

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

and

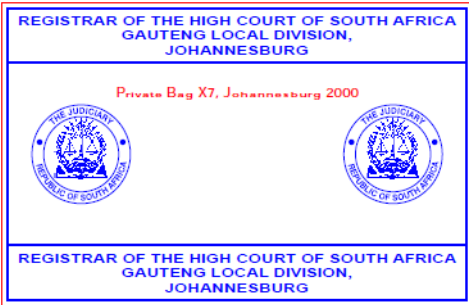
**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent



Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 15/5/2026 at 2:13:51 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division, Johannesburg**

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

CASE NO: _____ / 2026

In the matter between:

THE FRIENDS OF JOHANNESBURG ART GALLERY

First Applicant

JOHANNESBURG HERITAGE FOUNDATION

Second Applicant

and

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

First Respondent

CITY OF JOHANNESBURG METROPOLITAN

Second Respondent

MUNICIPALITY

EXECUTIVE MAYOR: CITY OF JOHANNESBURG

Third Respondent

METROPOLITAN MUNICIPALITY

CITY MANAGER: CITY OF JOHANNESBURG

Fourth Respondent

METROPOLITAN MUNICIPALITY

MINISTER OF SPORTS, ARTS AND CULTURE

Fifth Respondent

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

Sixth Respondent

GAUTENG PROVINCIAL HERITAGE RESOURCES

Seventh Respondent

AUTHORITY

KHWEZI GULE N.O.

Eighth Respondent

JOSEPH GAYLARD N.O.

Ninth Respondent

SHANE MAJA N.O.

Tenth Respondent

MOLEMO MOILOA N.O.

Eleventh Respondent



NONTOBEKO NTOMBELA N.O.

Twelfth Respondent

PFUNZO SIDOGI N.O.

Thirteenth Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the Applicants intend to apply to this Honourable Court, on a date and at a time to be determined by the Registrar, for an order in the following terms:



1. The decision of the Executive Mayor of the City of Johannesburg Metropolitan Municipality ("**the City**"), *alternatively* the City, taken on or about 17 November 2025, announcing the appointment of the members of the Art Gallery Committee of the Johannesburg Art Gallery ("**the Art Gallery Committee**"), is declared unlawful, unconstitutional and invalid, and is reviewed and set aside.
2. It is declared that, in terms of the Deed of Donation establishing and regulating the Art Gallery Committee ("**the Deed**"), the Art Gallery Committee shall consist of:
 - 2.1 the Executive Mayor of the City;
 - 2.2 one person nominated and appointed from time to time by the Government of the Republic of South Africa, represented by the President of the Republic of South Africa;
 - 2.3 one person nominated and appointed from time to time by the Municipal Council of the City; and
 - 2.4 four additional persons appointed by the majority of the other members of the Art Gallery Committee, which initially shall consist of the persons specified in paragraphs 2.1 to 2.3 above and appointed in terms of this Court's order, and who shall be replaced in terms of the Deed.

3. The First Respondent is directed to nominate and appoint a person to the Art Gallery Committee, in accordance with the Deed, within 30 (thirty) days of the date of this order.
4. The Second Respondent is directed, by formal resolution of the Municipal Council and in accordance with the Deed, to nominate and appoint a person to the Art Gallery Committee within 30 (thirty) days of the date of this order, *alternatively* within such period as this Honourable Court deems appropriate.
5. Within 30 (thirty) days of the nomination and appointment of members of the Art Gallery Committee, in terms of paragraphs 3 and 4 above, the Executive Mayor of the City and the persons so appointed shall, in terms of the Deed, appoint four additional persons as members of the Art Gallery Committee.
6. The respondents who oppose this application shall pay the costs of this application, jointly and severally, the one paying the others to be absolved, including the costs of two counsel where so employed, on scale C.
7. Further and/or alternative relief.



TAKE NOTICE FURTHER THAT the accompanying founding affidavit of **MARTHA BOTHNER**, together with the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER THAT the Applicants have appointed **WEBBER WENTZEL**, whose particulars appear at the foot of this notice, as their attorneys of record, and have chosen the address set out below as the address at which they will accept service of all notices and process in these proceedings, including service by electronic means.

TAKE NOTICE FURTHER THAT:

1. In terms of Rule 53(1)(a) of the Uniform Rules of Court, the Third Respondent and the Second Respondent are called upon to show cause why the decision referred to in paragraph 1 above should not be reviewed, corrected and set aside.

2. In terms of Rule 53(1)(b) of the Uniform Rules of Court, the Third Respondent and the Second Respondent are called upon, within 15 (fifteen) days of receipt of this Notice of Motion, to despatch to the Registrar of this Honourable Court the record of the proceedings sought to be reviewed and set aside, together with such reasons as they are by law required or desire to give or make, and to notify the Applicants that they have done so.
3. In terms of Rule 53(4) of the Uniform Rules of Court, the Applicants may, within 10 (ten) days after the Registrar has made the record available to them, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of this Notice of Motion and supplement the founding affidavit.
4. Any respondent intending to oppose this application is required, in terms of Rule 53(5):
 - (a) within 15 (fifteen) days after receipt of this Notice of Motion or any amendment thereof, to deliver notice to the Applicants of such intention, and in such notice to appoint an address within 25 (twenty-five) kilometres of the office of the Registrar at which it will accept service of all process in these proceedings; and
 - (b) within 30 (thirty) days after the expiry of the time referred to in Rule 53(4), to deliver any affidavit it may wish to file in answer to the allegations made by the Applicants.
5. The Registrar is requested to enrol the matter accordingly.



DATED at JOHANNESBURG on this the 15 day of May 2026.

afaber

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jos.venter@webberwentzel.com
sipho.tlhaole@webberwentzel.com
Ref: Asmita Thakor / 4009947

TO:

THE REGISTRAR

High Court of South Africa
Gauteng Division, Johannesburg

BY COURTONLINE

**AND TO:
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent
The Presidency
Union Buildings
Government Avenue

**PRETORIA
BY THE SHERIFF**



**AND TO:
CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

Second Respondent
c/o The City's legal department
J D House
27 Stiemens Street
Braamfontein

**JOHANNESBURG
BY THE SHERIFF**

**AND TO:
EXECUTIVE MAYOR: CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

Third Respondent
Metropolitan Centre
c/o The City's legal department
J D House
27 Stiemens Street
Braamfontein

**JOHANNESBURG
BY THE SHERIFF**

**AND TO:
CITY MANAGER: CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

Fourth Respondent
c/o The City's legal department
J D House
27 Stiemens Street

Braamfontein
JOHANNESBURG
BY THE SHERIFF

AND TO:
MINISTER OF SPORTS, ARTS AND CULTURE
Fifth Respondent
17th Floor, Sechaba House
202 Madiba Street
PRETORIA
BY THE SHERIFF

AND TO:
SOUTH AFRICAN HERITAGE RESOURCES AGENCY
Sixth Respondent
220 Madiba Street
PRETORIA
BY THE SHERIFF

AND TO:
GAUTENG PROVINCIAL HERITAGE RESOURCES AUTHORITY
Seventh Respondent
5 Hollard Street
Marshalltown
Johannesburg
2001
JOHANNESBURG
BY THE SHERIFF

AND TO:
KHWEZI GULE N.O.
Eighth Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets
Joubert Park
JOHANNESBURG
Email: khwezig@joburg.org.za
BY THE SHERIFF AND BY EMAIL

AND TO:
JOSEPH GAYLARD N.O.
Ninth Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets
Joubert Park
JOHANNESBURG
Email: coelacanth@iafrica.com
BY THE SHERIFF AND BY EMAIL

AND TO:
SHANE MAJA N.O.
Tenth Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets



Joubert Park
JOHANNESBURG
Email: shane.maja@gauteng.gov.za
BY THE SHERIFF AND BY EMAIL

AND TO:
MOLEMO MOILOA N.O.
Eleventh Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets
Joubert Park
JOHANNESBURG
Email: m.moiloa@andani.africa
moiloa.molemo@gmail.com
BY THE SHERIFF AND BY EMAIL

AND TO:
NONTOBEKO NTOMBELA N.O.
Twelfth Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets
Joubert Park
JOHANNESBURG
Email: nontobekon@gmail.com
nontobeko.ntombela@wits.ac.za
BY THE SHERIFF AND BY EMAIL

AND TO:
PFUNZO SIDOGI N.O.
Thirteenth Respondent
Johannesburg Art Gallery
Corner Klein and King George Streets
Joubert Park
JOHANNESBURG
Email: sidogip@tut.ac.za
BY THE SHERIFF AND BY EMAIL



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

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ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

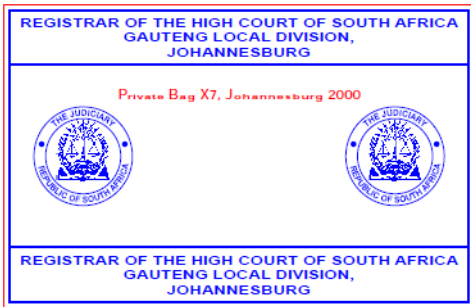
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Founding Affidavit

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:01:02 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

CASE NO.: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG ART
GALLERY**

First Applicant

JOHANNESBURG HERITAGE FOUNDATION

Second Applicant

and



**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

First Respondent

**CITY OF JOHANNESBURG METROPOLITAN
MUNICIPALITY**

Second Respondent

**EXECUTIVE MAYOR: CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY**

Third Respondent

**CITY MANAGER: CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

Fourth Respondent

MINISTER OF SPORTS, ARTS AND CULTURE

Fifth Respondent

**SOUTH AFRICAN HERITAGE RESOURCES
AGENCY**

Sixth Respondent

**GAUTENG PROVINCIAL HERITAGE
RESOURCES AUTHORITY**

Seventh Respondent

KHWEZI GULE N.O

Eighth Respondent

JOSEPH GAYLARD N.O

Ninth Respondent

SHANE MAJA N.O

Tenth Respondent

MOLEMO MOILOA N.O

Eleventh Respondent

NONTOBEKO NTOMBELA N.O

Twelfth Respondent

PFUNZO SIDOGI N.O

Thirteenth Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

MARTHA BOTHNER

do hereby make oath and state that:



1. I am an adult businesswoman, designed and chairperson of the board of directors of the first applicant. I am duly authorised to depose to this affidavit on behalf of the applicants.
2. Save where the context indicates otherwise, the facts deposed to in this affidavit fall within my personal knowledge and are, to the best of my belief, both true and correct. Where I make legal submissions, I do so on the advice of the applicants' legal representatives, which advice I believe to be correct.
3. Where I rely on facts that do not fall within my personal knowledge, the relevant deponent has confirmed those facts in a confirmatory affidavit accompanying this application.

INTRODUCTION AND NATURE OF THE APPLICATION

4. The Johannesburg Art Gallery ("**the JAG**") houses one of the most significant public art collections on the African continent. It is a cornerstone of the City's

cultural and constitutional heritage and the principal vehicle through which the residents of Johannesburg, and the broader South African public, exercise their rights of access to art and culture. Many of its more than 9,000 works have been declared part of the National Estate, and the building itself is a declared Provincial Heritage Site.

5. The JAG and its founding collection were not gifted to *the City* itself unconditionally. They were donated, in 1913, on the terms of a Deed of Donation ("**the Deed**") that vested the collection in the then Municipal Council *in trust*, subject to the control of an Art Gallery Committee ("**the AGC**") constituted by the Deed, for the benefit of the City's existing and future residents. The Deed deliberately interposes the AGC between the City and the collection. Every fundamental decision concerning the acquisition, removal, exchange, loan, repair or curatorship of the artworks may be taken only with the AGC's prior advice and consent. That governance architecture was designed by the donors in the interests of the City's residents, in whose benefit the donation was made, and to protect the collection from political interference, bureaucratic neglect and short-term expediency by the City.

6. This application concerns the decision by the Executive Mayor of City, taken and announced on 17 November 2025 and amplified by media statement and by social-media post on 19 November 2025, purporting to "*realign*" and reconstitute the AGC by appointing seven persons to it ("**the impugned decision**"). The impugned decision is unlawfully:

- 6.1 inconsistent with the Deed, both in respect of *who* was appointed and *how* the appointments were affected;



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H SNSM

- 6.2 inconsistent with the AGC's fiduciary character and its independent oversight function;
- 6.3 irrational, in that it purports to remedy years of governance failure by reappointing the very office-bearers who presided over it; and
- 6.4 vitiated by a material and continuing conflict of interest in the appointment of the eighth respondent, the JAG's Chief Curator, as the City's representative on the body that exists to oversee him and hold him accountable.



7. The relief sought is set out in the notice of motion. In summary, the applicants seek the review and setting aside of the impugned decision, declaratory relief on the proper composition of the AGC under the Deed, and consequential just and equitable relief directing the reconstitution of the AGC.
8. This is not litigation undertaken lightly. The applicants are two longstanding civil-society organisations who have for decades supported the JAG and who, since 2019, have repeatedly attempted to engage constructively and in good faith with the third respondent, the second respondent, and the AGC, and have taken every reasonable step to seek to avoid unnecessary litigation. As the chronology in Part B of this affidavit demonstrates, those attempts have been met with silence, obfuscation, and, ultimately, public defiance of the Deed, the law and the Constitution. Litigation has become the only remaining means by which the rule of law and the donors' intentions can be vindicated and the JAG collection protected.

THE PARTIES

9. The first applicant is **THE FRIENDS OF THE JOHANNESBURG ART GALLERY (“FoJAG”)**, a non-profit company established in 1976 and registered in accordance with the laws of the Republic of South Africa under registration number 1976/000034/08, with its principal place of business at 21 Keyes Avenue, Rosebank, Johannesburg, 2196. Since its founding, FoJAG has played an active role in supporting the JAG through publishing, exhibitions, fundraising and the acquisition of works for the collection.



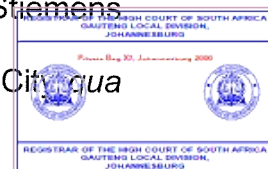
10. The second applicant is the **JOHANNESBURG HERITAGE FOUNDATION (“JHF”)**, a non-profit organisation registered under NPO number 001-346 in accordance with the laws of the Republic of South Africa, with its principal place of business at Northwards, 21 Rockridge Road, Parktown, Johannesburg, 2193. JHF’s mandate is the preservation and promotion of Johannesburg’s cultural and architectural heritage.

11. The first respondent is the **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA (“the President”)**, cited in his official capacity as Head of State and Head of the National Executive under section 83 of the Constitution of the Republic of South Africa, 1996 (“**the Constitution**”). He is the first citizen of this country and occupies a position indispensable for the effective governance of our democratic country. The President is cited because the Deed reserves to the national Government of South Africa, represented in our Constitutional Democracy by the President, the power to nominate and appoint one member of the AGC. The relief sought includes a direction to the President to make such

an appointment. The first respondent's principal office is at the Union Buildings, Government Avenue, Pretoria.

12. The second respondent is the **CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY** ("**the City**"), a category A municipality established in terms of section 155(1)(a) of the Constitution and the Local Government: Municipal Structures Act 117 of 1998, with its head office at Metropolitan Centre, 158 Civic Boulevard, Braamfontein, Johannesburg. I am advised that the City receives service care of its legal department located at 1st Floor, JD House, 27 Stiemens

Street, Braamfontein, Johannesburg. The collection is vested in the City qua trustee under the Deed.



13. The third respondent is the **EXECUTIVE MAYOR OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**, cited in his official capacity as a member and convenor of the AGC under the Deed and as the functionary to whom the impugned decision is attributed. His principal office is at the Metropolitan Centre, 158 Civic Boulevard, Braamfontein, Johannesburg. I am advised that the Mayor receives service care of the City's Legal Department located at 1st Floor, JD House, 27 Stiemens Street, Braamfontein, Johannesburg.

14. The fourth respondent is the **CITY MANAGER OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**, cited in his official capacity, with his principal office at the Metropolitan Centre, 158 Civic Boulevard, Braamfontein, Johannesburg. I am advised that the City Manager receives service care of the City' Legal Department located at 1st Floor, JD House, 27 Stiemens Street, Braamfontein, Johannesburg.

15. The fifth respondent is the **MINISTER OF SPORT, ARTS AND CULTURE**, cited in his official capacity as a member of the National Executive under section 91 of the Constitution. The fifth respondent is cited because of the national heritage and cultural significance of the JAG and its collection. His principal office is at Sechaba House, 202 Madiba Street, Pretoria. No relief is sought against the fifth respondent.

16. The sixth respondent is the **SOUTH AFRICAN HERITAGE RESOURCES AGENCY ("SAHRA")**, the statutory body established by section 11 of the National Heritage Resources Act 25 of 1999 ("**the NHRA**"), with its head office at 111 Harrington Street, Cape Town, 8001. SAHRA is cited because of its statutory responsibilities in respect of the JAG building and the relevant artworks in the collection.



17. The seventh respondent is the **GAUTENG PROVINCIAL HERITAGE RESOURCES AUTHORITY ("PHRA-G")**, a provincial statutory body established under section 23 of the NHRA, with its head office at 5 Hollard Street, Marshalltown, Johannesburg, 2001.

18. The eighth to thirteenth respondents are the persons appointed to the AGC by the impugned decision, cited in their representative capacities as purported members of the AGC, namely:

18.1 **KHWEZI GULE N.O.** (eighth respondent), who is also the Chief Curator of the JAG;

18.2 **JOSEPH GAYLARD N.O.** (ninth respondent);

18.3 **SHANE MAJA N.O.** (tenth respondent), who is designated as the national Government's appointee;

18.4 **MOLEMO MOILOA N.O.** (eleventh respondent);

18.5 **NONTOBEKO NTOMBELA N.O.** (twelfth respondent); and

18.6 **PFUNZO SIDOGI N.O.** (thirteenth respondent),

each of whom is cited care of the JAG, at the corner of Klein and King George Streets, Joubert Park, Johannesburg, at which they must discharge their functions as the existing members of the AGC.



JURISDICTION

19. This application concerns a review application brought under the Promotion of Administrative Justice Act 3 of 2000 ("**PAJA**"), *alternatively*, the principle of legality. PAJA gives effect to the constitutional right to administrative action that is lawful, reasonable and procedurally fair.
20. The application accordingly falls within this Court's power to review the exercise of administrative action and public power.
21. Moreover, this application concerns constitutional issues, as appears more fully below.
22. This Court therefore has jurisdiction in terms of section 21(1) of the Superior Courts Act 10 of 2013 read with section 172 of the Constitution and 6(1) of PAJA, in that:

- 22.1 the impugned decision was taken within the territorial jurisdiction of this Division;
- 22.2 the JAG building, the JAG collection and the seat of governance of the second and third respondents are all situated within this Division;
- 22.3 the second to fourth and the eighth to thirteenth respondents reside or carry on business within this Division;
- 22.4 the cause of action arose, in whole and in the alternative in substantial part, within this Division; and
- 22.5 this Court has the most real and substantial connection with the case.



LOCUS STANDI

23. The applicants have direct and substantial standing to bring this application in their own interest under section 38(a) of the Constitution, in the public interest under section 38(d), in the interest of their respective members under section 38(e) and in the interests of the residents of the City. They likewise have standing under section 6(1) of PAJA as persons whose rights and interests are materially and adversely affected by the impugned decision.
24. The applicants' own interest is sufficient and recognisable. Both applicants are longstanding civil-society organisations whose objects include the protection, support and promotion of the JAG and its collection. As is more fully set out in Part B below:

24.1 FoJAG was established in 1976 by patrons of the JAG; has co-funded acquisitions for the collection (including, by way of example, Picasso's *Tête d'Arlequin*, acquired jointly with the City Council in 1973); and has, since its founding, supported the JAG through fundraising, exhibitions, public advocacy and direct engagement with the JAG's administration; and

24.2 JHF has decades of expertise in the protection of Johannesburg's architectural, cultural and heritage resources and has worked in partnership with FoJAG since the deterioration of the JAG accelerated.



25. The applicants have, at very substantial cost and effort, secured private donor funding for a fully-funded relocation plan for the collection, engaged SAHRA, the South African Revenue Service ("**SARS**") and other regulators to safeguard the collection during its loan to South Korea, and engaged the City, the AGC and the Mayor in sustained correspondence over a period of more than 18 months. Their interest is real, ongoing, and squarely engaged by the lawfulness of the AGC's constitution.
26. The applicants additionally act in the public interest. In terms of the Deed, the JAG collection is held "*for the behoof and public benefit of the inhabitants*" of the City. The composition and lawful functioning of the AGC is therefore a matter that affects every resident of Johannesburg and every member of the visiting public. Public-interest standing is well-recognised in matters of this character.

STRUCTURE OF THIS AFFIDAVIT

27. This affidavit is structured as follows:

27.1 Part A: I set out the history of the JAG, the Deed of Donation that established it, and the respective powers and obligations conferred on the AGC, the Mayor and the City under the Deed.

27.2 Part B: I set out the factual background to the impugned decision, and the applicants' extensive and good-faith efforts to engage the Mayor, the City, the AGC and other stakeholders with a view to protecting the JAG, its collection, and remedying its inoperative governance.

27.3 Part C: I set out the applicable legal framework governing the JAG and the constitutional rights and interests implicated by the impugned decision and the conduct of the City, the Mayor and the AGC.

27.4 Part D: I set out the grounds of review on which the applicants rely.

27.5 Part E: I address the powers of this Honourable Court to grant just and equitable relief on the terms sought in the notice of motion.

28. From the outset, I emphasise that this application is lodged under Rule 53 of the Uniform Rules. The applicants rely on the grounds of review set out below at this stage but reserve the right to supplement these grounds in the light of the Rule 53 record in due course.

PART A: THE JAG, THE SIGNIFICANCE OF ITS COLLECTION AND THE DEED OF DONATION

29. The JAG, established in 1910, houses one of the most significant public art collections in Africa. It comprises approximately 9 000 works, including works by South African and international masters such as Gerard Sekoto, Irma Stern, J.H. Pierneef, Maggie Laubser, Pablo Picasso, Claude Monet and Auguste Rodin. A material proportion of the collection has been declared part of the National Estate by SAHRA under the NHRA. The JAG building itself is a declared Provincial Heritage Site under the NHRA.

30. The JAG and its foundational collection were established by the Deed of Donation, executed on 21 and 22 January 1913 between the donors and the then Municipal Council. A copy of the Deed is annexed marked **FA1**.



