 2024.

This was to jointly plan for the refurbishment of the JAG. An internal task team was then formed in order to work and fast track the refurbishment.

The task team will then share the plans as they move along. We will advise that you are kept abreast of the developments.

Kind regards.

**Nelisiwe Baai**

**Director Executive Support: Community Development**  
13 floor A Block Metro Centre  
158 Civic Boulevard, Braamfontein

Email: <a href="mailto:NelisiweB@joburg.org.za">NelisiweB@joburg.org.za</a>	011 4077726	083 492 5163
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[www.joburg.org.za](http://www.joburg.org.za)

@CityofJoburgZA

CityofJohannesburg

City of Johannesburg

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**From:** David Fleminger <[david@joburgheritage.org.za](mailto:david@joburgheritage.org.za)>  
**Sent:** Thursday, July 4, 2024 1:33 PM  
**To:** Phethile Dlungwana <[PhethileD@joburg.org.za](mailto:PhethileD@joburg.org.za)>; Nelisiwe Baai <[NelisiweB@joburg.org.za](mailto:NelisiweB@joburg.org.za)>  
**Cc:** Lubalo Magwentshu (Cllr) <[LubaloM@joburg.org.za](mailto:LubaloM@joburg.org.za)>; [lubamgt08@gmail.com](mailto:lubamgt08@gmail.com); 'Flo bird' <[flo@joburgheritage.org.za](mailto:flo@joburgheritage.org.za)>; Pinky Mtebele <[PinkyMt@joburg.org.za](mailto:PinkyMt@joburg.org.za)>; Susan Nkupane <[SusanNku@joburg.org.za](mailto:SusanNku@joburg.org.za)>; 'Kathy Munro' <[kathy@zimstone.co.za](mailto:kathy@zimstone.co.za)>; Nobuntu Mpendulo <[NobuntuNosiphoM@joburg.org.za](mailto:NobuntuNosiphoM@joburg.org.za)>; Stanley Mlambo <[StanleyMl@joburg.org.za](mailto:StanleyMl@joburg.org.za)>; Mokomane Mekgoe <[MokomaneM@joburg.org.za](mailto:MokomaneM@joburg.org.za)>; Millicent Sikazwe <[MillicentS@joburg.org.za](mailto:MillicentS@joburg.org.za)>; Jocelyn Rhodes <[jocelyn@formspacecontent.co.za](mailto:jocelyn@formspacecontent.co.za)>; brian <[brian@briankent.joburg](mailto:brian@briankent.joburg)>; 'Eben Keun' <[eben@breinstorm.co.za](mailto:eben@breinstorm.co.za)>; 'Luke Goncalves' <[lukegoncalves@yahoo.com](mailto:lukegoncalves@yahoo.com)>  
**Subject:** Johannesburg Art Gallery - urgent intervention required

Greetings MMC Magwentshu and team – hope you are all well

Just following up to see if you've had a chance to consider the contents of the email below (sent last week Friday).

As I said in the email, the Johannesburg Art Gallery (JAG) and its collection are in a severe state of disrepair and action must be taken as a matter of great urgency.

If no action is taken, we will be forced to investigate potential legal avenues to ensure the city lives up its 'mandate of care' with regards to JAG.

Looking forward to your response.

Sincerely

David Fleminger – JHF Chair  
083 455 7311  
[www.joburgheritage.org.za](http://www.joburgheritage.org.za) / 060 813 3239