31. The salient provisions of the Deed are as follows:

31.1 the donors agreed to give and the Municipal Council agreed to accept, into a public art gallery to be built and maintained by the Council, pictures, statues and other works of art (collectively, “**the JAG collection**”), to be used and applied for the purposes of an art gallery and museum of industrial art for the public benefit of the inhabitants of Johannesburg;

31.2 the donors vested the JAG collection in the Municipal Council “*upon trust*”, expressly subject to the control of the AGC;

31.3 the Council was placed under continuing obligations to maintain the building and collection in proper order and condition and to hold, apply and keep the JAG collection for the general purposes of an art gallery

and museum, the promotion of the arts and artistic crafts, and the benefit and enjoyment of the inhabitants of Johannesburg and its visitors; and

31.4 the AGC was established and constituted as an independent oversight body, with powers and functions deliberately designed to constrain the City's discretion in respect of the collection and its administration.

32. In particular, the Deed requires that the City may act only after consultation with, and the advice and consent of, the AGC, before:

32.1 purchasing or acquiring works of art for the public benefit; and

32.2 removing, whether temporarily or permanently, any of the donated pictures or other works of art from the JAG.



33. The Deed further prohibits the City from doing the following without the prior consent of the AGC:

33.1 removing, exchanging or disposing of pictures, statues and other works of art once placed in the JAG;

33.2 varnishing or repairing the pictures, statues and other works of art; and

33.3 adding to the collection any other pictures, statues, casts, models, furniture, books, or any other works of art or chattels.

34. The Deed further entrusts the AGC with supervisory and administrative functions, including:

34.1 the making of rules and regulations for the conduct of its business; and

- 34.2 advising on the appointment and removal of the curator or curators of the JAG.
35. Crucially, the Deed prescribes a specific and limited composition for the AGC. The AGC is to comprise seven members, namely:
- 35.1 the Mayor of Johannesburg (as convener), who is now the Executive Mayor of the City;
- 35.2 one person nominated and appointed from time to time by the Government of the Union of South Africa, which is now the Government of the Republic of South Africa, represented by the President;
- 35.3 one person nominated and appointed from time to time by the Municipal Council, which is now the Council of the City; and
- 35.4 four independent members appointed by a majority of the other members of the AGC, with provision for replacement on death, resignation, incapacity or temporary inability to act.
36. The members of the AGC are trustees and must be appropriately suitable persons for appointment and service as trustees.
37. The structural design of the Deed warrants emphasis. By giving the AGC the power to appoint, and the power to replace by majority, the four independent members, the Deed deliberately created a body in which independent members constitute a majority. That majority is the principal mechanism by which the AGC's independence from the City is secured. It is also the mechanism that ensures that the AGC, not the City, controls the AGC's own composition.



38. The Mayor's position within this framework is closely defined. The Mayor is one of seven members of the AGC and carries discrete responsibilities under the Deed, namely:

38.1 the Mayor acts as convenor of the AGC;

38.2 the Mayor is responsible for the proper and safe-keeping of the minutes of AGC proceedings;

38.3 the Mayor must receive written communication of all nominations for alternate members; and

38.4 as a member of the AGC, the Mayor directly *participates* in the decision-making processes through which the City obtains the advice and consent of the AGC.



39. The Deed makes specific provision for the temporary inability of the independent members to act, or their temporary absence from the City. It does not, however, give the Mayor or the Council the power to vary the composition of the AGC or to appoint its independent members.

PART B: FACTUAL BACKGROUND TO THE IMPUGNED DECISION

The history and deterioration of the JAG

40. The JAG is one of the oldest and most significant public art institutions in South Africa. From its inception in 1910, the JAG was conceived as a public cultural institution to be preserved and administered in accordance with a particular governance model, in which the Municipal Council provided the premises and

institutional support while a donor-and-Government-constituted committee retained control over the collection and its administration.

41. The idea for the JAG originated in or about 1909 through the efforts of Lady Florence Phillips and other benefactors who sought to establish a permanent public art gallery for Johannesburg. The project was donor-driven. The donors' intention was that the Municipal Council would house the collection while the AGC would safeguard it. By 1910, a management structure comprising donor, governmental and municipal representatives had been established. That

structure foreshadowed, and was ultimately formalised by, the AGC under the Deed.



42. On 21 and 22 January 1913, the Deed was executed and accepted by the Municipal Council, which decision remains operative and binding. As set out in Part A, the Deed vested the collection in the Council “upon trust”, subject to the control of the AGC. The Deed’s provisions reflected the donors’ concern that the collection should never become subject to ordinary bureaucratic or political control. Instead, the Deed created an enduring governance structure intended to safeguard the JAG collection for the public benefit.

43. Tensions between the donors’ vision and the City’s stewardship emerged almost immediately. By 1915, disputes had arisen concerning the construction and funding of the gallery building. The Municipal Council curtailed aspects of Sir Edwin Lutyens’ architectural plans and failed to provide a permanent income stream for the Gallery’s future development. Lady Florence Phillips, then a member of the AGC, became deeply frustrated by the Council’s approach and repeatedly criticised both the Council and the JAG’s administration.

44. Although the JAG survived and expanded over the decades that followed, longstanding concerns regarding institutional neglect, inadequate funding and weak governance persisted. By the early 2010s, the deterioration of the JAG building and the conditions in which the collection was being housed had become acute. Media reports, public commentary and stakeholder interventions over many years repeatedly warned that the building was falling into disrepair and that the condition of the collection was being jeopardised by water ingress, poor storage conditions, inadequate maintenance and a lack of institutional accountability. Copies of representative media reports are annexed marked **FA2**.



45. By 2023, reports described the JAG as suffering from severe water leaks, collapsing infrastructure, poor security, rodent infestations, unsafe storage conditions and chronic underfunding. Public concern escalated as it emerged that portions of the collection were at risk of irreversible damage. Copies of the relevant media reports are annexed marked **FA3**. It is from this point that the applicants intensified their efforts to lobby the City and the AGC into action.
46. The applicants' efforts, however, are not limited to the years immediately preceding this application. FoJAG was formally established in 1976 by longstanding supporters and patrons of the JAG, including Dr Thelma Gutsche and Hettie Finger, at a time when concerns regarding the future governance, institutional independence and sustainability of the Gallery were already becoming pronounced.
47. FoJAG was conceived as a civic support organisation that would operate independently of the administration of the JAG, while remaining fully supportive

of the Gallery and its institutional mission. Since its inception, FoJAG has sought to support, preserve and promote the JAG and its collection through fundraising initiatives, acquisitions, exhibitions, public advocacy and sustained engagement with stakeholders involved in the governance and administration of the Gallery.

48. FoJAG also played an important role in acquisitions for the collection. By way of example, FoJAG co-funded the acquisition of Picasso's *Tête d'Arlequin* together with the City Council in 1973 and assisted in facilitating other acquisitions since the directorship of Ms Nel Erasmus.



49. FoJAG emerged, in part, from concern at increasing political and administrative interference in the affairs of the JAG. As early as the 1970s, concerns were raised regarding direct political interference in curatorial and governance matters, including attempts by City officials to exert influence over curatorial appointments and collection-related decisions.

50. JHF shares many of FoJAG's objectives and has extensive expertise in the preservation of Johannesburg's architectural, cultural and heritage resources. As the deterioration of the JAG accelerated and concerns regarding the preservation of the collection became increasingly acute, FoJAG and JHF began working closely together in the public interest to advocate for lawful, transparent and accountable governance of the JAG and compliance with the obligations imposed under the Deed.

51. In particular, the applicants sought to ensure:

- 51.1 the proper preservation and maintenance of the JAG building and collection;
- 51.2 compliance with the governance structure established by the Deed;
- 51.3 transparency and accountability in relation to decisions affecting the collection;
- 51.4 lawful oversight of proposed loans, removals and relocations of artworks;
- 51.5 compliance with applicable heritage legislation and conservation requirements; and
- 51.6 the protection of the collection for the benefit of present and future generations.



- 52. It was against that background, and in response to years of escalating institutional failure, deterioration and governance concerns, that the applicants intensified their involvement from 2024 onwards and embarked upon the more sustained interventions described below.
- 53. In elaboration of the significance of the JAG and the governance and institutional failures the institution has faced, this affidavit is accompanied by the supporting expert affidavit of Professor Federico Freschi, Executive Dean of the Faculty of Art, Design and Architecture at the University of Johannesburg and which gives detail to two opinions drafted by Professor Freschi attached thereto, titled "*The Significance of the Johannesburg Art Gallery (JAG)*"

Collection", dated 14 August 2024 and "*Governance and Institutional Failure at the Johannesburg Art Gallery*", dated 11 May 2026.

The applicants' early attempts to engage the Mayor, the AGC and the City

54. From 2024 onwards, as the condition of the JAG building deteriorated and the risks to the collection became increasingly apparent, the applicants intensified their efforts to engage constructively with the City, the AGC and the Mayor. At all times, the applicants emphasised the central role of the AGC under the Deed and sought to include the AGC in all discussions and proposed solutions.
55. On 28 June 2024, the applicants wrote to the then MMC for Community Development, Councillor Magwentshu, and to the Director of Executive Support, Ms Nelisiwe Baai, requesting an urgent meeting with all relevant stakeholders, including the AGC, to devise an action plan for safeguarding the JAG building and collection. The applicants emphasised that any solution must involve the AGC given its powers and obligations under the Deed.
56. Despite follow-ups on 4 July and 17 July 2024, no substantive response was received. Ms Baai provided only vague assurances that a "task team" had been created to fast-track the refurbishment of the JAG. No details of this so-called task team, its composition, its mandate or its activities were ever disclosed to the applicants or the public, despite repeated requests. Crucially, there was no indication that the AGC was involved in or consulted about the supposed "task team". A copy of the correspondence is annexed marked **FA4**.
57. On 13 August 2024, the applicants visited the JAG after requesting a tour from the JAG's Chief Curator, Mr Khwezi Gule. The applicants witnessed first-hand



the dilapidated condition of the building, including extensive water damage, structural risks and wholly inadequate storage for the collection. Mr Gule explained that approximately 9 000 artworks are held in storage, with only approximately 1% of the collection on display at any time, and that half of the storage rooms were at constant risk of water ingress. He further explained that the JAG does not have its own bank account and has no control over its funds. Issues as minor as purchasing toilet paper have to go through constrained bureaucratic structures for approval by the City. It is no wonder that, as far as I am aware, at least one institution, the Brenthurst Trust, has withdrawn its collection from the JAG, which was on permanent loan to the JAG. Photographs evidencing these conditions are annexed marked **FA5**.



58. Deeply alarmed by what they had witnessed, the applicants instructed their *pro bono* attorneys, Webber Wentzel (“**WW**”), to address an urgent letter of demand to the Mayor, the AGC and other interested parties on 28 August 2024. The letter proposed immediate solutions for the relocation of the collection pending repairs and offered a collaborative approach. Significantly:

58.1 the letter was addressed to the members of the AGC, in recognition of their central role under the Deed in any decisions affecting the collection; and

58.2 the members of the AGC at that time included Joseph Gaylard, Molemo Moiloa, Nontobeko Ntombela and Pfunzo Sidogi, each of whom was subsequently reappointed under the impugned decision.

59. WW followed up with the Mayor and the City by letter on 5 September 2024. Copies of the letter of demand and the follow-up letter are annexed marked **FA6** and **FA7**, respectively.
60. On 8 September 2024, the City responded through its Acting Director of Group Legal and Contracts, Ms Amohelang Makae. While communicating that the Mayor would initiate a meeting and acknowledging that the applicants had attempted to work collaboratively with the City, the response was defensive and failed to address the substantive concerns raised by WW. A copy of the City's correspondence is annexed marked **FA8**.
61. Notably, Ms Makae's letter made no reference to the AGC or its role under the Deed, despite the applicants having specifically addressed members of the AGC in their correspondence. WW accordingly wrote to Ms Makae on 11 September 2024 to reiterate the importance of ensuring that any meeting convened by the Mayor be open to all stakeholders, including members of the AGC. A copy of WW's correspondence is annexed marked **FA9**.



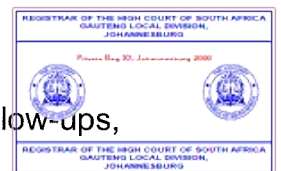
The applicants' relocation plan and further calls for action

62. Following Ms Makae's response, the applicants were concerned that the JAG's future remained directionless and that the AGC was not discharging its mandate.
63. The applicants accordingly developed and presented to the City and the AGC a comprehensive relocation plan that would see the JAG's collection temporarily relocated to a place of safety so that restoration of the JAG building could commence. The plan was fully donor-funded; required no expenditure

from the public fiscus; and was supported by expert contractors including MEMORIST, Stuttafords Van Lines (Fine Arts Division) and other specialists. The plan was also conditionally endorsed, with pledges of financial and advisory support, by the Embassies of France and the Netherlands, and by the Lutyens Trust. A copy of the plan is annexed marked **FA10**.

64. Despite being presented to the City, the Mayor and the AGC on several occasions, the plan was never properly engaged with, and has been largely ignored.

65. On 16 October 2024, after sustained public pressure and repeated follow-ups, the Mayor agreed to meet with the applicants. Media coverage of the dilapidated state of the JAG was instrumental in eliciting that response. Copies of the relevant media reports, and those that followed the meeting, are annexed marked **FA11**.



66. At the meeting, the Mayor acknowledged the urgency of the situation and agreed to pursue a collaborative approach. He made, however, no commitment to involve the AGC, despite the applicants' emphasis on its central role under the Deed. It became apparent during the meeting that the Mayor appeared to be unaware of his statutory and trust-law role as a member and convener of the AGC under the Deed.

67. On 18 October 2024, WW wrote to the Mayor to record the meeting and the Mayor's view that the applicants should work with the City's Director of Arts, Culture and Heritage, Mr Vuyisile Mshudulu. WW's letter emphasised the need for the AGC to participate in any such discussions and communicated the applicants' intention to write to Mr Mshudulu to request that the Chief Curator

and the members of the AGC be invited to the contemplated meeting. A copy of the letter is annexed marked **FA12**.

68. WW wrote to Mr Mshudulu on 24 October 2024 to record the Mayor's proposal, in a letter framed in terms of collaboration, transparency and information-sharing. WW emphasised that a constructive discussion on the relocation of the collection could take place only if the role-players with substantive insight into the collection were present and accordingly requested Mr Mshudulu to ensure the attendance of members of the AGC and the Chief Curator. A copy is annexed marked **FA13**.



69. The applicants met with Mr Mshudulu and other City officials on 14 November 2024. At that meeting:

69.1 the City's legal adviser confirmed that Mr Mshudulu had been delegated oversight responsibilities for the JAG by the Mayor;

69.2 Mr Mshudulu delivered a presentation summarising the City's approach to the JAG and its views on going-forward collaboration; and

69.3 Mr Mshudulu alleged that he had engaged with members of the AGC regarding the proposed relocation.

70. No member of the AGC was present. WW accordingly wrote to the AGC on 14 November 2024 by e-mail to record Mr Mshudulu's allegation that the City was in contact with the AGC, to note that the applicants had repeatedly requested Mr Mshudulu to include the AGC in the meeting, and to propose a virtual meeting with the AGC.

73.2 noted that the funders were reluctant to work directly with the City because of its poor track record, complicated bureaucracy and lack of transparency; and

73.3 explained that more than one donor would likely be relied upon to finance the different stages of the relocation.

74. Mr Gaylard never responded. This was the last occasion on which he, or any then member of the AGC, communicated substantively with the applicants on the issues facing the JAG. A copy of the e-mail trail is annexed marked **FA14**

75. Compounding the AGC's silence, the City released a media statement on 20 November 2024, a copy of which is annexed marked **FA15**. The statement acknowledged the JAG as a crucial cultural institution and sought to allay public concern over its condition. Tellingly, however, the statement made no reference to the Deed or to the role of the AGC, and the City made plain its view that it, and it alone, was in charge of the JAG.

76. With public concern growing and the City maintaining a combative posture, the applicants took further steps to lobby the AGC into action and to engage other public and private-sector role-players whose expertise could assist the JAG. Those steps included convening a stakeholder engagement session, initiated by WW's correspondence to the relevant stakeholders, including the members of the AGC, dated 26 November 2024. A copy of that correspondence is annexed marked **FA16**.



77. In that correspondence, WW recorded that, despite the applicants' repeated attempts to engage the City and work collaboratively with it, the City had displayed disregard for the need for urgent and lawful action. The letter further:

77.1 decried the City's dismissive attitude towards the Deed and the fiduciary duties imposed on the City under it; and

77.2 highlighted serious concerns following the 14 November 2024 meeting, including the City's:

77.2.1 claim that it could not share its relocation plan due to constraints imposed by supply-chain management policies (suggesting that no detailed, actionable strategy was in fact in place);

77.2.2 dismissal of the applicants' request for the JAG collection's inventory;

77.2.3 appointment of an unnamed, undisclosed project-management company to handle the relocation project; and

77.2.4 position that it need not engage with the applicants or other public stakeholders save by providing progress updates.

78. Several stakeholders attended the engagement session. The members of the AGC, however, chose to remain silent. Instead, the AGC (absent the Mayor) issued a public statement on 6 December 2024, a copy of which is annexed marked **FA17**. The statement asserted, inter alia, that:

78.1 the City is responsible for the management and care of the JAG collection;



78.2 the AGC's role is limited to oversight, including providing advice and consent on matters related to the acquisition, loan or removal of artworks;

78.3 the review and updating of the mandate and composition of the AGC was a matter of "ongoing dialogue" with the City;

78.4 the need to digitise and relocate the collection had been under consideration by the AGC since 2016, with an in-principle commitment from the Anglo American Centenary Trust ("**the AACT**") to contribute resources;



78.5 the City had earmarked the Ditsong Museums as a temporary host of the collection, in dialogue with the applicants, so that the JAG building could be refurbished;

78.6 the AGC had provided advisory support to the JAG's staff on the relocation of the collection over the preceding two years; and

78.7 the City had undertaken to work with Jozi my Jozi, a consortium of private-sector partners, to deliver on the relocation.

79. The AGC's statement was not, however, accompanied by any concrete action. It soon became apparent that, if the issues facing the JAG were to be addressed in accordance with the Deed and the public interest, the applicants would themselves have to bear the burden of co-ordinating relocation efforts. The AGC was manifestly failing to discharge its mandate and could not be relied upon to do so, despite having the powers under the Deed to act.

80. The consequences of that failure are not academic. They are evident throughout the public record and most starkly in two recent episodes: SAHRA's findings on the state of the JAG building and collection (Sub-Part B.1 below); and the loan to, and return from, South Korea of 145 works from the JAG collection without AGC consent (Sub-Part B.2 below). I deal with each in turn.

Sub-Part B.1: SAHRA's report and the failures of governance it documents

81. In parallel with the applicants' efforts to engage the City and the AGC, and unbeknown to the applicants, SAHRA addressed correspondence to Mr Gule, in his capacity as Chief Curator, copied to Mr Maja in his capacity as the Chief Director of Arts, Culture and Heritage of the City, Mr Mshudulu and the Coordinator of the PHRA-G, Ms T Molokomme, on 20 November 2024. The letter followed media articles published by *Currency* and *Daily Maverick* (which are annexed as FA11 above) detailing:



81.1 the negligent management of the conservation of the JAG building;

81.2 the risks of damage to and negligent conservation of the JAG's collection; and

81.3 the proposed relocation and storage of the JAG's collection.

82. SAHRA's letter:

82.1 reminded Mr Gule and the other recipients that the JAG is a Provincial Heritage Site and that the duty of care owed by the City extends to both the building and the collection;

82.2 required a response by 27 November 2024 addressing all areas of concern, including a “timebound programme of action towards rectification”;

82.3 foreshadowed further action by SAHRA under section 51 of the NHRA in the absence of a response; and

82.4 communicated SAHRA’s intention to conduct a site visit in the following week.

83. A copy of SAHRA’s letter is annexed marked **FA18**. To the applicants’ knowledge, none of the addressees provided the response that SAHRA demanded. Significantly, several of those addressees — including Mr Gule and Mr Maja — were subsequently appointed to the AGC by the Mayor on 17 November 2025, notwithstanding their failure to respond to SAHRA’s lawful call to action.



84. SAHRA conducted a site assessment of the JAG on 2 December 2024. Its report, annexed marked **FA19**, contains the following findings:

84.1 structural defects and water damage, including water ingress and widespread failure of waterproof systems, with buckets being used as makeshift measures to collect incoming water;

84.2 imminent structural failures, including a skylight likely to collapse inwards;

- 84.3 storage conditions far below international museum standards, with objects unsafely stacked, placed on unstable wood, stored beneath leaking pipes, and exposed without basic protection;
- 84.4 serious health and safety hazards, including inadequate lighting, fire risks from combustible materials stored in walkways, and dust-filled workspaces unsafe for staff and collections alike; and
- 84.5 an almost complete absence of climate control, with fluctuating temperatures and humidity already causing visible damage to the collection.



85. SAHRA's report further:

- 85.1 recommended that the City apply for the requisite permits for “the proposed relocation of the at-risk collections” at least 90 days prior to any such relocation;
- 85.2 recorded that the deteriorating condition of the JAG has been extensively documented and that the building is fundamentally unsuitable for the storage and preservation of cultural heritage objects; and
- 85.3 concluded that “urgent intervention is required”.

86. The report-imposed deadlines for the City to respond by 14 February 2025 and to provide progress updates by 30 June 2025. To the applicants' knowledge, both deadlines were ignored by the City, and no further action has been taken by SAHRA to date.

Sub-Part B.2: The South Korean loan

87. In 2022, and unbeknown to the applicants, 145 artworks from the JAG collection were loaned to South Korea. The loan was never properly authorised. The Deed required prior consultation with, and the advice and consent of, the AGC. No such consultation or consent was obtained. Notwithstanding this, in November 2023 SAHRA purportedly issued permits for the temporary export of the artworks for exhibition. The permits, annexed marked **FA20**, were initially granted for the period November 2023 to June 2024 but were subsequently extended multiple times, with the final extension running until September 2025.

88. As set out in Part A, the Deed requires that any removal of artworks from the JAG, whether temporary or permanent, may take place only after the City has consulted with and received the advice and consent of the AGC. No such consultation or consent was obtained in respect of the South Korean loan. The collection ought never to have left South Africa, and its removal stands in fundamental breach of the Deed.



89. The purported basis for the loan was a so-called “Museum Loan Policy of the City – Draft February 2019” produced by the Department of Community Development (“**the Loans Policy**”). A copy of the purported policy is annexed marked **FA21**.

90. The Loans Policy was never formally adopted by resolution of Council and has no lawful standing as a policy of the City. Moreover, the policy unlawfully devolves power away from the AGC and places it in the hands of the MMC for Community Development and, by delegation, the Chief Curator. The policy makes no reference to the AGC, despite the AGC’s express powers under the Deed.

91. Section 2 of the Loans Policy, under the heading “Legislative framework”, purports to provide that:

“The MMC: Community Development (‘hereafter the MMC’) has the delegated authority to approve: The decision to loan and borrow works of art and cultural objects or material to other museums nationally and internationally, subject to such terms and conditions to protect the interests of the City.”

92. That devolution of power to the MMC is *ultra vires* the Deed, which expressly provides that only the AGC may consent to loans of artworks. The policy further entrenches the unlawful delegation through provisions that bypass the AGC entirely, including:



92.1 section 7.1.3 (“all loan transactions for temporary, traveling exhibits will originate by and be the responsibility of the Chief Curator/specialist librarian”);

92.2 section 8.1.1 (“the authority to approve an outgoing loan rests with the MMC in conjunction with the appropriate curator/specialist librarian”);
and

92.3 section 8.1.2 (responsibility for loan administration lies with “the collections manager, in consultation with the curator/specialist librarian”).

93. On 25 June 2025, the City’s Community Development Shadow MMC wrote to the MMC of Community Development seeking clarity on the loan. The correspondence recorded that, despite the City’s assertion that the Loans

Policy had been passed by Council during the 2019/2020 financial year, no record of the policy could be found in the Council meeting minutes for that period. This raises serious questions about whether the policy was ever properly adopted and aggravates the glaring failure to involve the AGC. A copy of the Shadow MMC's letter is annexed marked **FA22**.

94. The exhibition, styled "From Monet to Andy Warhol", toured four cities in South Korea over approximately two years. According to a press report annexed marked **FA23**, the artworks were scheduled to return to South Africa in time for a special exhibition commemorating the G20 summit in November 2025. At no stage has it been shown that the AGC sanctioned the loan, nor that the removal of the works complied with the Deed.



95. After learning of the Loans Policy, the Shadow MMC's questions and the impending return of the collection, the applicants caused WW to write to the AGC on 11 September 2025 to understand the circumstances of the loan and the AGC's plan to ensure the safe return and storage of the collection. The 11 September 2025 letter recorded the press reports and the impending return, and reproduced the salient provisions of the Deed.

96. WW's letter required the AGC to:

- 96.1 confirm whether the AGC was consulted by the City and whether it gave its consent to the loan;
- 96.2 provide details of the decision-making process that led to the loan;
- 96.3 confirm for how long the collection had been on loan outside of South Africa; and

96.4 explain the oversight and accountability measures implemented to ensure the AGC fulfilled its fiduciary duties to protect and preserve the collection.

97. The letter further:

97.1 explained the dangers to the returning collection if stored at the JAG;

97.2 summarised SAHRA's findings;

97.3 recalled the City's admission that the collection stored at the JAG was at risk;



97.4 noted that the City was embarking on exploratory work to commence construction on the JAG building, which itself posed a risk to the collection if returned; and

97.5 requested transparency and accountability regarding the date of return, the storage location upon return, the AGC's plan to conserve and protect the returning artworks, the persons responsible for the safe passage of the artworks, and the AGC's oversight of the return.

98. As was the case with every prior attempt to engage the AGC, this letter was ignored, as was the return of the collection itself. A copy of WW's 11 September 2025 correspondence is annexed marked **FA24**.

99. The applicants, faced with the AGC's silence, took it upon themselves to engage the relevant stakeholders to bring the circumstances of the loan to light and to ensure the safe return of the collection. Those steps included:

- 99.1 writing to Fine Art Logistics, the company contracted by the City to handle the export and import of the collection, on 17 September 2025 (annexed marked **FA25**), to: place on record that the AGC was required to consent to the loan; explain the dangers to the returning collection if returned to the JAG; and request that the collection be retained by Fine Art Logistics until a response was received from the AGC;
- 99.2 engaging SAHRA by way of correspondence dated 20 September 2025 (annexed marked **FA26**) on its role in protecting the returning collection and ensuring its safe storage at an alternative site to the derelict JAG building;
- 99.3 engaging SARS by lodging a formal complaint with SARS' Head of Customs and Excise on 21 September 2025 (annexed marked **FA27**), motivating for the returning collection to be detained pending investigation that the collection's export and return had been undertaken in compliance with the relevant laws and the Deed, including AGC consent;
- 99.4 meeting with SARS on 23 September 2025 to discuss the complaint, during which SARS officials advised us that detention notices had been issued by SARS to determine whether the artworks exported were the same as those that had been imported and requested the applicants to address certain practical concerns. Those concerns were addressed in WW's correspondence of even date, annexed marked **FA28**; and
- 99.5 engaging the City, through its attorneys ENS, by way of correspondence dated 23 September 2025 (annexed marked **FA29**) on the AGC's



consent, the storage and housing arrangements for the JAG collection upon its return, and responsibility for the safe transport of the relocated artworks.

100. ENS responded on the same day by e-mail (annexed marked **FA30**) recording that a constructive meeting had taken place; that an in-principle agreement had been reached on the next steps in relation to the return of the South Korea collection; and that detailed meeting minutes, outcomes and next steps would be shared in writing in due course.



101. Through the applicants' intervention, the returning collection was ultimately diverted to the Standard Bank Gallery, in time for the G20 exhibition, rather than returned to the derelict JAG building. Without the applicants' intervention, neither the public scrutiny of the loan nor the safe receipt of the collection would have occurred. The collection would have returned to the JAG under a shroud of secrecy and without any of the checks and balances that ought to have attended its return.

102. At this juncture, it was already plain that the AGC was not going to do what was required. Yet, in the interests of the JAG and because South Africa was nearing the G20 summit in which the JAG collection would feature, the applicants remained committed to partnering constructively with the City, the AGC and other stakeholders on the JAG's future.

The applicants' constructive partnership attempts in 2025

103. With the SAHRA report and the return of the South Korean collection playing out in 2025, the applicants continued their good-faith efforts to work with the

City and the AGC. On 27 March 2025, the applicants participated in a Joint Stakeholder Planning session hosted by the Johannesburg Development Agency (“JDA”). The session was proposed by the JDA’s CEO, Mr Themba Mothibe, who had approached the applicants with the initial suggestion of concluding a partnership agreement to unify the stakeholders’ voice in tackling the issues facing the JAG. The applicants attempted to engage the City and JDA thereafter on the partnership agreement and even submitted a draft to the JDA and City as well as a formal proposal in support of the partnership for their consideration. A copy of partnership proposal is attached hereto marked **FA31**. The agreement never came to fruition, and we eventually received a formal response on 27 March 2026, which I discuss in more detail below.



104. On 10 April 2025, the applicants again formally offered to cover the full costs of the relocation through a comprehensive partnership proposal. A copy of the offer letter is annexed marked **FA32**.
105. On 13 May 2025, the City released a media statement announcing “a strategic plan” for the temporary relocation of the JAG’s collection. The plan, however, has never been disclosed to the public. The language employed in the media release made plain that the City regarded itself as the sole decision-maker. Under the heading “regulatory and compliance measures”, the City stated:

“The relocation process will be conducted in strict accordance with South African heritage legislation. Notifications will be submitted to the South African Heritage Resources Agency (SAHRA) and the PHRA-G, and all collection items will be

registered on the South African Heritage Resources Information System.”

106. The Deed was not referred to. The role of the AGC was not addressed. The City was acting unilaterally and merely placating the public. A copy of the media statement is annexed marked **FA33**.
107. In June 2025, the applicants received reports that certain artworks had been packaged and removed from the JAG. WW e-mailed Mr Gule on 5 June 2025 to seek clarification. Mr Gule responded on 6 June 2025 but refused to provide the clarity requested. He instead gave a vague explanation that art is sometimes removed from the JAG in the ordinary course. WW rejected the response and requested a direct answer. No further response was forthcoming.
108. A copy of the e-mail exchange between WW and Mr Gule is annexed marked **FA34**.
109. On 4 August 2025, the then Acting City Manager, Mr Kiba Kekana, confirmed during a stakeholder engagement session that decisions would follow the “rule of law” and that he would continue processes initiated by his predecessor to work with the applicants in the relocation and restoration processes. That included an in-principle agreement that the City would partner with the applicants pursuant to a partnership agreement to be drafted by WW and ENS.
110. On 8 August 2025, WW wrote to ENS to request a meeting to confirm whether ENS’ instructions aligned with what had been communicated by the City. ENS responded on 12 August 2025 that they would revert once “they had a handle on the matter and had a further meeting with the [City]”. WW followed up on 19



August 2025, but did not receive a substantive response until 17 September 2025. A copy of the e-mail trail is annexed marked **FA35**.

111. ENS' letter of 17 September 2025 communicated that any support from the applicants could take only the form of donations into City structures, effectively excluding them from participation in the refurbishment or in the protection of the collection. The stance taken flew in the face of the public nature of the JAG, the previous undertakings to partner, and the constitutional principle that organs of state must work with the public. A copy of ENS' letter is annexed marked **FA36**.

112. ENS' letter made plain that the City's purported engagements with the applicants had been a sham. More tellingly, the letter contained no reference to the AGC, its role under the Deed, or whether it had been consulted in the City's deliberations.



113. On the same day, the Mayor released a media statement announcing a relocation plan that identified three sites: the Johannesburg City Library ("**JCL**"), Museum Africa ("**MA**"), and the Brixton Multipurpose Centre / Brixton Recreation Centre ("**BRC**"), to which the collection would be relocated. The release described the City's purported consultations with the stakeholders it considered it had to consult. In keeping with its pattern, the Deed was not engaged with, and the AGC was neither consulted nor referred to. A copy of the 17 September 2025 media release is annexed marked **FA37**.

114. On 30 September 2025, the JDA wrote to the applicants to record their meeting of 23 September 2025. A copy of the JDA's letter is annexed marked **FA38**. The letter noted the City's wish to issue a joint statement with the applicants ahead of the G20 exhibition, which would:

114.1 reflect a joint commitment to working together to secure the Standard Bank Art Gallery to host the G20 exhibition;

114.2 communicate the intention for the parties to sign a joint statement of intent;

114.3 confirm that the City would approve the G20 exhibition “following presentation to the [AGC]”;

114.4 set out the processes that had to follow before the collection could be moved to the Standard Bank Art Gallery; and

114.5 identify the parties to be included in the process.



115. The JDA's letter recorded:

“Once all necessary documentation and sign-offs have been obtained, the Executive Director of Community Development will have to notify the AGC, Mayoral Committee and other CoJ Council Structures.”

116. While the collaborative tone was welcome, the letter raised serious concerns. The role envisioned for the AGC was a passive one of being “notified”, rather than the active oversight role required by the Deed. The applicants accordingly responded by letter dated 13 October 2025, a copy of which is annexed marked **FA39**.

117. The applicants' 13 October 2025 letter expressed the following:

117.1 any partnership arrangement, and every decision or action arising from it, had strictly to comply with the Deed, failing which any decision taken would be unlawful and vulnerable to judicial challenge;

117.2 the AGC has controlling and oversight functions over a range of matters relating to the JAG and the collection, including that AGC consent was required before the City or any partnership structure could move the returning collection to a suitable and secure storage facility or proceed with the temporary relocation of the other artworks still housed at the JAG;



117.3 mere notification of the AGC would not satisfy the Deed; the AGC must be actively engaged in all decision-making processes concerning the preservation, movement or selection of artworks, and must approve those decisions;

117.4 the applicants had previously written to the AGC to engage it on those steps but had been ignored;

117.5 the AGC's lack of diligence underscored the need to reconstitute the AGC; and

117.6 the points raised by the applicants had to be discussed at the meeting scheduled for that afternoon.

The impugned decision: the purported “realignment” and “reconstitution” of the AGC

118. The impugned decision was communicated to the public less than six months ago by the Mayor on 19 November 2025 by way of a post on X (formerly Twitter), published under the Mayor's verified handle @DadaMorero. The applicants thereafter located the Mayor's media release of 17 November 2025, titled "Johannesburg Art Gallery Restoration: A new chapter for Joburg's cultural legacy".

119. The media release and the X post announced that seven persons had been appointed to the AGC and stated that:

"Governance structures have been realigned to meet the JAG Deed of Donation, ensuring transparency and accountability."



120. The seven persons appointed to the AGC were:

120.1 Mr Shane Maja, designated as the national Government's appointee;

120.2 Mr Khwezi Gule, designated as the City's appointee (notwithstanding that he remains Chief Curator of the JAG);

120.3 Ms Molemo Moiloa;

120.4 Dr Nontobeko Ntombela;

120.5 Mr Joseph Gaylard; and

120.6 Professor Pfunzo Sidogi.

121. Along with the appointments, the media release made several allegations that were misleading or factually incorrect. These included:

121.1 that a multi-stakeholder inspection team was overseeing the relocation of artworks to three alternative storage sites, and that the team comprised the applicants, SAHRA, the AACT and the Presidential Johannesburg Working Group, among others;

121.2 that the Mayor had convened three AGC meetings during 2025 which had “advanced key decisions and strengthened governance in support of the restoration programme”; and

121.3 that the AGC was “now fully compliant with the Deed, with representation from the national sphere, the art industry, and the Council”. I pause to note that this statement is itself an implicit admission by the Mayor that the AGC had not previously been compliant with the Deed.



122. The applicants were invited by the JDA to attend a site visit to observe the ‘functional completion’ stage of work at Museum Africa, which was intended to take part of the JAG collection while the building underwent restoration. The site visit took place on 1 December 2025, attended by FoJAG (Eben Keun), JHF (Kgao Mashego), Gavin Olivier (Museum technologist from Digital Fabric), Leanne Engelberg (independent art specialist), and Salome le Roux (University of Pretoria). Notably, no member of the AGC was present. The confirmatory affidavits of Mr Eben Keun and Mr Kgao Mashego shall be filed in support hereof.

123. On 5 December 2025, the applicants wrote to the JDA to record the views of qualified architects, art specialists, museum technologists, storage specialists and engineers who had inspected MA. The letter, annexed marked **FA40**,

recorded that MA was not, in its current state, suitable to store the JAG collection. The applicants' specific concerns included:

123.1 water ingress and climate-control issues;

123.2 security and electrical risks;


123.3 inadequate and problematic storage systems; and

123.4 a lack of transparency regarding timelines for the completion of construction works at MA.

124. As 2026 began, the City and the JDA released social-media posts and press statements regarding the relocation. The JDA unilaterally announced that the collection would be relocated to the three sites: MA, the JCL, and the BRC. The applicants were taken by surprise. They were still awaiting the City's input on the draft partnership agreement. The unilateral announcement disregarded the collaborative approach the City had previously undertaken.

125. On 3 February 2026, the applicants issued a joint statement titled "JHF/FOJ Response to JAG Artworks Relocation Plan Proposed by JDA", annexed marked **FA41**. The statement explained that, while the applicants were not opposed to the JAG's book collection being stored at the JCL (which is secure and fit for purpose), the state of MA and the BRC raised serious concerns. The applicants made plain that they could not support the relocation plan in its current form and that any relocation could not lawfully take place without (a) SAHRA approval, and (b) the approval of a properly constituted AGC. The applicants requested that those approvals be shared prior to any artworks being moved.



126. In response, the City released a media statement on 6 February 2026, annexed marked **FA42**, purporting to reassure “the public and the art community that all necessary measures are being taken to ensure the proper care and security of the JAG collection during its relocation and refurbishment process”. The statement admonished the applicants and noted “with dismay the false statements on the state of readiness of the relocation sites”.
127. The statement did not, however, address the substance of the applicants’ concerns. No clarity was given as to the AGC’s involvement in the relocation decisions or as to whether SAHRA had issued the requisite permits. In ~~stead~~  the statement made vague reference to “municipal policies”, “legislative requirements” and “regular engagements with regulatory bodies such as SAHRA, PHRAG and the AGC”. The Deed was not engaged with at all.
128. It had by then become plain that the City had no genuine intention to partner with the applicants and was intent on proceeding with the relocation as if the Deed and the AGC did not exist. In those circumstances, the applicants resolved to pursue their legal remedies, which had until then been held in abeyance in the hope that constructive collaboration would yield a lawful governance structure for the JAG and a lawful relocation plan.
129. On 27 February 2026, WW wrote to the AGC (including the Mayor, in his capacity as Chairperson) and to the City care of the City Manager, Dr Floyd Brink. The letter set out why the AGC is unlawfully constituted and why the relocation and refurbishment plan posed imminent risks to the safety and security of the collection. The letter concluded with the applicants’ demand for written confirmation that:



129.1 the relocation of the collection would immediately cease pending compliance with the law;

129.2 the applicants would be provided with a copy of the AGC resolution authorising the proposed relocation to the JCL, MA and BRC;

129.3 the applicants would be provided with documentary proof of any permits issued by SAHRA authorising the proposed relocation;

129.4 the applicants would be engaged meaningfully regarding a suitable storage facility, which the applicants could fund privately;



129.5 immediate steps would be taken to dissolve the AGC and reconstitute it in accordance with the Deed, including the replacement of Mr Gule with a suitable replacement who does not have a conflict of interest; and

129.6 the applicants and other relevant stakeholders would be engaged meaningfully regarding the reconstitution of the AGC in accordance with the Deed and the Constitution.

130. The timeline for compliance was 10 days from the date of the letter. A copy of the letter of demand is annexed marked **FA43**, and contained as annexures the impugned decision, as “A” and “B”.

131. No material response was forthcoming. A month later, on 26 March 2026, WW received a letter from ENS, who recorded the City’s instructions that the City:

131.1 had “addressed many of the issues linked to Museum Africa, Brixton Recreation Centre and the Johannesburg City Library”;

131.2 was engaging SAHRA and the PHRA-G to obtain the approvals required for the relocation and refurbishment plan;

131.3 was working closely with the AGC and would receive the approval of the AGC before implementing any relocation decisions. I pause to note that this statement is itself an admission that the AGC had not yet approved the relocation, notwithstanding that the City had already expended public funds on upgrading MA in anticipation of the relocation. According to media reports, roughly half of the R50 million allocated by the City to the relocation process has been spent on Museum Africa without despite the approvals not having been obtained from the AGC or SAHRA. A copy of the Daily Maverick report is attached hereto marked **FA43a**;;



131.4 did not consider the applicants' views and input as valuable, and stated that the City's interactions "should not be understood as a formal partnership" between the City and the applicants; and

131.5 considered the applicants' proposal for the collection to be relocated to the Ditsong Museum to be unviable for reasons that are factually unsubstantiated and incorrect — in particular the suggestion that the cost would exceed that of the City's plan, which entirely ignored the applicants' continued emphasis that they had secured private funding for the relocation at no cost to the public fiscus.

132. ENS' letter undertook to address the applicants' concerns regarding the AGC in separate correspondence. No such correspondence ever materialised. The insinuation is plain: no lawful, credible explanation can be given to justify the reconstitution of the AGC with members who had previously served on the AGC

during years in which the JAG deteriorated into a state of national embarrassment, or to justify the appointment of the Chief Curator to the body that exists to oversee him. A copy of ENS' letter is annexed marked **FA44**.

133. In the face of the City and AGC's silence, the applicants caused WW to engage SAHRA on the status of the approvals for the relocation. WW wrote to SAHRA on 11 March 2026 (annexed marked **FA45**) requesting written confirmation of: the nature and scope of any approvals or permits sought; the status of those applications; whether any permits or approvals had been granted, and if so on what conditions; the timeline for SAHRA's decision; and whether SAHRA had assessed the adequacy of the proposed receiving sites.



134. SAHRA responded on 17 March 2026 (annexed marked **FA46**). SAHRA confirmed that it was processing an application made by the City for the temporary relocation of the JAG collection in terms of sections 9(3)(e) and (f) of the NHRA, and that SAHRA would conduct site visits in the coming weeks to assess the suitability of the alternative sites. No mention was made of the BRC as an alternative site, nor that the City had sought approval for the collection (or part of it) to be moved there.
135. SAHRA's letter made no mention of the AGC's involvement and made plain that the City had spent public funds on upgrading MA without even having the approval of SAHRA, or knowing what conditions of improvement MA would need to receive in order to make it fit for purpose. That reckless expenditure underpins the governance failures the applicants now ask this Court to cure.
136. WW wrote back to SAHRA on 25 March 2026 (annexed marked **FA47**) to thank SAHRA for its transparency and to request that SAHRA keep the applicants

abreast of its decisions. As at the date of this affidavit, the applicants have received no further feedback from SAHRA. To the applicants' understanding, the City's application remains under consideration.

137. On 26 March 2026, the City wrote to FoJAG to inform it that the City's partnership committee had resolved to place the establishment of the envisioned partnership between the parties on hold due to the "legal dispute" between them. The author appears not to have been apprised of ENS' earlier letter which had already put paid to any hope of a partnership. A copy of the letter is annexed marked **FA48**.



138. It is against this backdrop of engagement, silence, unilateralism, breach of the Deed, recklessness with public funds, and self-serving public relations, culminating in the impugned decision, that the applicants seek the relief set out in the notice of motion. They do so having taken every reasonable step to avoid unnecessary litigation.

PART C: THE LEGAL FRAMEWORK

The Deed established a trust and imposed fiduciary obligations on the City and the AGC

139. Properly construed, the Deed is far more than an instrument of donation. It is the constitutive instrument of an *inter vivos* trust for the JAG and its collection, and it falls to be analysed accordingly. I am advised and submit that a trust comes into being where:

139.1 the founder evinces an intention to create a trust;

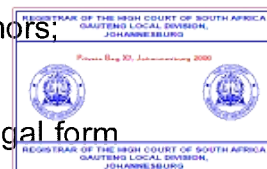
139.2 that intention is expressed in a manner that creates a legal obligation binding on the trustee or trustees;

139.3 the trust property is identified or identifiable;

139.4 the property is vested in, or placed under the control of, the trustee for the benefit of identified or identifiable beneficiaries; and

139.5 the object of the trust is lawful and not contrary to public policy.

140. Each of those requirements is present, *ex facie*, on the Deed. The donors;



140.1 expressly intended to create a trust, and gave that intention legal form by use of the operative words "*upon trust*";

140.2 identified specific trust property, the works of art constituting the original donation, together with an express power of accretion in respect of further donations;

140.3 placed the trust property under the control of the Municipal Council and the members of the AGC in their capacities as trustees;

140.4 identified specific beneficiaries, namely the inhabitants of Johannesburg and the visiting public;

140.5 identified specific trust purposes, the operation of an art gallery and museum of industrial art, the promotion of the arts and artistic crafts, and the public benefit and enjoyment of the collection; and

140.6 constituted an enduring governance organ, the AGC, charged with the protection, oversight and control of the trust property and the trust purposes.