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**From:** David Fleminger <[david@joburgheritage.org.za](mailto:david@joburgheritage.org.za)>  
**Sent:** Friday, June 28, 2024 12:36 PM  
**To:** 'Phethile Dlungwana' <[PhethileD@joburg.org.za](mailto:PhethileD@joburg.org.za)>; 'Nelisiwe Baai' <[NelisiweB@joburg.org.za](mailto:NelisiweB@joburg.org.za)>  
**Cc:** 'Lubalo Magwentshu' <[LubaloM@joburg.org.za](mailto:LubaloM@joburg.org.za)>; 'lubamgt08@gmail.com' <[lubamgt08@gmail.com](mailto:lubamgt08@gmail.com)>; 'Flo bird' <[flo@joburgheritage.org.za](mailto:flo@joburgheritage.org.za)>; 'Pinky Mtebele' <[PinkyMt@joburg.org.za](mailto:PinkyMt@joburg.org.za)>; 'Susan Nkupane' <[SusanNku@joburg.org.za](mailto:SusanNku@joburg.org.za)>; 'Kathy Munro' <[kathy@zimstone.co.za](mailto:kathy@zimstone.co.za)>; 'Nobuntu Mpendulo' <[NobuntuNosiphoM@joburg.org.za](mailto:NobuntuNosiphoM@joburg.org.za)>; 'Stanley Mlambo' <[StanleyMl@joburg.org.za](mailto:StanleyMl@joburg.org.za)>; 'Mokomane Mekgoe' <[MokomaneM@joburg.org.za](mailto:MokomaneM@joburg.org.za)>; 'Millicent Sikazwe' <[MillicentS@joburg.org.za](mailto:MillicentS@joburg.org.za)>; Jocelyn Rhodes <[jocelyn@formspacecontent.co.za](mailto:jocelyn@formspacecontent.co.za)> <[jocelyn@formspacecontent.co.za](mailto:jocelyn@formspacecontent.co.za)>; Brian McKechnie <[brian@briankent.joburg](mailto:brian@briankent.joburg)> <[brian@briankent.joburg](mailto:brian@briankent.joburg)>; 'Eben Keun' <[eben@breinstorm.co.za](mailto:eben@breinstorm.co.za)>  
**Subject:** RE: Joburg Library Petition - request to hand over

Greetings MMC Magwentshu and team

I hope you are all doing well.

Thanks once again for your continued engagement with regards to the City Library. Jocelyn Rhodes, the head of our Restoration Department, will be in touch regarding follow-ups with JDA, timelines, etc.

However, I am now writing to you about a different but no less urgent matter: the Johannesburg Art Gallery (JAG).

For some years, the JHF has noted the very poor condition of both the JAG building (an important heritage structure built in 1914) and the art collection itself (which contains some internationally important pieces and is of great worth).

In brief: due to substandard maintenance, the JAG roof has several bad leaks and cracks. This is allowing water to enter the building – sometimes even flooding certain rooms. Furthermore, much of the invaluable art collection is being improperly stored, with delicate works stacked haphazardly against walls in unsecured rooms where they are suffering damage from water and damp.

We are aware that several stakeholders have tried to remedy the situation in the past (including some offers of funding) but no effective action has been taken by the authorities, and the JAG is currently at great risk.

Since the JAG collection was actually donated to the people of Johannesburg, to be administered by the city, the JHF feels obligated to drive awareness of this ongoing heritage issue and push for a solution as soon as possible (especially since the summer rains are on the way, bringing the threat of additional damage).

As such, we are appealing to you to convene an urgent meeting with the various stakeholders where we can discuss the issue openly and formulate an action plan to secure and restore both the art collection and the building itself. These stakeholders could include the JHF, the department of Community Development, the JDA, curators from the JAG and Friends of JAG (Eben Keun from Friends of JAG has been copied in this email). Perhaps an on-site meeting would be appropriate so we can see the situation for ourselves.

We have been advised that there may be legal ramifications to the city not living up to its ‘mandate of care’ with regards to JAG, but we consider this a last resort. We would much rather work together with the relevant stakeholders to find a speedy resolution that is in the best interest of the collection, the building and the people of Johannesburg.

Thank you once again for your continued engagement and support. We look forward to your response.

Sincerely

David Fleminger – JHF Chair  
083 455 7311

[www.joburgheritage.org.za](http://www.joburgheritage.org.za) / 060 813 3239



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