141. The vesting of the collection "*upon trust*", with property held by an identified trustee for identified beneficiaries pursuant to identified purposes, and subject to ongoing supervision by an oversight body, is the paradigm arrangement to which section 1 of the Trust Property Control Act 57 of 1988 ("**the TPCA**") applies. It is, equally, the arrangement to which the common-law principles governing trusts, and the equitable doctrines of fiduciary obligation imported into our law, apply with full force.



142. I am further advised and submit that the structural independence of certain of the trustees is a feature of substantial persuasive significance in characterising an arrangement as a trust. Our courts have repeatedly emphasised that the genuine separation of donor, trustee and beneficiary is the bulwark against the abuse of trust property. On the face of the Deed, that separation is built into its very design. The independent members of the AGC exist for the specific purpose of guaranteeing that the City does not deal with the trust property as if it were ordinary municipal property.

143. The Deed is, in our law, a constitutive contract, the governing charter of the trust, the binding terms of which are enforceable against the City and the AGC alike. Each member of the AGC, including the Mayor, accepts office subject to the trust. The City, which has for more than a century enjoyed the benefits of the donation, cannot now resile from the instrument that confers those benefits.

Our law does not permit a party to retain the fruits of a contract while disclaiming its burdens.

144. Our law recognises and protects the founder's liberty to dispose of assets in the manner they see fit, including by way of trust, provided that the disposition is lawful and not contrary to public policy. A founder is entitled to confer on the trustees a power of selection among a designated class of beneficiaries, and a founder is entitled, in addition to constituting trustees, to constitute an oversight or supervisory body to safeguard the trust purposes against the trustees' own neglect or default. That, in substance, is precisely what the donors did.



145. Whether the resulting arrangement is characterised, in technical taxonomy, as a bewind trust (in which the trust property vests in the beneficiaries with administration vested in the trustees), as an ordinary trust (in which the trust property vests in the trustee), or as a sui generis arrangement attracting trust-like principles, the legal consequence is identical. The City holds the collection as a fiduciary for the public, and the AGC, in respect of the matters committed to its oversight, is itself a fiduciary. The reach of fiduciary doctrine is not confined to those who are formally constituted as trustees. It extends to every person who, by virtue of office, undertakes to act in the interests of another.

146. The fiduciary obligations that fall on the City and on the AGC are accordingly those imposed by our law:

146.1 a duty of good faith in the exercise of trust powers;

146.2 a duty to act in the best interests of the beneficiaries, namely the inhabitants of Johannesburg and the visiting public;

146.3 a duty of loyalty, requiring the avoidance of any conflict between personal or institutional interest and duty;

146.4 a duty of care, diligence and skill; and

146.5 a duty to act independently of the donor and of third parties.

147. Those obligations are central to the AGC's constitutional and functional role. The AGC was deliberately constituted by the Deed as a counterweight to the very risks that inhere in entrusting a public art collection to a municipal authority.

Its role is precisely to ensure that the City, as trustee, does not deal with the collection in a manner inconsistent with the trust purposes. That role can be discharged only if the AGC is, and is reasonably perceived to be, independent of the City and capable of exercising impartial oversight in respect of the City's functionaries, including the Chief Curator. An AGC populated by the Mayor's unilateral appointees is no oversight body at all, it is the watchdog declawed.



148. The fiduciary character of the AGC is reinforced, finally, by the structural features of the Deed itself. Provision is made for succession in office, alternates, quorum requirements, meetings, record-keeping and internal regulation. The Deed thus contemplates an enduring office-bearing body charged with continuing responsibilities. The AGC is a body invested with substantive powers and, in accordance with the principle that powers carry their correlative duties, it bears substantive duties.

The constitutional framework

149. The impugned decision, and the wider conduct of the City, the Mayor and the AGC, must be understood against the broader constitutional and public-interest significance of the JAG and its collection.

150. The JAG houses one of the foremost public art collections on the African continent and constitutes a substantial repository of South Africa's artistic, cultural and heritage resources. By the express terms of the Deed, the collection exists for the public benefit of the inhabitants of Johannesburg and of the broader public. The Constitution speaks directly to the protection of such an institution and to the manner in which it must be administered.



151. The constitutional provisions of immediate relevance include:

151.1 Section 1 of the Constitution, which establishes the supremacy of the Constitution and the rule of law as founding values. From the rule of law flows the principle of legality, which binds every exercise of public power: The legality principle requires that every repository of public power act intra vires, in good faith, rationally, and for the purpose for which the power was conferred.

151.2 Section 16(1)(b) and (c), which protects the right to freedom of expression, including the freedom to receive and impart information and ideas, and the freedom of artistic creativity.

151.3 Section 30, which protects the right of everyone to participate in the cultural life of their choice.

151.4 Section 31, which protects the rights of cultural communities.

151.5 Section 33, which confers on everyone the right to administrative action that is lawful, reasonable and procedurally fair, and which is given effect by PAJA.

151.6 Section 41(1), which obliges all spheres of government and all organs of state to secure the well-being of the people of the Republic and to provide effective, transparent, accountable and coherent government.

151.7 Section 152, which sets out the objects of local government, including the provision of services to communities in a sustainable manner, the promotion of social and economic development, and the encouragement of the involvement of communities in matters of local government.



151.8 Section 195, which sets out the basic values and principles governing public administration, including a high standard of professional ethics; the efficient, economic and effective use of resources; the impartial, fair and equitable provision of services; responsiveness to people's needs; public participation in policy-making; accountability; and transparency.

152. The conduct implicated in this matter, the unlawful and ineffective governance of the AGC, the City's repeated departures from the Deed, the unlawful loan to South Korea, the reckless expenditure on MA without SAHRA approval, the unilateral relocation announcements, and the impugned decision itself, has progressively diminished the ability of the public to access, engage with and enjoy the JAG collection. It has, simultaneously, eroded the values of accountability, transparency, public participation and the rule of law that the Constitution demands of every organ of state.

The heritage-law framework

153. The JAG, the JAG building and a significant proportion of the JAG collection fall within the regulatory ambit of the NHRA. The object of the NHRA, expressed in section 5(1), is to provide an integrated and interactive system for the management of the national heritage resources. The NHRA and the Deed are not in tension; on the contrary, the statutory regime reinforces and complements the trust regime to which the City is bound.

154. The relevant provisions of the NHRA include:



154.1 section 5(2), which imposes a general principle that heritage resources

“which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate” and “are a unique and non-renewable resource”;

154.2 section 5(4), which requires that the role of heritage resources “in promoting reconciliation, understanding and respect, and contributing to the development of a unifying South African identity” must be acknowledged;

154.3 section 7, which sets out the assessment criteria for heritage significance, in terms of which the JAG and significant portions of its collection have been classified;

154.4 section 11, which establishes SAHRA, and section 23 establishes the PHRA-G, as the national and provincial bodies responsible for managing national heritage resources;

154.5 section 32, which provides for the protection and management of objects and collections; and

154.6 section 38, which requires heritage resource impact assessments in respect of certain categories of development.

155. The obligations of the City, the Mayor and the AGC under the Deed are therefore reinforced by the statutory obligations under the NHRA. The protection of heritage resources is a matter of national concern, and statutory functionaries vested with authority in respect of such resources must apply their

minds rigorously to the substantive and procedural requirements of the NHRA.

The conduct implicated in this matter is, in significant respects, conduct in breach of the NHRA as well as the Deed.



Public-administration framework

156. The Local Government: Municipal Systems Act 32 of 2000 ("the **Systems Act**") and the Local Government: Municipal Structures Act 117 of 1998 ("the **Structures Act**") regulate the City's powers and the powers of its political office-bearers. The Mayor's powers are those, and only those, conferred by the Constitution, the Structures Act, the Systems Act, by-laws and Council resolutions duly taken in accordance therewith.

157. The point requires emphasis. It is by now axiomatic in our public law that a public functionary has no power save that which is conferred upon them by law. Nowhere in law is the Mayor empowered to appoint, still less to appoint unilaterally, the independent members of the AGC. The Deed confers no such

power. It follows, as a matter of inexorable legal logic, that the Mayor's purported appointments are *ultra vires* and fall to be set aside.

PART D: GROUNDS OF REVIEW

158. The impugned decision constitutes the exercise of public power in terms of an empowering provision, namely the Deed, read together with the constitutional, statutory and common-law framework set out in Part C above. The decision is, accordingly, reviewable:

158.1 under the PAJA. The impugned decision,- being a decision of an organ of state, taken in the purported exercise of public power conferred by an empowering provision, of an administrative nature, having direct, external legal effect on the rights and interests of the applicants, the JAG, and the public, constitutes "administrative action" within the meaning of section 1 of PAJA; *alternatively*

158.2 under the principle of legality. As a constitutional incident of the rule of law, legality controls every exercise of public power and requires that such power be exercised lawfully, rationally, in good faith and within the four corners of the empowering provisions.

159. I am advised, and respectfully submit, that whichever doctrinal regime governs the matter, the impugned decision is reviewable and falls to be set aside on each of the grounds developed below. The grounds are advanced cumulatively. Any one of them is independently dispositive.

Ground 1: The impugned decision is unlawful and ultra vires the Deed

160. A public functionary may exercise no power and perform no function beyond that conferred upon them by law. The Deed is the empowering provision regulating the constitution of the AGC. Its provisions are binding and peremptory. They must be observed.

161. The Deed, as an instrument performing a constitutive and quasi-public governance function in relation to a public asset, falls to be construed in accordance with the unitary interpretive approach, namely, by reading the words used in their context and in light of the purpose of the instrument as a whole. So construed, the Deed establishes a deliberately layered governance architecture, the central object of which is to insulate the AGC from political and administrative control. In particular, the Deed provides that:



161.1 the Mayor is a member of the AGC ex officio;

161.2 one member is nominated and appointed by the national Government (now represented by the President);

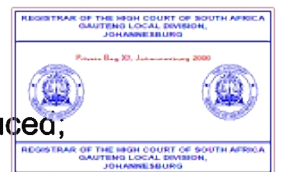
161.3 one member is nominated and appointed by the Municipal Council (now the Council of the City); and

161.4 the four remaining "independent" members are to be appointed by a majority of the other members of the AGC.

162. The requirement that the independent members be appointed by the sitting AGC, and not by the Mayor or the City, is the central guarantor of the AGC's institutional independence. To collapse that requirement is to defeat the principal object of the Deed.

163. The Deed therefore does not, on any tenable construction, empower the Mayor or the City unilaterally to appoint the independent members of the AGC. Yet the impugned decision was publicly communicated as a decision taken by the Mayor and/or the City as part of a purported "*realignment*" or "*reconstitution*" of the AGC. Conspicuously absent from any public communication is any indication that the appointments were approved by a majority of the sitting members of the AGC, as the Deed requires.

164. Notwithstanding the applicants' repeated requests:



164.1 no AGC resolution approving the appointments has been produced;

164.2 no documentary proof of any majority vote has been disclosed;

164.3 no minutes evidencing a lawful appointment process have been furnished; and

164.4 no explanation has been provided regarding the process followed.

165. The conclusion is inescapable. The impugned appointments were effected outside the four corners of the empowering provision. They are unlawful and *ultra vires*.

166. The decision falls to be reviewed and set aside on the following grounds under section 6(2) of PAJA, *alternatively* under the principle of legality:

166.1 section 6(2)(a)(i): the administrator was not authorised by the empowering provision to take the action concerned; alternatively, the decision-maker lacked the authority under the Deed to take the decision;

166.2 section 6(2)(b): a mandatory and material procedure or condition prescribed by the empowering provision was not complied with - namely, the requirement of majority approval by the sitting AGC members;

166.3 section 6(2)(f)(i): the action contravenes a law and is not authorised by the empowering provision; and

166.4 under the principle of legality: action taken outside the four corners of an empowering provision is, without more, unlawful.

Ground 2: The decision was irrational and taken without regard to relevant considerations



167. Irrespective of the procedural and jurisdictional defects already developed, the substantive decision to reappoint Mr Gaylard, Ms Moiloa, Dr Ntombela and Professor Sidogi is independently reviewable. It is irrational, unreasonable, and was taken without regard to material considerations that no rational decision-maker could have ignored.

168. The applicable standards are well-settled:

168.1 The exercise of public power must be rationally connected to the purpose for which the power was conferred, to the purpose of the empowering provision, to the information before the decision-maker, and to the reasons given.

168.2 Rationality review is not confined to outcome. It extends to process: a failure to take into account information that is rationally relevant to the decision is itself a reviewable defect.

168.3 Reasonableness under section 6(2)(h) of PAJA imposes a further substantive constraint. The action must be one that a reasonable decision-maker could have taken on the material before him or her, having regard to the nature of the decision, the rights and interests affected, the reasons given and the impact upon those affected.

169. Applied to the facts:

169.1 The stated purpose of the "realignment", on the Mayor's own version, was to bring the AGC "into compliance with the Deed", to ensure "transparency and accountability", and to advance the restoration of the JAG.



169.2 The period during which Mr Gaylard, Ms Moiloa, Dr Ntombela and Professor Sidogi served on the AGC is precisely the period during which:

169.2.1 the JAG deteriorated into a state of national embarrassment;

169.2.2 works were unlawfully loaned to South Korea without AGC consent;

169.2.3 the Loans Policy was advanced as a basis to bypass the AGC, without intervention or correction by the AGC;

169.2.4 SAHRA's demand of 20 November 2024 for a programme of rectification went unanswered by members of the AGC and persons subsequently re-appointed to it; and

169.2.5 the applicants' repeated good-faith engagement was met with silence or rebuff.

170. The reappointment of the very members under whose stewardship the governance of the JAG collapsed bears no rational connection, and no defensible relationship of any kind, to the stated objective of restoring lawful and effective governance. On the contrary, the impugned decision entrenches the very status quo whose remediation it purports to advance. The means selected stand in direct contradiction to the ends professed.

171. The decision-maker further failed to apply his mind to, alternatively failed to take into account, a constellation of considerations which were not merely relevant but determinative:



171.1 the AGC's sustained failure to discharge its statutory and fiduciary oversight obligations during the relevant period;

171.2 the conduct, omissions and culpable acquiescence of the reappointed members during that period;

171.3 the concerns repeatedly raised by the applicants;

171.4 the findings and demands of SAHRA on the condition of the JAG and the risks to the collection;

171.5 the failure of the AGC to intervene in relation to the unlawful South Korean loan;

171.6 the demonstrable need for a body capable of independent and effective governance of the JAG; and

171.7 the imperative of restoring public confidence in the governance of a national heritage institution.

172. The failure to consider such material considerations is itself a discrete reviewable defect. The considerations identified go to the very heart of the question whether the proposed appointees are fit and proper to occupy office on the AGC.

173. The impugned decision accordingly falls to be reviewed and set aside on the following grounds:



173.1 section 6(2)(e)(iii) of PAJA: relevant considerations were not considered

173.2 section 6(2)(f)(ii): the decision was not rationally connected to the purpose for which it was taken, the purpose of the empowering provision, the information before the administrator, or the reasons given;

173.3 section 6(2)(h): the decision is so unreasonable that no reasonable person could have so exercised the power; and

173.4 under the principle of legality: the decision lacks a rational connection to its stated purpose, both in outcome and in process.

Ground 3: The appointment of Mr Gule is vitiated by a material conflict of interest

174. The appointment of Mr Gule as the City's representative on the AGC is independently and gravely unlawful. It offends the most fundamental principle of natural justice known to our law: *nemo iudex in sua causa* (no person may sit in judgment of his own cause).

175. The AGC's oversight jurisdiction extends directly to the office, decisions and conduct of the Chief Curator:

175.1 the Deed requires that the AGC be consulted regarding the appointment and removal of curators; and

175.2 the AGC further exercises oversight in relation to the movement, preservation, storage, loan and administration of the collection, all matters falling squarely within the operational responsibility of the Chief Curator.



176. Mr Gule remains the Chief Curator of the JAG. He is, accordingly, precisely one of the functionaries whose conduct, decisions and management of the collection have been, and continue to be, the subject of the AGC's oversight. The impugned decision purports to appoint him to the very body constituted to oversee him.

177. That conflict is patent on the face of the appointment. It engages two distinct but mutually reinforcing doctrines of our law:

177.1 The rule against bias. The test is whether a reasonable, objective and informed observer, knowing all the relevant facts, would apprehend that the decision-maker might not bring an impartial mind to bear. The threshold is not actual bias, a reasonable apprehension suffices. On the present facts, the apprehension is not merely reasonable, it is unavoidable.

177.2 The fiduciary no-conflict rule. A fiduciary is strictly prohibited from placing himself in a position in which his personal or institutional interests

conflict, or may reasonably be perceived to conflict, with his fiduciary duties. The members of the AGC owe fiduciary duties to the JAG, to the trust property under their stewardship, and to the public in whose interests the AGC is constituted.

178. Mr Gule cannot, as a matter of law, and as a matter of common sense, independently and impartially participate in the governance structure tasked with overseeing his own conduct. The reasonable, informed observer, presented with these facts, would not conclude that he might struggle to do so, she would conclude that he plainly cannot.



179. The conflict is direct, material and ongoing. It is aggravated by the following:

179.1 the applicants repeatedly raised concerns regarding Mr Gule's conduct and failures as Chief Curator;

179.2 SAHRA directed its demand of 20 November 2024 to Mr Gule, who failed to respond;

179.3 Mr Gule was unable, when asked by WW in June 2025, to provide clarity on the removal of artworks from the JAG; and

179.4 the AGC was, and remains, required to exercise oversight over matters directly implicating Mr Gule's office and conduct.

180. No reasonable decision-maker, acting lawfully and in good faith, could have concluded that the independence, impartiality and credibility of the AGC would be enhanced by appointing to it the very official whose conduct stands in need of oversight. The appointment is, in addition, irrational. It bears no rational

connection, indeed, it stands in direct opposition, to the professed objective of restoring lawful and accountable governance.

181. The appointment of Mr Gule accordingly falls to be reviewed and set aside under:

181.1 section 6(2)(e)(vi): the action was taken arbitrarily or capriciously;

181.2 section 6(2)(f)(ii): the action was not rationally connected to the purpose for which it was taken;

181.3 section 6(2)(h): the decision is one no reasonable decision-maker could have made; and

181.4 the principle of legality.



Ground 4: the appointments did not comply with the Deed or the City's own internal governance processes

182. The unlawfulness of the impugned decision is compounded by the failure to comply with the procedural prescripts governing the appointment of the City's representative.

183. The Deed expressly provides that one member of the AGC is to be "*nominated and appointed from time to time by the Municipal Council*". The Council exercises its powers by way of resolutions passed at duly constituted meetings. Neither the Mayor, nor a member of the Mayoral Committee, nor any City official, is empowered to substitute his or her decision for that of Council in matters reserved to Council.

184. Properly construed, the Deed therefore requires a formal resolution of the Municipal Council nominating and appointing the City's representative on the AGC. Nothing less will do.

185. The applicants are unaware of any such resolution. Despite repeated requests:

185.1 no Council resolution appointing the persons announced by the Mayor has been produced;

185.2 no minutes or records of any deliberation by the Municipal Council have been disclosed; and

185.3 no explanation has been provided as to the process by which the members announced were selected and appointed.



186. On the information presently available, and the City will, of course, be afforded the opportunity to disclose the record of decision in compliance with Rule 53(1)(b), it appears that:

186.1 the appointment was effected unilaterally by the Mayor or by City officials;

186.2 the Municipal Council itself did not exercise the power conferred upon it by the Deed; and

186.3 the City's own mandatory internal governance processes were not followed.

187. If that is so, the appointments fall to be reviewed and set aside under section 6(2)(a)(i), section 6(2)(b) and section 6(2)(f)(i) of PAJA, alternatively under the principle of legality.
188. Even leaving doctrinal characterisation aside, the absence of transparency is itself constitutionally intolerable. The City has publicly proclaimed that the AGC has been "*realigned*" into compliance with the Deed. Yet it has tendered no record, no resolution and no process to substantiate that proclamation. Section 195(1) of the Constitution requires public administration to be governed by, *inter alia*, a high standard of professional ethics, transparency, and accountability. An appointment cloaked in opacity, and unsupported by any disclosed record of lawful authority, offends each of these injunctions and is, on that basis alone, irreconcilable with the rule of law.



PART E: JUST AND EQUITABLE RELIEF

The Court's remedial jurisdiction

189. The relief sought in this application engages the broad remedial jurisdiction of this Honourable Court under both section 8 of PAJA and section 172(1)(b) of the Constitution. Each of these provisions confers a wide and supplementary remedial discretion, deliberately designed to ensure that an unlawful exercise of public power is not merely declared unlawful but is corrected, with appropriate consequential, mandatory and, where necessary, supervisory relief.

190. I am advised that section 172(1) of the Constitution requires this Honourable Court, when deciding a constitutional matter within its power, first, to declare any conduct that is inconsistent with the Constitution invalid to the extent of its inconsistency, and second, to make any order that is just and equitable. The phrase "*any order that is just and equitable*" is, by design, expansive. The remedial jurisdiction conferred by section 172(1)(b) is wide and extensive: it is the constitutional fabric within which courts craft effective remedies for breaches of the Constitution and the rule of law.

191. The provision permits this Honourable Court, among other things, to:



191.1 suspend a declaration of invalidity for any period and on any conditions;

191.2 remit a matter to the relevant public functionary, with directions as to the manner in which the power is to be re-exercised;

191.3 substitute the impugned decision in exceptional circumstances;

191.4 grant declaratory, interdictory and mandatory relief; and

191.5 retain supervisory jurisdiction over the implementation of its order, so as to ensure that the order is given effect.

192. I am further advised and submit that, where the impugned conduct constitutes administrative action within the meaning of section 1 of PAJA, section 8(1) of PAJA confers an equally extensive range of remedies, opening with the same governing phrase: "*any order that is just and equitable*". That range expressly includes orders:

192.1 directing the administrator to give reasons, or to act in the manner the court or tribunal requires (section 8(1)(a));

192.2 prohibiting the administrator from acting in a particular manner (section 8(1)(b));

192.3 setting aside the administrative action and either remitting the matter for reconsideration with or without directions (section 8(1)(c)(i));

192.4 in exceptional cases, substituting or varying the administrative action or correcting a defect resulting from it (section 8(1)(c)(ii)(aa));




192.5 declaring the rights of the parties in respect of any matter to which the administrative action relates (section 8(1)(d));

192.6 granting a temporary interdict or other temporary relief (section 8(1)(e));
and

192.7 ordering costs (section 8(1)(f)).

193. I am advised that section 8(1) is not a closed list. The opening words confirm that the enumerated remedies are illustrative of, and not a substitute for, the over-arching jurisdiction to make any order that is just and equitable.

194. I am advised that, whether this Honourable Court determines the application under PAJA or under the principle of legality, the remedial jurisdiction available to it is materially identical. The animating principle is the same on either pathway. The remedy must be effective, it must vindicate the rule of law and the rights at stake and it must not perpetuate the very unlawfulness it purports to cure.

 . SNSM

The corrective principle and the requirement of effective relief

195. I am advised that in terms of the corrective principle, the remedy must address the unlawfulness identified, restore the position to that contemplated by the law, and prevent the recurrence of the impugned conduct.

196. A bare declaration of invalidity, divorced from consequential relief, is plainly inadequate where the wrong cannot be undone without further judicial intervention.

197. The Court should not hesitate to fashion robust relief where the facts demand it.



198. I am further advised and submit that the Court's remedial discretion is to be exercised with due regard to the separation of powers, but that doctrine does not preclude this Court from directing a public functionary to perform a discrete legal duty, particularly where the duty is sourced in an instrument of trust and is owed to identifiable beneficiaries. Where a constitutional or trust obligation is breached, and where the breach can only be cured by the performance of a specific act within a specific time, this Court is empowered to direct that act to be performed. The discretion of a public functionary is no insulation from judicial direction where its non-exercise, or its unlawful exercise, would defeat the very purpose for which the discretion is conferred.

199. I am advised and submit that the requirement of effective relief is heightened in three respects in the present matter:

199.1 first, because the JAG collection is held by the City qua trustee on the terms of the Deed, and the AGC is the body interposed by the donors to

safeguard the trust res on behalf of the City's residents, present and future, in whose benefit the donation was made. Defective governance of the AGC is not a private wrong: it strikes at the very mechanism by which the trust is administered;

199.2 secondly, because a substantial proportion of the JAG collection has been declared part of the National Estate under the NHRA, and the JAG building itself is a declared Provincial Heritage Site. The public interest in the lawful governance of the institution is of national and constitutional dimension; and



199.3 thirdly, because the impugned decision is not an isolated misstep but the culmination of a sustained pattern of governance failure set out in Part B above. The applicants approach this Court after years of engagement, correspondence and forbearance.

This is an exceptional case warranting robust remedial intervention

200. This is an exceptional case warranting robust remedial intervention. The evidence I have set out above demonstrates:

200.1 a sustained pattern of disregard for the Deed by the City, the Mayor and successive officials;

200.2 the unlawful constitution of the AGC by the impugned decision, in defiance of the express terms of the Deed governing both who may be appointed and how the appointments must be effected;

200.3 the repeated exclusion or sidelining of the AGC from decisions affecting the JAG collection, including in respect of acquisition, loan, deaccession and curatorial decisions which the Deed reserves to its prior advice and consent;

200.4 the appointment to the AGC of the JAG's Chief Curator, the very official whose conduct the AGC exists to oversee, a structural and continuing conflict of interest that is irreconcilable with the AGC's fiduciary and oversight functions;

200.5 the apparent failure of the Municipal Council to discharge its express power under the Deed by formal resolution, and the assumption by the Mayor of a power that the Deed reserves to Council; and



200.6 the failure by the City and the relevant office-bearers to disclose any record of, or rationale for, the impugned appointments, despite repeated requests by the applicants and despite the City's public proclamation that the AGC has been "realigned" into compliance with the Deed.

201. Despite sustained engagement by the applicants over an extended period, and despite every reasonable opportunity for the respondents to remedy the position consensually, the respondents have failed to remedy the defects in the governance of the JAG or to constitute the AGC in accordance with the Deed. To the contrary, the impugned decision has entrenched and aggravated those defects.

202. Mere setting aside, without consequential mandatory and supervisory relief, would risk perpetuating the very unlawfulness that gave rise to this application.

It would expose the JAG collection to further uncertainty, delay and prejudice while a renewed appointment process is undertaken by the same parties who have, on the record before this Court, already proved themselves either incapable of, or unwilling to, constitute the AGC lawfully. The corrective principle requires more than a declaration. It requires this Honourable Court to direct, in clear and time-bound terms, the steps necessary to give effect to the Deed and to the rule of law.

The specific relief sought

203. The applicants accordingly seek, as set out in the notice of motion:



203.1 An order, under section 8(1)(c)(i) of PAJA, alternatively under section 172(1)(a) and (b) of the Constitution, declaring the impugned decision of 17 November 2025 unlawful, unconstitutional and invalid, and reviewing and setting it aside.

203.2 A declaration, under section 8(1)(d) of PAJA, alternatively section 172(1)(b) of the Constitution, further alternative common law, that the AGC must, in terms of the Deed, consist of:

203.2.1 the Executive Mayor of the City;

203.2.2 one person to be nominated and appointed from time to time by the Government of the Republic of South Africa, represented by the President of the Republic of South Africa;

203.2.3

203.2.4 one person to be nominated and appointed from time to time by the Municipal Council, which is now the Council of the City; four additional persons appointed by the majority of the other members of the AGC, together with alternate members appointed by any of those four additional persons in the event of their temporary absence or inability to act.

203.3 I am advised and submit that a declaration of this kind is both appropriate and necessary, because the dispute as to the proper composition of the AGC has persisted in spite of the unambiguous terms of the Deed



203.4 Mandatory direction to the President. An order, under section 172(1)(b) of the Constitution, directing the President to nominate and appoint a person to the AGC, in accordance with the Deed, within 30 days of the date of the order. I am advised that:

203.4.1 President's duty in this regard is sourced in the Deed itself, which reserves the appointment to the national Government, represented in our constitutional democracy by the President. It is a discrete and identifiable legal duty;

203.4.2 the duty has, on the applicants' best information, not been discharged for a sustained period, with the consequence that the AGC has, throughout that period, been improperly constituted; and

203.4.3 a time-bound mandatory order is the only effective means of ensuring that the lawful reconstitution of the AGC is

Handwritten signature and initials 'SNSM' in black ink.

commenced, and that the architecture of the Deed is restored.

203.5 Mandatory direction relating to the City's appointment. An order, under section 8(1)(c)(i) of PAJA, alternatively section 172(1)(b) of the Constitution, directing that the City's representative on the AGC be appointed by formal resolution of the Municipal Council, within a period to be determined by this Honourable Court, in accordance with the Deed.

I am advised that:

203.5.1 the Deed reserves the appointment to "the Municipal Council", and the Council's powers may only lawfully be exercised by resolution of a duly constituted Council meeting under the Local Government: Municipal Structures Act 117 of 1998 and the Local Government: Municipal Systems Act 32 of 2000;



203.5.2 neither the Mayor nor any City official is empowered to substitute his or her own decision for that of Council in this regard; and

203.5.3 an order in these terms does not impermissibly intrude on the political domain. It merely directs the Council to perform the legal duty that the Deed reposes in it, in the manner that the Deed and the Structures Act prescribe.

203.6 Condition as to conflict of interest. For the reasons set out above, the City's nominee under the Deed must not be a person bearing a conflict

of interest with the AGC's oversight functions. I am advised that this Honourable Court is empowered, under section 8(1)(c)(i) of PAJA and section 172(1)(b) of the Constitution, to attach conditions to its remittal so as to ensure that the unlawfulness identified does not recur. The applicants accordingly seek a direction that the City's nominee may not be a person who occupies, or has recently occupied, the office of Chief Curator of the JAG, or any other office whose lawful exercise the AGC is constituted to oversee.

203.7 The four additional members. An order directing that, within 30 days of the appointment of the President's nominee, the Executive Mayor and the President's nominee must agree to appoint four additional persons as members of the AGC in accordance with the Deed. I am advised that this prayer follows necessarily from the structure of the Deed itself. The four additional members are appointed by the majority of the other members of the AGC, and the appointment of those four cannot be triggered until the first two members are themselves lawfully in office. A sequential mandatory order is therefore the only mechanism by which the AGC can be reconstituted lawfully and in full.



Conclusion


204. The relief sought is necessary, and in my respectful submission no lesser relief would suffice, to vindicate the rule of law, restore lawful governance to the JAG, protect the integrity of the collection that the City holds in trust, and ensure compliance with the Deed and the Constitution.

205. The applicants approach this Court as bodies who have, for nearly half a century in the case of FoJAG and for very many decades in the case of JHF, supported the JAG and acted in its interests. They do so reluctantly and as a last resort. The relief now sought is the minimum that is necessary to give effect to the Deed, to vindicate the rights of the residents of the City in whose benefit the donation was made, and to restore lawful and accountable governance to one of the most significant public art collections on the African continent.

PRAYER

WHEREFORE I pray for an order as set out in the notice of motion to which this affidavit is attached.





MARTHA BOTHNER

The Deponent has acknowledged that the Deponent knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at Sandton on 15 May 2026, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

S. Manzili

Commissioner of oaths

Full names:
Business address:
Designation:
Capacity:

**Sivuselele Nokuphila
Simphiwe Manzini**
15 Alice Lane, Sandton
Commissioner of Oaths Ex Officio
Practising Attorney
Republic of South Africa



SNSIM

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

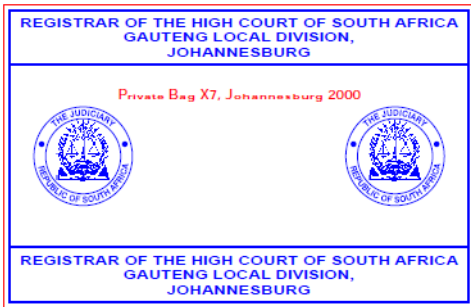
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 01

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:07:06 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

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:

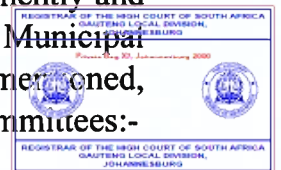
AND WHEREAS the Municipal Council of Johannesburg by virtue of the powers vested in it under Section 24, Sub-Section 16 of Ordinance No. II (Private) of 1906, and



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 Committee:-



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;



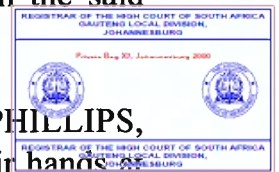
PROVIDED ALWAYS and it is hereby agreed and declared that the said Municipal Council shall not keep the said Art Gallery closed upon Sundays and Public Holidays nor by itself or through any person representing it remove, exchange or dispose of, varnish or repair the said pictures, statues and other works 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 in 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.]

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

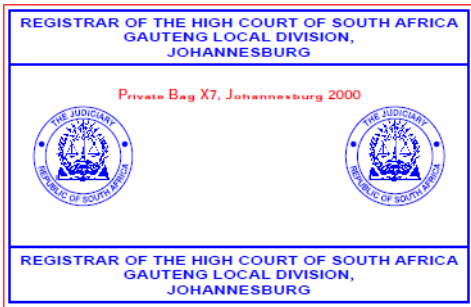
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HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 02

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ARTICLE / 4 OCTOBER 2011

Art theft: Now you see it, now you don't

By Lisa Van Wyk



The theft of three valuable bronze works from the Johannesburg Art Gallery has highlighted issues of security in South Africa's public museums and galleries, with lack of funding being blamed for many security shortfalls.

King of the Universe Mourning Woman Peter Pan The artworks, by Ernest Ullman, by Sydney Kumalo and by Romano Romanelli, were taken from storeroom on Sunday September 25, but the break-in was only reported to the media on Monday.

In January, a 19th-century bronze by French artist Jules Dalou, *General Lazare Hoche*, was stolen from the floor of the gallery, and has not been recovered. Four extra security staff were employed after the incident. The gallery has been targeted frequently over the years, with works such as El Greco's work on canvas *Apostle Thomas* yet to be recovered.

Concern has been raised about the fact that bronze sculptures are often targeted to be melted down.

Antoinette Murdoch, curator at the Johannesburg Art Gallery, said that the loss of artworks could not be measured in purely financial terms. "These artworks are important, and of immeasurable value. They are part of our history."



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we are aware of security issues, and we are doing what we can. we understand that there are other priorities, and when you compare something like this to issues like housing you can understand why this is not seen as a priority”.

She added: “Art theft is rife in this country. Earlier this year there was a theft at the National Gallery. The artworks are insured, but it doesn’t matter. They are irreplaceable.”

Murdoch explained that there are no public galleries or museums in South Africa that match up to international security standards. “It’s not a question of not knowing how to protect the artworks. This is a question of money. International models are sophisticated.”

Steven Sacks, director of Arts and Culture for the City of Jo’burg, was not available for comment, but, in response to the theft, deputy director of museums and galleries Langelihle Mfupi issued a statement late on Tuesday pledging funds to improve security at the JAG.

Gordon Massie, managing director of Art Insure, a South African company that specialises in insuring artworks for museums, private collectors, corporates and auction houses, explained that art theft was on the rise in South Africa. “We have seen a spike in the number of artworks being stolen in South Africa, and not just artworks that just recyclable material thefts [such as bronzes



He also said that the value of South African artworks was rising quickly.

“During apartheid, South African art was ignored on a world stage. Prices remained low. Since the end of apartheid, and especially the last eight years, there has been an explosion of interest which has pushed values up. We have seen this interest from local and international collectors.

Record prices

“At a time of global recession, South African works are setting records at auctions, and it’s not just Irma Sterns.”

He agreed that there was not enough emphasis on security and protection of valuable artworks in public galleries.

“Budgets are tight. And when local and government authorities are thinking about priorities, securing art is at the bottom of the pile.”

He added that private and corporate collectors often had better access to adequate security than galleries and similar institutions.

Mark Read of the Everard Read Gallery in Johannesburg agreed.

“Private institutions and collectors and galleries shell out a lot of money for artworks and so protect them properly. In some public galleries the collections have been in storage for years, and people have come and gone, and so it’s maybe easier to lose track.”

He agreed that public institutions are at the mercy of funding issues.

“I don’t believe that there’s anyone in South Africa that would say that public galleries and museums are properly funded. And that goes for everything from salaries to new acquisitions to protecting and looking after the works they have.”

He said that issues of preservation and security when it comes to museums and heritage sites have existed for decades. “It always appalled me that some of the most valuable treasures in the country are so poorly protected.”

“The people who work for these institutions have passion and a real sense of duty. They do what they can. But they are in a difficult position.”

The most recent annual report by Iziko Museums of Cape Town, who run the South African National Gallery and many other heritage museums, states that security systems are being upgraded and improved at all Iziko sites. These improvements focus on training of staff, access control, and alarm and CCTV systems. Iziko received funding from the department of arts and culture for this last year, but these costs would normally be covered by public donations.

In June this year a Barend de Wet bronze disappeared from its display that was located outside the gallery.

^

Local news News

Johannesburg Art Gallery closed for repairs

JOBURG – Rain causes damage to one of Johannesburg's famed historical buildings.

📅 2 February 2017



Tshepiso Mametela

🕒 1 minute read



The City of Johannesburg's MMC for Community Development, councillor Nonhlanhla Sifumba, has ordered the temporary closure of the Johannesburg Art Gallery with immediate effect.

The move comes after the persistent rains that have wreaked havoc in and around Johannesburg, and which has led to extensive water damage to the gallery's infrastructure on 21 January, subsequently raising safety concerns for its employees.

“

“The incident forced gallery staff to move artworks from the walls to storerooms and the basement. Also, we could not risk the lives of our employees after emergency services, occupational health and safety, and risk management were called to the scene and advised that the facade closed,” said Sifumba.

”

This temporary closure will allow the City to conduct a detailed assessment of the building and undertake critical conservation management interventions.

The gallery is an iconic heritage institution that has been a valuable tourist attraction in the city. It will be closed to the public for the next three months while major construction work to restore the building takes place.

“

“It must be noted that leaking in the gallery dates back to 1989, and attempts to repair it over the years have failed,” Sifumba added

“The previous administration left the facility in a shambles. Nothing was done to upgrade and maintain the facility, despite millions being allocated for this purpose prior to its 2015 centenary.”

”



Sifumba will visit the gallery as part of an inspection in an effort to fast-track the restoration.

Read: [Meet Joburg's smallest art gallery](#)

Do you know of other buildings in the city which have been affected by the recent rains? Go to the City Buzz Facebook page and tell us about them.



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SOUTH AFRICA

Roof nicked, gallery floods

The dozens of sad face emoticons on Facebook said it all: the Johannesburg Art Gallery was forced to close its doors on Monday "until further notice", by order of the City of Joburg. Downpours at the weekend were the final straw for parts of the buildings. Rain fell directly into the basement gallery space, the conservation studio and the contemporary art storeroom.

February 02, 2017 at 8:32 am



Times LIVE



(www.portfoliocollection.com via Google photo)

The dozens of sad face emoticons on Facebook said it all: the Johannesburg Art Gallery was forced to close its doors on Monday "until further notice", by order of the City of Joburg.

Downpours at the weekend were the final straw for parts of the buildings. Rain fell directly into the basement gallery space, the conservation studio and the contemporary art storeroom.

18/5/2026-7:07:21 AM

City of Joburg said no artworks were damaged and they had been moved to "safe spaces".

Copper sheeting from the roof had been stolen over an extended period of time and the R16-million restoration work that was previously undertaken failed to withstand the heavy rains.

It's been years of ineffectual leadership at gallery level and within council, said Marianne Fassler, of Friends of JAG. In 2014, she and others revived the association to bolster support for the 102-year-old gallery.

Fassler said: "In spite of many warnings about the rampant theft of the copper roof, there is still no security to prevent such stripping and no real action to preserve this building with its irreplaceable sandstone structure and its heritage parquet floors."



JAG's Facebook page stated: "Basically there are two components that resulted in the closure - the bad workmanship of the company hired by the Johannesburg Development Agency to fix the leaks and copper theft. The roof is basically bare."

The original building of the landmark gallery in Joubert Park was designed by Edward Lutyens and houses masterpieces from artists such as Pablo Picasso, Monet and Dali and more recent works of South African art giants like Gerard Sekoto, JH Pierneef and William Kentridge.

Fassler said despite the setback of the temporary closure that's expected to last three months, "the institution and the collection are priceless assets and that won't change".

EDITOR'S CHOICE

1 ANC expected to remove Jeff Radebe as KZN convenor



MFB . SNSM

a better world through creativity

On what the abandoned landmark Joburg tell us about the city

A story of neglect, dereliction and emptiness in Johannesburg.

Posted 6 Jan 18
 By City Press
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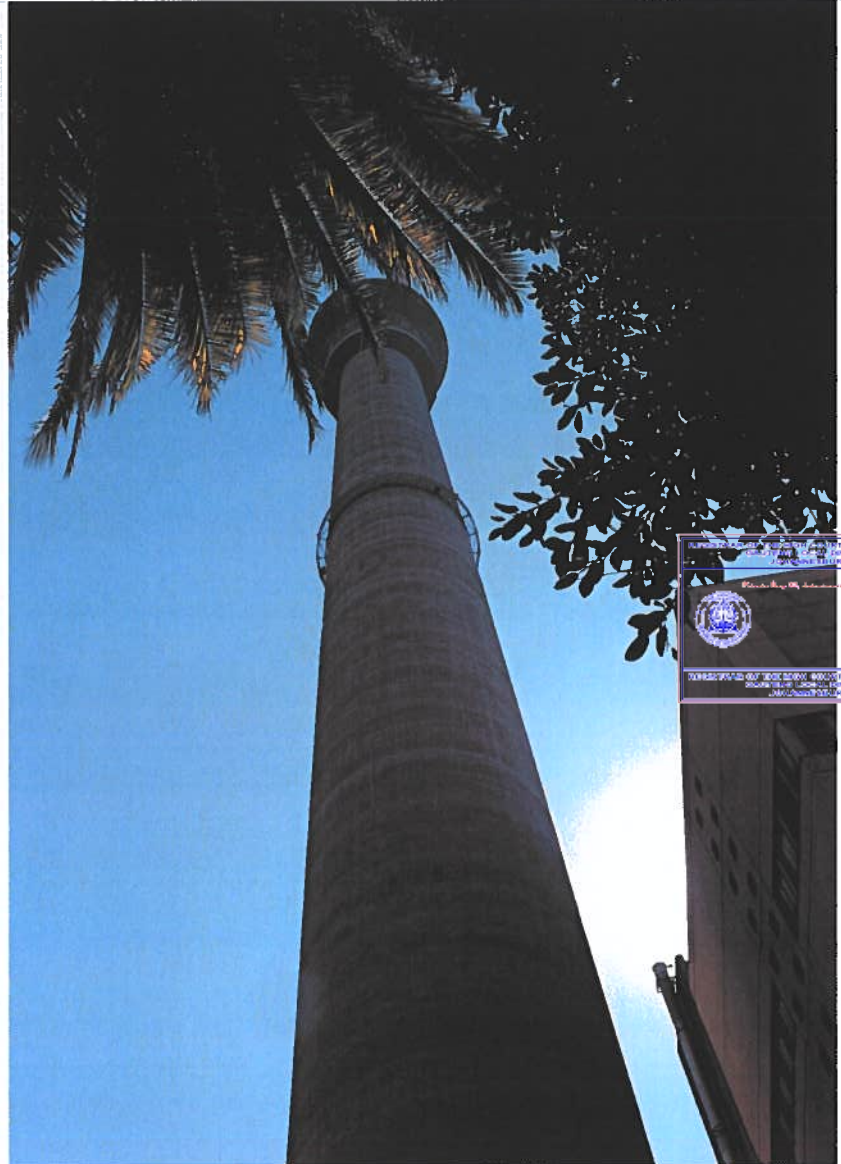


In 1968, with apartheid in full swing, architect Jan Heineken set to work on v Africa's tallest structure. Over the next three years the IC Stridom tower eli a then swinging Hillbrow, to 270m, a quarter kilometer into the heavens. "A seated 108 people in luxurious comfort," puffs a promo from the period, "an unrestricted 360-degree view of the City of Gold as well as superb service to every 10 visitors."

No corners were cut. The interiors and furniture were designed by celebrat and the décor was "the ultimate in comfort and luxury". The restaurants and decorated with "magnificent Ernest Ullmann appliqué wall tapestries depicti life, the history of communications and scenes of early Johannesburg".

The tower would soon become Africa's most popular tourist attraction. And just 10 years later, it was closed to the public "for security reasons". It has be

Twenty-eight years later, what is now called the Telkom Tower, or Hillbrow T its currency as a symbol of Africa's economic might. Tourists buy postcards catchy graphic "Love Jozi" T-shirts and buy cheap Chinese-printed canvass Street – all the while complicit in an urban narrative that could be titled, The Skyline. To retain our faith in the myth of this towering citadel, we must stay the perilous realities crawling around its base, the hollowness of its promise trifling inconvenience of its closure. We have our Big Ben, our Statue of Libe only we can't get in.



Johannesburg is not alone in its tale of inner city decay, dereliction and urban sprawl. Cities worldwide demographic centrifugal quakes. Some have recovered, others have resisted.

us (whether victims or perpetrators) all too adept at living duplicities, and this city is one of them.

In a metropolis that barely notches up 130 years, way too much has been boarded up, forgotten, shut down, pending. Little still stands of what was just a frontier mining town until World War 1, but the century that it has left us with a fairly thin architectural legacy. This splits fairly neatly into three vernaculars – that corrupt and specifically the country's economic and political events. As a British colony until 1961, Joburg's Geo buildings downtown and in its wealthier suburbs have lasted fairly well. However, it is the modernist period to the seventies, that define the city's character most distinctly. The rand and gold prices were high and global economic sanctions kicked in, in the early 80s, the city boomed, rejecting passé fussy decorative lines and new materials. Peer beneath the veneer of dirt and neglect, Jozi is largely precast concrete. A lot all too banal to us now, in its heyday it was thrillingly futuristic. Hard as it is to imagine, Park Station and its current form for Queen Elizabeth's first visit in 1947, was pure science fiction.

The metropolitan suburbs of Braamfontein and Hillbrow that sprung up around it were drawn largely from the modernist movement in Brazil. We see lots of concrete breeze blocks – far more sustainable than glass gobbling air conditioning – along with the raised colonnades, surface detail and bold, precast concrete Sao Paulo. The resemblance is no accident: the catalogue from an exhibition entitled Brazil Builds, was Wits Architecture School in the sixties.

The city's architecture since then is barely discernible. Most of it is a low rise sprawl that is more concerned with responses to a security crisis than anything resembling civic pride or identity. Styles are often derivative and haphazard.

So, on closer inspection, our apparently timeless skyline really spans a brief 15-year spurt of bold nation declaration as a republic in 1961 to the Soweto Riots in 1976. The JG Strijdom Tower was one of many renamed for apartheid leaders. Many have since been torn down or renamed. But for the large part, Jozi's – its skyline, is a tragic anachronism, an outdated projection of something we once thought we were an monumental contemporary replacement, says little about who we are, where we're going, or what we're

That was 40 years ago, a mere blip on the timeline of a metropolis, and so I thought to start counting from explore 10 of the city's mothballed gems. And the further I travel along this Hit Parade of Vacancies, the significance grows nothing short of frightening.

Beneath the southern slope of Hillbrow hill lies what was once a miniature Central Park for the city – Johannesburg descended into a den of dirt and danger. The once envied apartments surrounding it are now slums. Just the once beautiful Wolmarans Street Synagogue is in bad repair and has since its closure become a noisy raucous Pentecostal church. At the southern side of the park, the Johannesburg Art Gallery clings to its and tragic.

The building, which was completed in 1915, was designed by Sir Edwin Lutyens, who also planned and administrative New Delhi. It was somewhat doomed since its unceremonious opening in the midst of World War the northern hemisphere, Lutyens intended the building to face north, on to the park. However, JAG, as the wrong way round, with its grand facade facing the railroad tracks to its south. The building was not the architect's designs and no part of the museum was broken down to let in the light, leaving many of and sculpture gardens dimly lit.

Currently, its main challenge is one of water damage, due to the theft of the copper sheeting that seals pieces include 17th-century Dutch paintings, 18th- and 19th-century British and European art and 19th-century works, along with a print cabinet containing works from the 15th century to the present. The notable collection Auguste Rodin, Pablo Picasso, Camille Pissarro, Claude Monet, Edgar Degas, Herbert Ward and Henry I Africans such as Gerard Sekoto, Walter Battiss, Alexis Preller, Sydney Kumalo and Jacobus Hendrik Pier and the gallery's future is uncertain.

Head south and an even older structure stands boarded up and vandalised, on the corner of Marshall and Three Castles building. Covered in graffiti and surrounded by barbed wire and rubbish, its mood is post-charismatic building with its three turrets was constructed in 1894 for the manufacturers of Three Castle taken over and reopened by president Paul Kruger in the past few years of the 19th century. The building manufactured bras and industrial piping and was, for 25 years, a somewhat tacky gay dance club called Despite appeals to preserve its heritage, the building remains in danger.



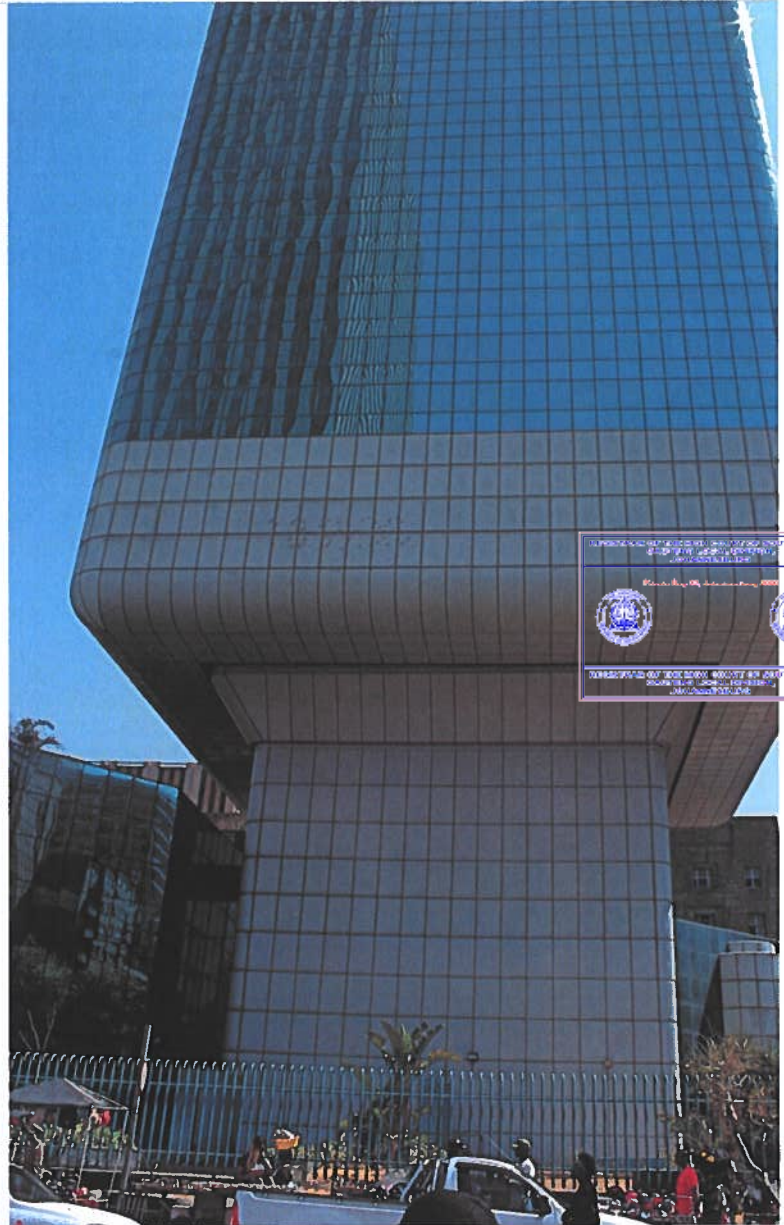


In downtown Joburg, the ghosts of the city's once grand hospitality are everywhere. The Carlton Hotel of the Carlton Centre complex. First conceived by one of the city's founding fathers Barney Barnato in 1 storey hotel boasted an early form of air-conditioning. It was demolished in 1963. In its latest incarnation housed 670 rooms on 30 floors and was regarded as the finest in South Africa, hosting dignitaries including François Mitterrand, Hillary Clinton, Margaret Thatcher, Whitney Houston and Mick Jagger. Its restaurant one of the best in Johannesburg. It closed in 1998, along with its chic adjoining boutique hotel, the Carl disclosure, my father Lionel Levin, designed these interiors and has been a great help in the research in

“ Kerzner really thought he could build a five star luxury hotel in the middle of Jo

The Johannesburg Sun Hotel on Jeppe Street, I learn on a bitter blog titled, *The Death of Johannesburg* Sol Kerzner's greatest follies. "Kerzner really thought he could build a five star luxury hotel in the middle the mid 1980s, and that it would remain as a standard bearer for his Sun International Group. But, of course, withstand the onslaught of the new South Africa and, very quickly, as central Johannesburg's complex fewer tourists came to stay at the hotel. It turned a roaring loss – having cost untold millions to build – a International abandoned the building and it closed down, with the company just writing off the millions in the blog's author writes.





"The Holiday Inn Group then bought the empty building, and tried to turn it into a 'Holiday Inn Express'. a dreadful flop, and the hotel was closed down and emptied for the second time. It reopened the building as the KwaDukuza Egoli Hotel, but this also failed."

Today, the 20-storey building stands desolate, boarded up and empty.

Head west to Newtown, where there has been some successful reinvention. However, the number of failed projects has led to a certain scepticism to the prefix "New". But Newtown is home to the boldly titled Museum Africa. Far from being a success, this sad, neglected space is a monumental anthropological faux pas. "Bushmen" are displayed in the natural history section and the institution is an anachronism among contemporary takes on the continent.

As Steven Sack wrote in the [Mail & Guardian](#): "It is a large building with serious problems such as rising costs of care for the collections, and an architectural design that is not helpful for the display of exhibitions and the space. It has, over a period of 20 years, become less and less capable of offering a programme of exhibitions."

One by one, qualified employees have left and not been replaced, valuable items have been stolen and the building has fallen behind. Many believe the museum is an embarrassment to the city.

Head northeast to New Doornfontein, and the Alhambra Theatre is architecturally intact but in bad repair since 1994. Originally built as a cinema in the neorococo style in 1924, it retains an air of dilapidated grandeur.



Not far from here the 60s gem, modernist masterpiece Ster City, was once the jewel of the Ster-Kinekor grand cinema complex is now boarded up, derelict and empty. It had three screens – one of them a 10 shut and so dark inside that only flash photography can reveal its tragic state.

"We are grateful that it's inaccessible," says Jude Bate, who has a computer business nearby. "Previous thieves, who would hide inside. Now, at least crime has declined in the area."

MJB SNSM

EMERGING CREATIVES	NEWS & FEATURES	CONFERENCE TALKS	DESIGNER DIRECTORY
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These are some of the more obvious stops through Jozi's labyrinthine tour of vacancies, but the city is a smoke and mirrors. OR Tambo International Airport tells another tale. The inimitable mosaic walls, designed by quirky and celebrated tropical modernist architect, Pancho Guedes, have been covered with prefabricated Italian terrazzo tiles have been hidden under cheap white Chinese ceramic ones, rendering one of the most generic and forgettable.



“ Jozi is not an easy place

Jozi is not an easy place in which to entertain visitors. The Gauteng Tourism Authority's campaign is more "Stay One More Day" it urges visitors, who generally arrive at OR Tambo and then depart immediately for elsewhere. Those who do brave another day might immerse themselves in apartheid history, but will experience little of the city about Joburg – the people.

After all, this is essentially still a frontier town where anybody can strike gold and trampoline their way to success. But perhaps it is this very faculty for flux that has left us with such a fractured architectural narrative. This same quality has provided the city with surprises. The wonderfully upbeat blooming of Maboneng, a retail district in what was a forlorn corner of the southeastern CBD, and the reinvention of Braamfontein hub are both proof of Joburg's capacity for renewal. So too, the myriad Pan-African communities that have sprung up in parts of the city. And yet, on a continent obsessed with heritage, Johannesburg is a dangerous anomaly.

Last month, the Doll House, one of the city's last roadhouses, in Highlands North, closed its doors. The building's architectural significance. However, having been open since 1940, it was steeped in nostalgia for many who will be demolished and replaced by low cost housing. Its memory will haunt us. For such a dynamic metropolis to be so seamlessly as a ghost town should be of grave concern.

In her song, Big Yellow Taxi, Joni Mitchell wrote: "Don't it always seem to go/ That you don't know what you've got till it's gone?/ They paved paradise/ And put up a parking lot". One can only hope Joburg's prime asset, its people, outpace our need for paradise before it's gone.

Photos by Garreth-Leigh Lombard

This article first appeared in the City Press.

MORE ON ART & PHOTOGRAPHY

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

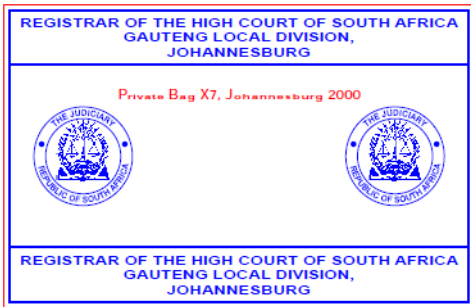
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBeko NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 03

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Local Division,Johannesburg**



DAILY MAVERICK

MAVERICK NEWS

This article is more than a year old

NEGLECTED TREASURE: EXPLAINER (PART TWO)

How inaction, corruption and theft in the City of Joburg are destroying Africa's most valuable art collection



The City of Joburg is destroying Africa's most valuable art collection, once worth hundreds of millions of rands. This is part two of a two-part special report on an ongoing investigation into the Johannesburg Art Gallery by Daily Maverick and Currency.



By Giulietta Talevi for Currency

18 Nov 2024



SNSM

DIVE DEEPER

Read Part One

In 2016, Wilhelm van Rensburg had just started his career as an art curator at Strauss & Co. While working at the auctioneers one day, he was visited by a dealer, who brought in an original artwork he wanted to sell.

Van Rensburg recognised Walter Battiss's Mapungubwe immediately. As a student in the 1970s, he'd lived across the road from the Johannesburg Art Gallery (JAG) in Joubert Park, then a thriving multicultural area.



“I was literally in the museum every day of my life on the way to university or on the way back, except on Mondays when the gallery was closed. So I knew that collection like the palm of my hand,” he tells [Currency](#).

See [Currency website here](#)

“I said to this person: ‘Are you sure this is not supposed to hang in the JAG?’ He said: ‘No, it came from a very prominent collector who’s had this work since 1992.’ ”

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“She said, ‘Let me go and see,’ and then said it wasn’t there. So I said: ‘Go to the storeroom,’ and she came back after a while and said it wasn’t there either, and then I said to her: ‘Well, I have it in front of me.’ ”

At that point, Van Rensburg says, he wondered whether the artwork was a forgery; but when he turned it around he saw the old canvas – a hard-to-fake sign of originality. As for the dealer, embarrassed, he took the painting and left.

“I should have impounded it, but by law we’re not allowed to – that would have constituted theft. So I had to give it back. I heard later that the painting did go back to the gallery,” says Van Rensburg, who believes the dealer – whose identity he has asked to remain secret – acted in good faith.



Interior of the Johannesburg Art Gallery. (Photo: Johannesburg Art Gallery)

It’s no small irony that Strauss would have found itself in hot water trying to protect a collection that belongs to the people of Johannesburg, under a deed of trust established more than a century ago. This same collection, worth hundreds of millions of rands, has become perilously vulnerable to theft, decay and criminal neglect by the city meant to steward it. And the risk has ramped up exponentially

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For starters, the art gallery building in which the collection is housed in Joubert Park – an area which today is one of the most crime-ridden parts of the city – is in a “deplorable condition”. Designed by architect Edwin Lutyens – a contemporary of Sir Herbert Baker – it is a leaky wreck, thanks to numerous half-baked attempts at restoration.

This is the main reason why a body called the Friends of the JAG (set up in the 1970s) and the Johannesburg Heritage Foundation have enlisted the services of law firm Webber Wentzel to try to force the city to move the gallery’s artworks. They were hoping to do so before this year’s rainy season starts in earnest, but given last week’s typical highveld storms, they may be too late.

In a letter to Joburg mayor Dada Morero, Mshudulu and JAG committee chair Joseph Gaylard dated 28 August, Webber Wentzel writes: “As things stand, the [City of Johannesburg] 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.”

As a result, the city, and the gallery committee, are “in breach of the public duties vested in them by the deed and the constitution”, the lawyers write.

Insiders consider chief curator Khwezi Gule to be at least partly responsible for JAG’s increasing decrepitude. A tour he led in June this year found the exhibition

M.D. ENBM

moved around to makeshift storage sites – including the JAG’s old coffee shop.

A year ago, former curator Christopher Till managed to move what is known as the Brenthurst Collection out of the JAG. That collection – now back at Brenthurst – is a valuable assemblage of mostly African art that was paid for by the Oppenheimer family, which founded Anglo American in 1917.



[Handwritten signature]

DAILY MAVERICK



The award-winning Meyer-Pienaar gallery extension was 'renovated' under the watch of the Johannesburg Property Company in 2021. Copper roofs and vaulted ceilings were removed, and a concrete slab was thrown over the space. Structural engineers later found structural damage to the building, and the project to restore it was never completed. The

Handwritten signature or initials, possibly 'SNOM'.

“It was an absolute disaster. That gallery is dead,” he tells Currency.

It's little wonder that hardly anyone goes to see the collection any more. A mere 5,000 people traipse through the building each year. That is far less than 1% of the 7.2-million punters who poured through the halls of Paris's Louvre in 2023, and less than 3% of the 189,003 visitors who descended on Cape Town's Zeitz Museum of Contemporary Art Africa in Cape Town.

Clearly, it's not just rain that has made the collection so vulnerable; it is mismanagement on a grand scale and a pig-headed refusal to do the right thing on the part of city leaders – an approach which is only accelerating the decline of Johannesburg itself.



So why does any of this matter?

Well, for starters, the collection is the richest in Africa – at one point, the most valuable in the southern hemisphere – with a price tag running into the many millions. For a city with increasingly frayed accounts, which is effectively running on borrowed credit, that's a hugely valuable resource – not just culturally, but financially.

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Currency has established that a clutch of only 20 damaged artworks – for which Ekkehard Hans provided a restoration quote in 2018 – would in pristine condition fetch R32m conservatively, according to Everard Read chair Mark Read.

Those 20 works – pictures of which we've included in part one this feature –

W. B. ENSLEY

the 9,000 pieces in the collection, you're talking big numbers.

And yet, evidently, some in the Gauteng government don't think any of this matters.

Mshudulu – under whose remit the gallery falls – has consistently ignored requests for interviews or comment from Currency.

This decay is taking place in a city whose issues – and budgets – are increasingly existential: no water in public sector hospitals, no electricity for hundreds of thousands at any one point in time, no housing for the indigent, an immigration crisis.



MSM SNSM



The works were moved to an old boardroom, where they remain jammed between electrical and computer waste. In summer, this space gets as hot as a furnace, causing further damage to the paintings. (Photo: Supplied)

 SNSM

DAILY MAVERICK

Part of the problem, however, is that nobody in the JAG actually knows the true value of the collection – and city officials seem to have bent over backwards to keep it that way.

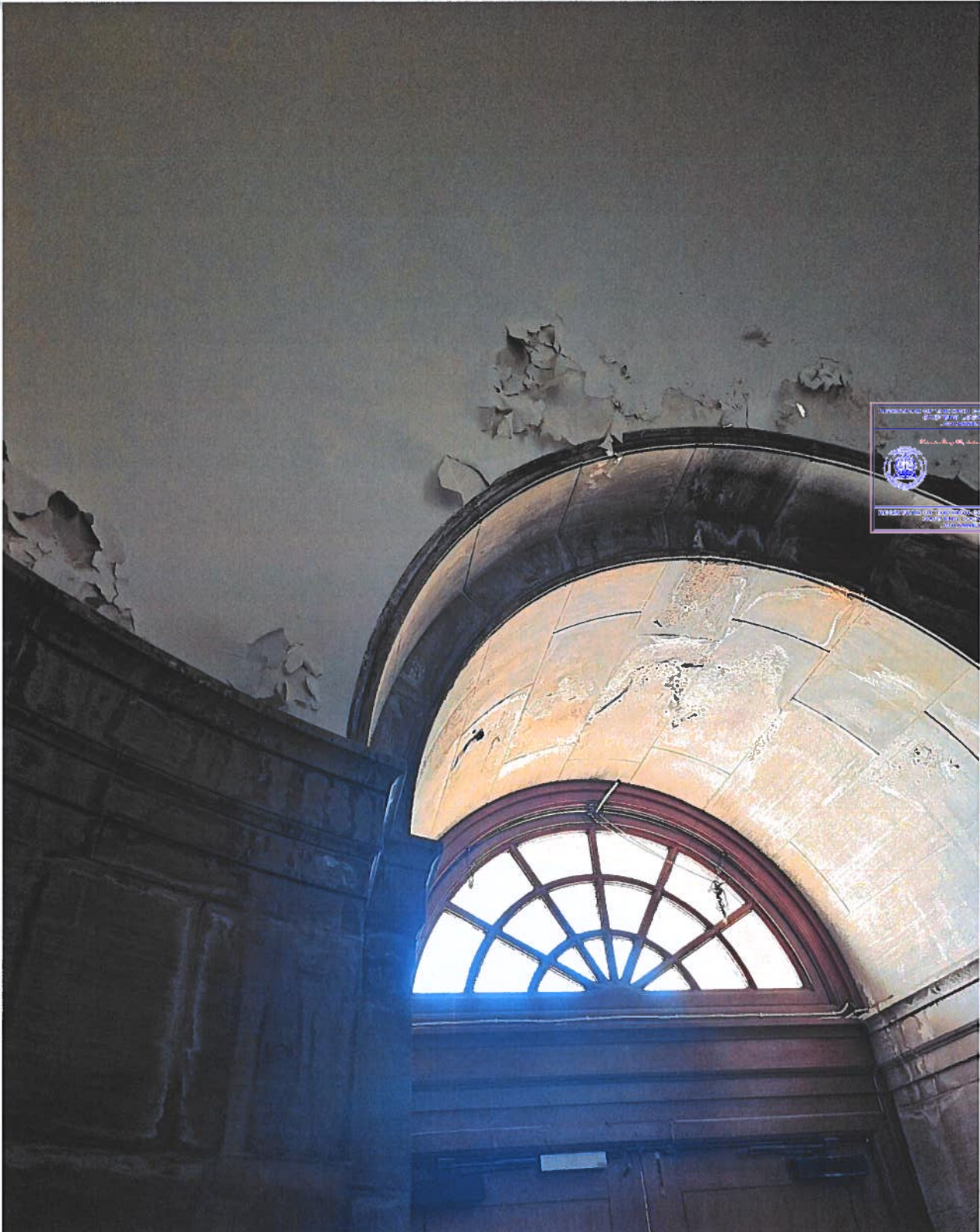
Mysteriously, the city has refused to divulge a full catalogue of the art, ignoring Currency's request for the catalogue. This isn't a coincidence; the city also fobbed off similar requests by the Friends of JAG – an implied arrogance which belies the fact that the collection belongs to the city's residents, not the city officials who seem intent on treating this as their own.

Insiders suspect that one reason for this is that some of the more valuable artworks, like Walter Battiss's *Mapungubwe*, have been stolen. Whether this would be by city officials, aware that nobody could hold anyone accountable without a proper catalogue, or outsiders exploiting the city's abysmal management of the collection, is unclear.



Those officials who refuse to reveal to the public what assets lie in this collection are not just indicative of an arrogant disregard for the city's residents; they appear to also be violating the government's *own* accounting rules, which prescribe how to classify and record heritage assets.

Mshudulu, who still earns a salary from taxpayers, may be the man whom critics point to as the biggest obstacle, but his obdurate stance of secrecy is not a unanimous one, even within the city's structures.



Leaks are visible in the west wing of the JAG's Lutyens building. (Photo: Supplied)

Employees in other areas of the city's cultural divisions, who spoke to Currency on

Handwritten signature and the text "SINSM" in the bottom right corner.

The irony, of course, being that the artworks don't actually belong to the city at all.

Culture wars

According to the original 1908 deed of donation from Lady Florence Phillips – the powerhouse wife of mining magnate Sir Lionel Phillips – the art gallery was entrusted to the city as the custodian of the art collection, but the art itself belongs to the people of Johannesburg.

The gallery, Philips hoped, would be a space of moral and cultural upliftment, in keeping with late Victorian, Edwardian notions of “moral didacticism”, according to Federico Freschi, executive dean at the faculty of art, design and architecture at the University of Johannesburg.



The collection was initially European-focused, with everything in the Western canon from the Dutch Golden Age to impressionists, to works by early South African modernists and then major contemporary international artists such as Picasso and Andy Warhol, Francis Bacon, Auguste Rodin and Claude Monet.

Given its initial Eurocentric focus, you can see how easily the JAG became a battleground in the culture wars around its value to society, especially after democracy in 1994. This is one reason that it's been so vulnerable to officials with ulterior motives.

But from the 1970s onwards, the JAG became focused on building up a collection of great African and South African names, from artists such as Gerard Sekoto, Sydney Kumalo, Jacobus Pierneef and Irma Stern to William Kentridge.

“It's an extraordinarily rich and diverse collection and in many ways would, in a functional city, be part of the pride of the city – even in a postapartheid, postcolonial context,” says Freschi. “There are ways of using the collection to question and to challenge.”

Legally, the artworks are entitled to be protected under the National Heritage Act

be cancelled because it's irrelevant. That is censorship and you really have to enable people to make up their own minds. And how can they do that if they can't see the damn collection?" he asks.

Freschi is acutely aware of the country's manifold complications. "South Africa carries this weight of intergenerational trauma and anger and tension and poverty – yet there's this thing that connects us as South Africans regardless of who we are and one of the ways to express that is through our creativity."

It's one of the reasons Freschi moved back to Johannesburg last year from New Zealand, where he spent four years in Dunedin as head of the college of art, design and architecture at the Otago Polytechnic.

Yet, the JAG is losing the opportunity to add value to the lives of children who are living in the degraded urban environment around the gallery in Joubert Park. "It's more than just about the collection: it's a thing that has enormous power to shape and influence," he says.

That function has now largely been taken over by Joburg's privately-run commercial galleries – but their focus, ultimately, is to show pieces that are going to sell.

Museums, when they work, also create jobs, he says – a rare commodity in a country with 32.1% unemployment.

"Yes, it costs money – but it costs money because it represents a value that can't be quantified. If it changes one child's life, and they make their way to us and finish a fine arts degree, and go on – those are the things you can't quantify because they are hidden in plain sight."

Demolition by neglect

So how did it all go so wrong?

Why, if the art gallery had so many committees in its orbit – the Anglo American



don't own it.

Intriguingly, the tension between the city and the gallery isn't even a new phenomenon – it was there from the outset.

The gallery, says former curator Till, “opened unceremoniously because there had been such bad blood between Lady Phillips and the city because they wouldn't finish the building”.

Money for the building was made available by the city, while the collection remained within the control of the art gallery committee, which operated under the deed of trust. The way it worked was that pieces were presented to the art gallery committee on which the mayor was supposed to sit. Even in Till's time – he joined as chief curator in 1984 – the mayor “never did”.



Over the years, however, insiders say the art gallery committee was sidelined, so that it has become little more than an acquisitions committee, stripped of its powers.

The Friends of JAG, meanwhile, became increasingly moribund as directors of the organisation, who were meant to supervise, died and were not removed from the directors' roll.

It means, as part of its pro bono work over the past two years, that Webber Wentzel has spent much of its time simply trying to remove dead directors, which is something of a nightmare process.

Eben Keun, a member of Friends of JAG, explains: “The system had worked because there was sufficient investment and a kind of integrity and understanding of what the intention was. When the wheels started coming off, it was very difficult to apportion blame or to identify who was at fault because it fell into the gaps.”

So, what about the Anglo American Johannesburg Centenary Trust, set up in 1986 to fund the acquisition of artworks? After all, with the backing of the mighty mining firm, it helped buy about R20m worth of art, which the trust reckons today is conservatively worth R100m.



MB SNBM

Asked what it's done to intervene, Murray says the trust was willing to pay R5m more than two years ago to move not only the trust-funded artworks but the entire JAG collection to a secure new storage place "pending either the restoration of the JAG building, or the identification of an alternative venue to exhibit the artworks".

But that funding was contingent on the city giving a comprehensive inventory of all JAG artworks. Again, that didn't happen, as the city refused to reveal what lay in the collection. The result is that even if the trust were to pay R5m today, that wouldn't be nearly enough to fix the problem.

Asked whether the trust was too hands-off in overseeing the assets it funded, Murray says: "Not at all," arguing that the Trust's mandate was limited to buying art. "It does not have any mandate or right to compel the city to move the artworks."



For Freschi, the JAG's seemingly inexorable slide has occurred because, for too long, looking after it became just too hard for the city officials tasked with doing just that.

"And then you can find all manner of excuses, like apartheid and colonial settler stuff. But that's glib and unsatisfactory," he says. "I think the main problem is just abject mismanagement. And the effects of that are exponential." DM

Attempts for comment from the city were unsuccessful. Five WhatsApp messages were sent to Vuyisile Mshudulu's official council phone and marked as read. Three were ignored and two in which he referred Currency to Nthatise Modingoane, director of communications. Two emails were also sent to his work address and not responded to. A series of communications were held with Modingoane, who promised an interview and replies, but did not deliver.

Read a response from the mayor to some of the issues in a Q&A in [Part 1 here](#).

Loyal Readership

They say if you want loyalty get a dog. So we did. This is Biscuit, the Daily Maverick

DAILY MAVERICK

SOUTH AFRICA

This article is more than 4 years old

PICTURE OF DECAY

City of Johannesburg 'exploring all possible avenues' to rescue Joburg Art Gallery

The Johannesburg Art Gallery has housed some of the greatest works from around Africa and the world for over 100 years. But, as with many heritage sites and museums in our country, its future is at risk.



By Julia Evans

5 Apr 2022



The entrance to the Joburg Art Galley in Johannesburg, South Africa, on 18 February 2022. (Photo: Julia Evans)



DIVE DEEPER

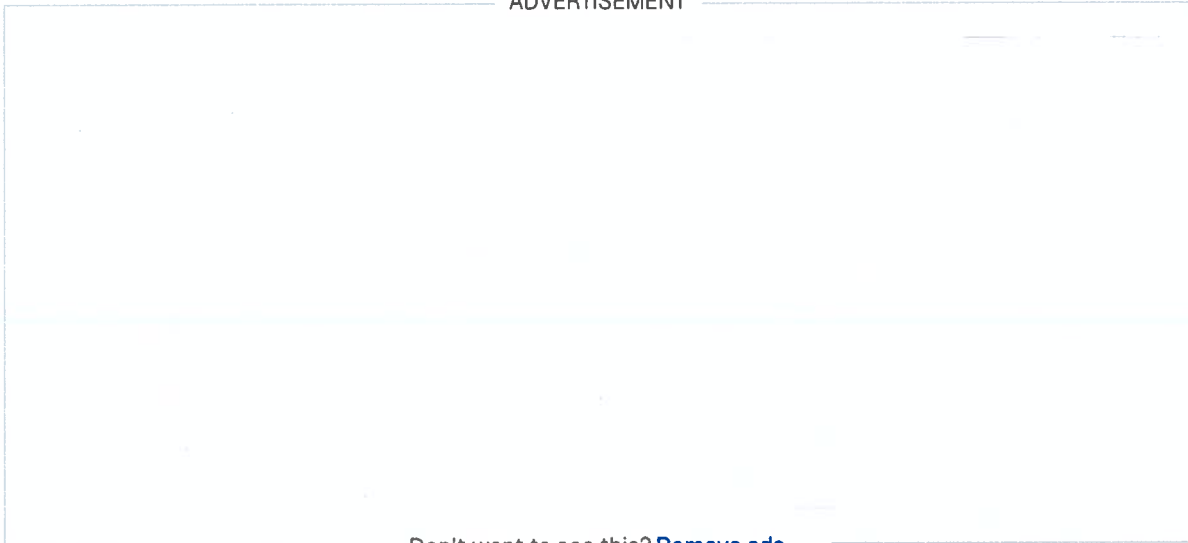
Daily Maverick has previously [reported on the state of the Johannesburg Art Gallery \(JAG\)](#), once a prominent, popular gallery in the hub of the city, now slowly decaying.

The City of Johannesburg, responsible for the maintenance of the gallery, convened a stakeholder meeting on 25 March where plans for the restoration of the JAG building and the Johannesburg council’s commitment to funding the long-term project were floated for the first time publicly.

Architect Brian McKechnie, who attended the meeting, told *Daily Maverick*, “They’ve identified that the building is in really critical condition and that they have to undertake major works to it. And to protect the works, they need to move them off-site and store them safely and create a satellite gallery.”



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City spokesperson Nthatisi Modingoane told *Daily Maverick* that a team of structural engineers commissioned by the Johannesburg Development Agency (JDA) – an implementing arm of the municipality – conducted an assessment of the state of the building in the latter half of 2021.

“From the report, we are now able to diagnose the problems properly and to prioritise future interventions appropriately,” said Modingoane.

The JDA has commissioned SAJ Architects, headed by architect Kylie Dickson, to work on the JAG buildings.

Eben Keun, a volunteer at Friends of JAG for over seven years, told *Daily Maverick*, “I believe the collection has to be moved to have the building renovated. The building has deteriorated too much to renovate it with the collection inside.”

Modingoane said “we are looking into the viability and cost implications of a number of possible sites that could serve as temporary storage for collections that are at risk”.

There is speculation within the local art community that the collection might move to Anglo America’s head office in Marshalltown. However, Anglo spokesperson Sibusiso Tshabalala told *Daily Maverick* that it’s “speculative at this point” to say and when they can house the collection.



According to Modingoane: “At the moment, we are engaged in a process of exploring all possible avenues of safeguarding the future of the institution, including possible PPPs [public-private partnerships].”



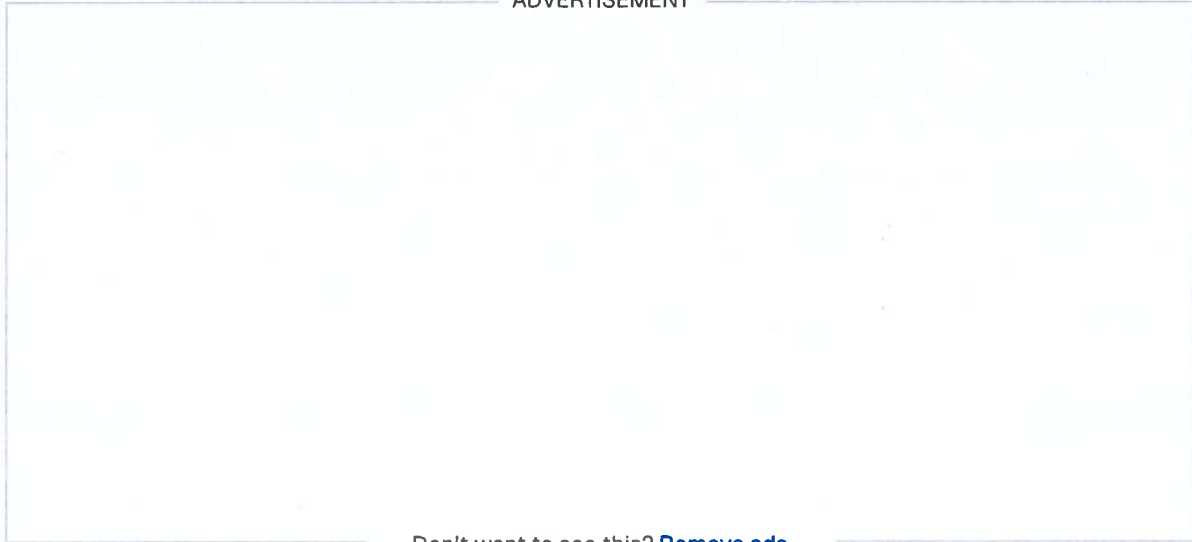
Cracked ceiling in the Phillips Gallery at the Joburg Art Gallery. (Photo: Julia Evans)

Should JAG relocate entirely?

While a potential plan seems to be to move the collection to a satellite gallery or galleries for safekeeping while the original buildings are restored, some think the JAG should move permanently.

McKechnie said the location was problematic: “You can spend a billion rand fixing the gallery, but you still have the disaster of unmanaged taxis, lack of bylaw enforcement, urban decay...”

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Steven Sack, director of arts, culture and heritage for the City of Johannesburg from 2004 to 2011, told *Daily Maverick* that he'd been trying to move the JAG out of Joubert Park since 2010 due to safety concerns for patrons walking, driving or using public transport to the gallery.



At the time, Sack said a permanent relocation was opposed by prominent figures like artist William Kentridge and former Constitutional Court judge, Albie Sachs.

Sack said their opposition made sense as “everybody loves the Lutyens building – they want that kind of a grand building for an art gallery”. The iconic Lutyens building was designed by English architect Edwin Lutyens and completed in 1915.

Jillian Carman, a curator at the JAG in the 1980s and 90s, research associate in the Wits School of Arts, and author of “*Uplifting the Colonial Philistine: Florence Phillips and the Making of the Johannesburg Art Gallery*”, is particularly passionate about the Lutyens building.

She agrees that parts of the collection should be moved to a temporary storage space, with perhaps a satellite museum, but believes the premises should be restored and the collection returned, because of its local and international significance and its unique position in Joubert Park.

“The building continues – and has always done so, even during the current brouhaha – to display superb exhibitions.

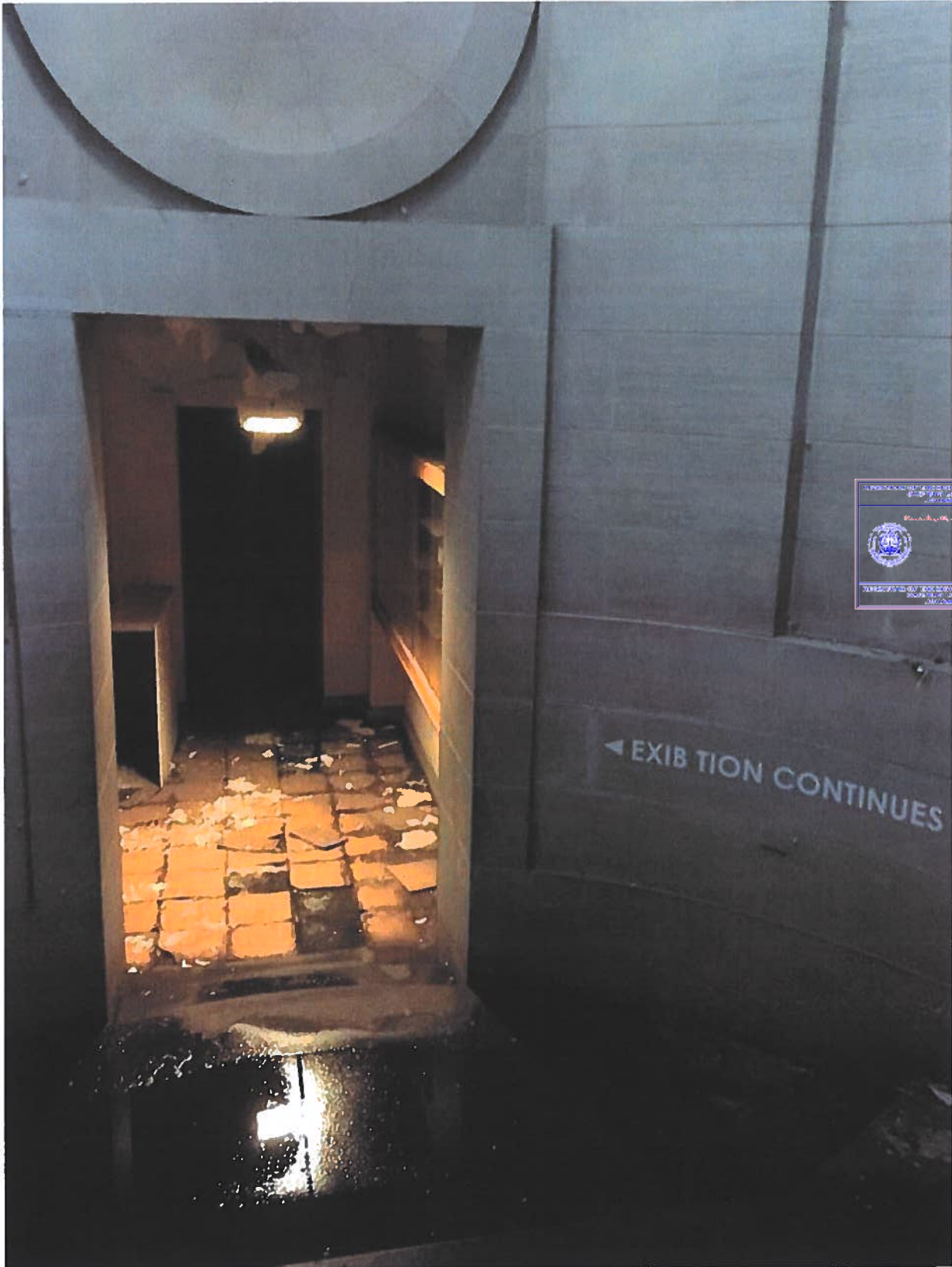
“Joubert Park is one of the first green spaces of Johannesburg and is the hub of Johannesburg and can again become the hub ... to move it north is going to make it inaccessible to people who happen to live in the south.”

Keun agreed that it would be a pity for the JAG to relocate considering the history of the building and the fact that Joubert Park is one of the most visited in the city.

“But in order to protect heritage and legacies, one has to decouple the collection from the building at this point. And ensure it is in a safe space to be digitised, audited, restored and preserved.

“Right now, you literally have sewerage backwashing into a building, and rain flushing into it with not much standing between water and the most valuable art collection on the continent,” said Keun.





The state of the lower level of the Joburg Art Gallery sent in by an anonymous and concerned Daily Maverick reader. (Photo: Supplied)

A social compact

<https://www.dailymaverick.co.za/article/2022-04-05-city-of-johannesburg-exploring-all-possible-avenues-to-rescue-joburg-art-gallery/>

7/11

Keun said that what is needed for the sustainability of the JAG is a social compact between all partners.

“Our president says it over and over again – we have to form social compacts around different parts of society. And the JAG is one example of this.”

Modingoane said their vision for the future of the JAG is “brighter and more inclusive than its past”. This will be achieved by ensuring whatever facility the collection is in allows for expansion, offers more opportunities for marginalised members to participate, and develops a healthy relationship between the institution and stakeholders.

“This is particularly relevant in the context that the JAG has to account for historic exclusions, neglect and discriminatory practices,” said Modingoane.

Art and the post-colonial context

“I think because the institution is still perceived by many as a colonial imposition, its value to our heritage is lost,” said Anitra Nettleton, Emeritus Professor at the Wits School of Art and Wits Art Museum.

“Its educational value is also immense and various institutions have, over the past century, used its spaces and its collections as resources for their students.”

Modingoane told *Daily Maverick*, “While we are undertaking the work of steering our collection policies, our research and knowledge production, as well as our public programmes towards a more rigorous and critical engagement with our times, we ought to also revisit the historic artworks and shine a more critical spotlight on those works and what they mean for us today.

“This, we believe, is how we should put substance to the rhetoric of decolonisation.”

Previous JAG director Christopher Till said “museums worldwide are ... having to reconsider how they operate within contemporary society.

“The construct of a traditional museum – which just collects, conserves, restores, educates – has moved to being far more integrated within social issues and



communities, and more accessible in a way where collections can be accessed by a new generation." DM

[hearken id = "daily-maverick/9317"]

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NEWS & FOX PREMIUM

Johannesburg Art Gallery has a history of neglect

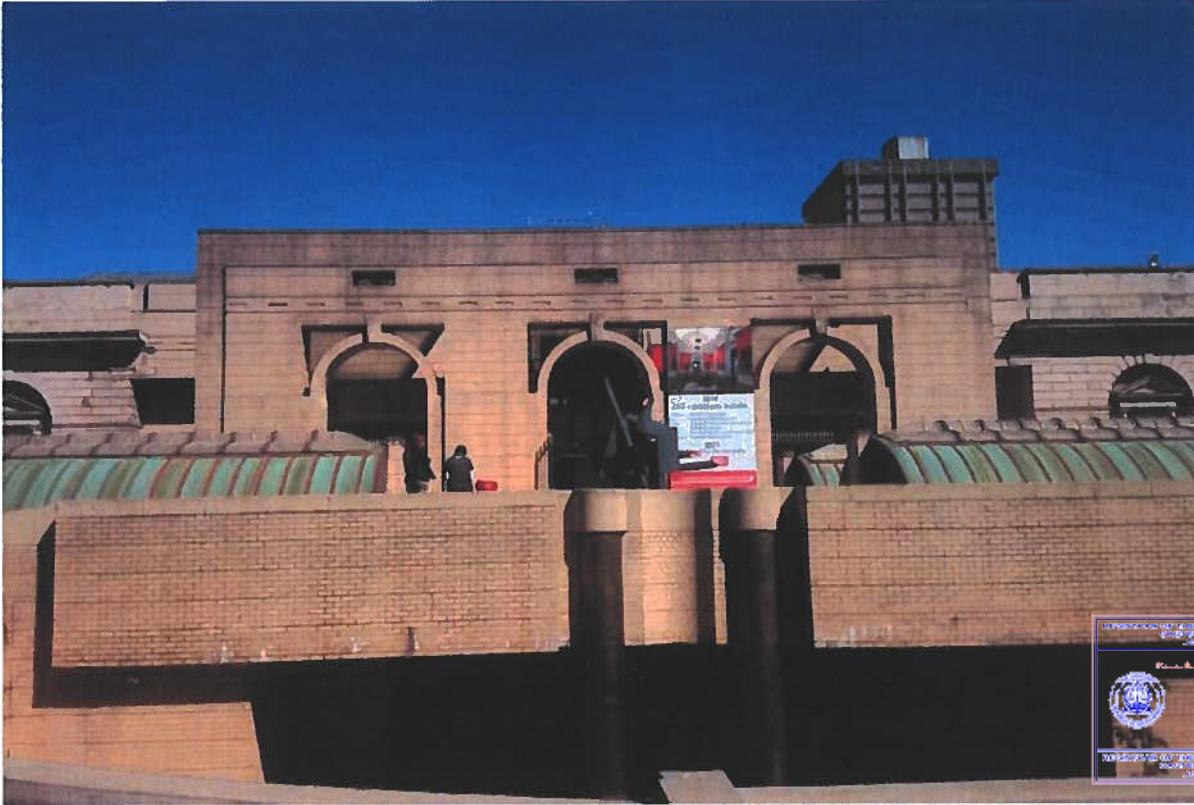
Agonising over the ailing of Africa's biggest art gallery

August 03, 2023 at 5:00 am



financialmail





The Johannesburg Art Gallery in Joubert Park. Picture: Tsheko Kabasia

The neglect of the Johannesburg Art Gallery (JAG) is not the first time this “cultural jewel” has suffered such a fate.

The gallery was bequeathed to the city when it was established. After construction began in 1911, it took another four years for the building to be completed because the city council was unwilling to commit enough money to the project. It took the intervention of Florence, Lady Phillips, wife of randlord Lionel Phillips, to finish the job.

Lady Phillips, according to former JAG director Christopher Till, believed there had to be “some semblance of cultural life” among the “bars and bordellos of Joburg”. She sold a diamond ring to buy the first artworks for the gallery, but refused to attend its opening.

Today the JAG is the biggest art gallery in Africa, but it’s in a poor state. One of its treasures, the Brenthurst Collection of rare and valuable Southern African artefacts, has been moved to a safer haven at the Brenthurst Library in Parktown, Joburg. The location of the JAG in one of the most rundown parts of the city, opposite Joubert Park, adds to its precarious status.

The JAG was entrusted to the city of Joburg, but 'that trust has effectively been broken'

— Christopher Till

The JAG was entrusted to the City of Joburg, but “that trust has effectively been broken”, says Till. “The result is what we see now.” He urges a reassertion of the JAG’s founding idea by providing the city’s people “with a cross-section of art and creativity for their edification and enjoyment”.



The gallery has also been the subject of recent politicking, with the DA offering to accommodate its collections in Cape Town, and an academic scorning the idea because the “heritage system in the city and the province is a mess” after a recent court ruling allowing the development of a riverside site despite describing it as having cultural value.

Ciraj Rassool, professor of history at the University of the Western Cape and a museum scholar, has also questioned local commitment to JAG. He asked whether art students at Wits University were making their voices heard. But Steven Sack, a former director of arts & culture in Gauteng, says the Wits art department is active in the life of the JAG.

In the mid-1980s, when Till was director, he approached Harry Oppenheimer and Anglo American to buy the Brenthurst Collection. At the time, the city council had refused to invest in the JAG. Under an ANC local government after 1994, money was committed for the restoration of the building, but the upgrade was poorly managed and the contractors not qualified to do specialist heritage work.

“The problem with the JAG is that it is inappropriately governed,” Rassool says. “It is a cultural jewel that just so happened to come out of the achievements of mining capital and because of that it is associated with the mining wealth of Joburg. But when democracy came and you had a restructuring of government into different tiers and different spheres, the continued governance of the JAG as a municipal museum was completely and thoroughly at odds with the significance of the collection and this museum.”

Sack says that for at least 20 years since 1994 it was well managed. “There was never any likelihood that the JAG would have become a national cultural institution,” he says, but it was more effective than most national institutions.



Rassool says the JAG needs to be governed by a national council; Sack says it has limited tourism appeal because of its location; Till is adamant it should stay as part of Joburg.

The Joburg situation is also happening in other South African cities, says Till. “The Tatham Art Gallery in Pietermaritzburg, which also has a very good collection, is going through the same situation.”

Sack says Khwezi Gule, the chief curator of the JAG, has arranged exhibitions in partnership with Wits University and international partners. “We need to lobby the city to find funds to fix the building. We need to look to 2028 or thereabouts as the date on which the [Brenthurst] collection will be housed again in a restored JAG in Joubert Park, with safe public transport provided to enable public access.”

Sally MacRoberts, the head librarian and library manager at the Brenthurst Library, says the collection of about 800 items needs cleaning and

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 SNM

conservation work before being photographed and digitised. The collection is not going to be mothballed, she says. It will be available on loan to appropriate institutions.

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LIFESTYLE

One of Africa's largest art collections is under threat



No one would store a Rodin, Monet, Picasso or Goya under a leaky roof, and yet the Johannesburg Art Gallery's impressive art collection has had to do just that. The landmark museum has fallen victim to neglect and crime, despite the efforts of art lovers to keep the more than a century-old institution relevant in an ever-changing city.

By Lynsey Chutel

Updated July 20, 2022

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No one would store a Rodin, Monet, Picasso or Goya under a leaky roof, and yet the Johannesburg Art Gallery's impressive art collection has had to do just that. The landmark museum has fallen victim to neglect and crime, despite the efforts of art lovers

to keep the more than a century-old institution relevant in an ever-changing city. 18/5/2026-7:07:36 AM

The museum was closed temporarily this month, after heavy rain damaged the roof that has leaked since 1989. For a few years now, thieves have stolen the copper finishing on the building, weakening its structure. The city tried to renovate it in time for the centenary celebrations in 2015 but shoddy workmanship led to the gallery's current forced closure and safety hazard concerns less than two years later.

All around the Johannesburg Art Gallery, the city has changed drastically: the Victorian and Edwardian homes of an old mining town gave way to post-war high rises that turned into vertical slums. The neighborhood has remained vibrant and cosmopolitan, but its reputation has been blighted by a lawlessness that made the inner-city a no-go zone for those who could afford it.



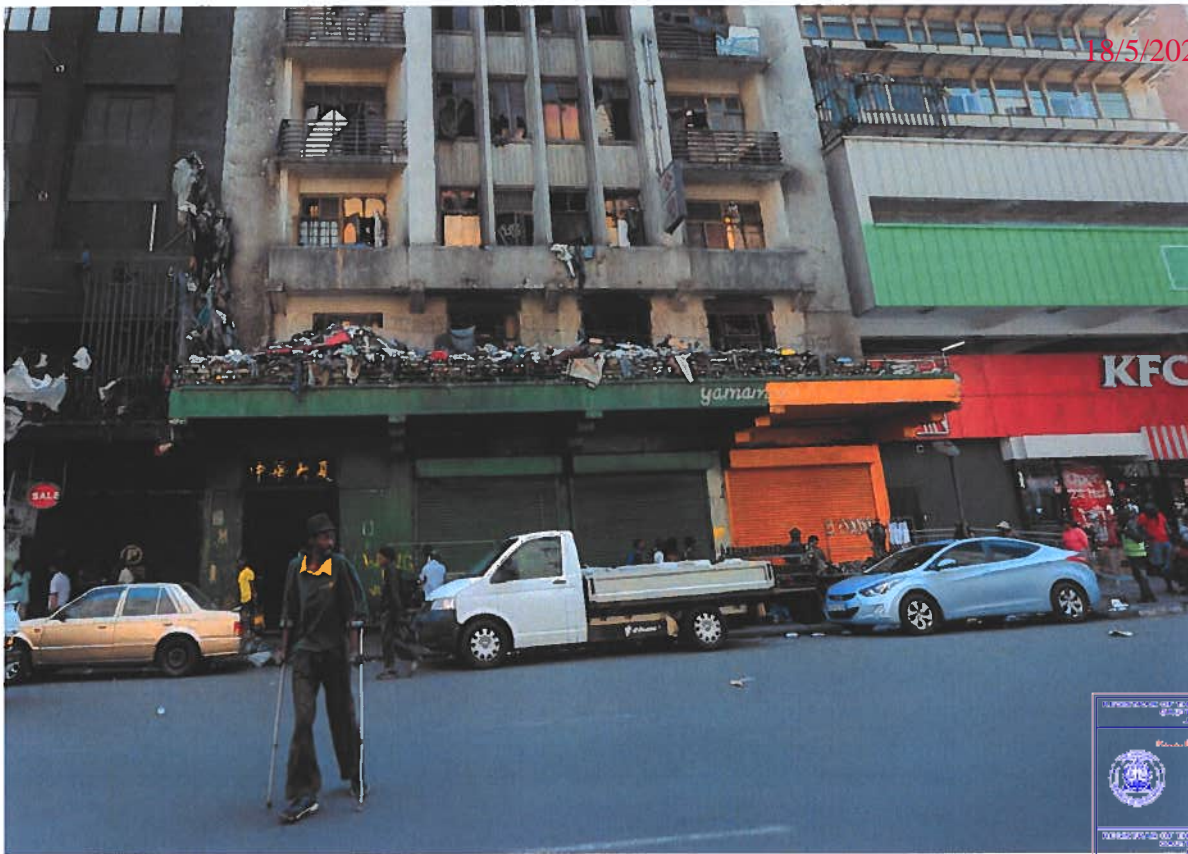
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Gentrification, redevelopment and stricter enforcement of bylaws have cleaned up much of the inner-city. Today, the gallery finds itself in an area swarming with foot traffic, with bus, train and taxis passing by, but the reputation is hard to shake.

“I think it’s in exactly the kind of place a public institution should be,” said Tara Weber, the gallery’s registrar, explaining that the gallery’s relationship with its community matters more than the ever-changing trends of real estate. They’re also planning to take the gallery outside, taking part of the collection or reproductions on a tour to communities and schools as a mobile museum.

“Especially when you have a historical building like this that might have references to western history, it’s important that we show more contemporary and pan-African art,” Weber told Quartz.



The previous administration left the facility in shambles,” said Councilor Nonhlanhla Sifumba. “Nothing was done to upgrade and maintain the facility despite millions being allocated for this purpose prior to its 2015 centenary celebrations.”

Johannesburg Art Gallery describes its collection as the largest in Africa. It says at any given time, only 10% of the collection is on display in the galleries various wings, and the research library is said to be an art student’s dream.

Inside the sandstone gallery walls is a collection that spans continents and genres and should be better protected. Alongside the European greats are South African masters Gerard Sekoto and Jacob Hendrik Pierneef.

Yet despite this heritage, the Johannesburg Art Gallery has suffered under neglect, relying on benefactors and outspoken art lovers like Marianne Fassler, a well-known South African fashion

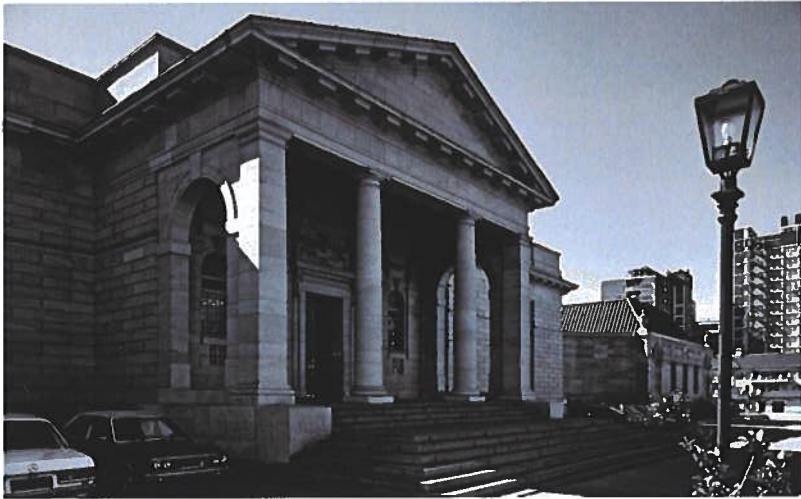
designer and one of the founding members of the Friends of JAG group. 16/5/2026-7:07:36 AM

“I just want it to become active again,” said Fassler. “It’s unbelievable what you can see there.”



Fassler is convinced that the last member of the mayor’s office in charge of the cities public museums and galleries has never set foot inside it. If she did she would have noticed the faulty phone lines, non-existent wifi and basic neglect. Fassler is optimistic about the change in management at the mayor’s office will be good for the gallery. She sees the leaky roof as a blessing in disguise—renewing her drive to recruit new Friends and remind Johannesburgers of the treasures inside the gallery’s parquet-floored wings.

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NEWS • PLEASURE

Joburg's Art Gallery 'can't survive' another season of ruin and rain



<https://currencynews.co.za/joburgs-art-gallery-cant-survive-another-season-of-ruin-and-rain/>

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The Johannesburg Art Gallery (JAG) reveal increasing ruin, while irreplaceable artworks, including pieces by South African greats like Irma Stern, may be damaged beyond repair.

The parlous state of the building — and its precious collection — have now been brought to the attention of Joburg mayor Dada Morero, after being served a lawyers' letter, on behalf of the Friends of JAG and the Johannesburg Heritage Foundation (JHF). But he's told Daily Maverick that budgets to repair the gallery will only be allocated next year.

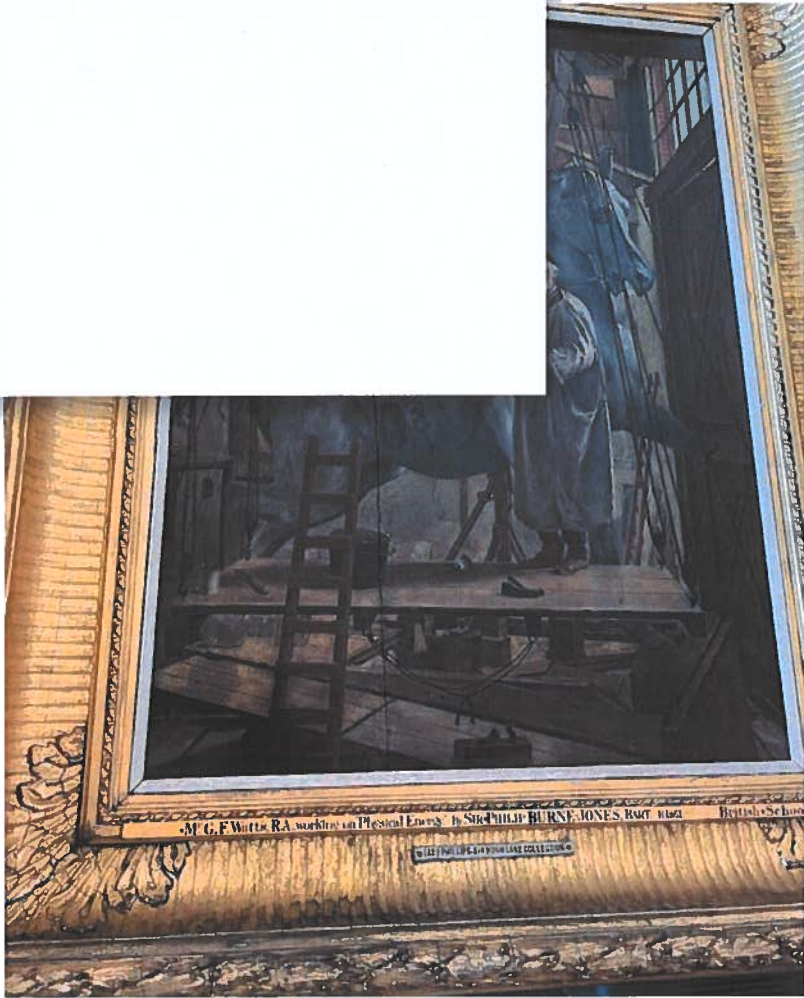
In 2023, Morero — then in charge of city finances — revealed that the city had a R4bn per month operating deficit. While the city has since signed loans with a French development finance institution and the World Bank, its finances have worsened according to monthly municipal public accounts committee reports.

As for the relocation of the JAG's art collection, Morero says the city is "on the verge of signing an agreement with Ditsong [a public museum in Tshwane] that will guide the relocation and storage of the works".



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A painting by Sir Philip Burne-Jones (1889), 'George Frederic Watts Working on "Physical Energy"' shows water damage and big crack down the middle of the painting. Image supplied



He has not given a date. However, he promised that the city will take a lead “in matters about the restoration of the building”, but did not say what this means.

Yet this is unlikely to happen any time soon, given how the city’s budget process works. The city has “committed” that there will be a budget “made available for the first phase of restoration work” — but only in the 2025/26 financial year. So, any work is at least a year away.



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Visible crack on a painting by Alfred J Munnings, 'Skating at Flatford'. Image supplied



Letter of demand

This is why, in September, the Friends of JAG and the JHF, via law firm Webber Wentzel, served their first letter of demand to the city. Morero then met representatives of the JHF and Friends of JAG, but he has yet to commit to any action.

The images shown here for the first time show what the Friends of JAG calls the "slow destruction" of the art gallery, thanks in part to a succession of botched restoration jobs to the historic Lutyens building in Joubert park. Because inferior roofing was used to replace the original clay roof, the summer rains cause major leaks, which have now turned to damp and black mould. Exhibition halls have turned into makeshift storage spaces. The city's insurers have refused to pay for repairs because they say the space is no longer at museum standards for underwriting.



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“renovated” the award-winning Meyer-Pienaar gallery extension. Its copper roofs and vaulted ceilings were removed, and a rough concrete slab was thrown. The image shows what is left of the extension, which was abandoned by the city’s contractors. The JHF says some exhibition halls have been declared unsafe, with building rubble clearly still visible.



The images also show the extent of damage to works by Irma Stern, Edward Burne-Jones, Alfred Munnings and the Old Dutch Master Peter Donckers de Rij. The surfaces of these paintings are cracked; paint runs in others. A signature piece is unsafely wedged next to a stack of photocopy paper. The contemporary star artist Nandipha Mntambo’s work, meanwhile, is suspended over a damaged floor.

“As a gallery, the JAG building is simply not fit for purpose. The roof leaks in several places, entire wings are closed because of damp and mould, exhibition halls are empty and show signs of major water damage. The storage rooms where the bulk of the collection is kept are also prone to leaks so each time it rains, there is a danger of further damage to the fragile artworks. We have heard of occasions where the gallery staff were called in the middle of



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Visible surface damage on the Old Dutch Master painting by Peter Danckerts de Rij, 'Picture of the Artist's Mother' (1634). Image supplied



At a turning point

The mayor's timelines have been met with disbelief.

"The issues facing JAG have been well known for many years. We are now at a turning point. The collection simply cannot endure another year of damage from water and mould. The city's plan would require extensive delays in order to allocate budget, issue tenders, select appropriate contractors, etc. We cannot wait another year or two before we see any action. The JAG and its important art collection need to be saved now!"

It's not just the rain, though. The artworks, which are worth hundreds of millions of rand, are precariously stored in a building that is now in the middle of a high-crime area. In art terms, the storage conditions can be compared in health terms to an amputation.



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Webber Wentzel's Asmita Thakor says that 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 and the City of Johannesburg's failure to discharge custodial responsibilities over them".



So what *should* happen now?

"Once the collection is secure [in storage at Ditsong], we can undertake a thorough examination of the Lutyens building by qualified heritage professionals in order to draw up a comprehensive scope of work. Then it will be a matter of finding suitable funders, project managers, architects to do the work," say the Friends of JAG and the JHF.

"In all, the process of properly repairing the JAG building is estimated to take three to five years. Once the building is repaired, the collection can return to Johannesburg," they said.



SNEM

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

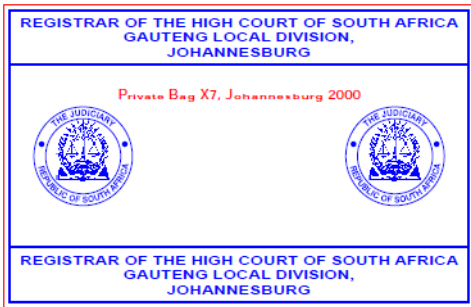
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 04

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:07:46 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

JOHANNESBURG HERITAGE FOUNDATION



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 / 060 813 3239



JOHANNESBURG

HERITAGE FOUNDATION

From: David Fleminger <david@joburgheritage.org.za>
Sent: Friday, July 5, 2024 12:06 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

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 / 060 813 3239

JOHANNESBURG

HERITAGE FOUNDATION



From: Nelisiwe Baai <NelisiweB@joburg.org.za>
Sent: Thursday, July 4, 2024 5:59 PM
To: david@joburgheritage.org.za
Cc: Lubalo Magwentshu (Cllr) <LubaloM@joburg.org.za>; 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>
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: NelisiweB@joburg.org.za | 011 4077726 | 083 492 5163



www.joburg.org.za
[@CityofJoburgZA](https://twitter.com/CityofJoburgZA)
CityofJohannesburg

From: David Fleminger <david@joburgheritage.org.za>
Sent: Thursday, July 4, 2024 1:33 PM
To: Phethile Dlungwana <PhethileD@joburg.org.za>; Nelisiwe Baai <NelisiweB@joburg.org.za>
Cc: Lubalo Magwentshu (Cllr) <LubaloM@joburg.org.za>; 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>; Nobuntu Mpendulo <NobuntuNosiphoM@joburg.org.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>
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 to 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 / 060 813 3239

JOHANNESBURG

HERITAGE FOUNDATION

From: David Fleminger <david@joburgheritage.org.za>
Sent: Friday, June 28, 2024 12:36 PM
To: 'Phethile Dlungwana' <PhethileD@joburg.org.za>; 'Nelisiwe Baai' <NelisiweB@joburg.org.za>
Cc: 'Lubalo Magwentshu' <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>; 'Nobuntu Mpendulo' <NobuntuNosiphoM@joburg.org.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) <jocelyn@formspacecontent.co.za>; Brian McKechnie (brian@briankent.joburg) <brian@briankent.joburg>; 'Eben Keun' <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 / 060 813 3239



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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

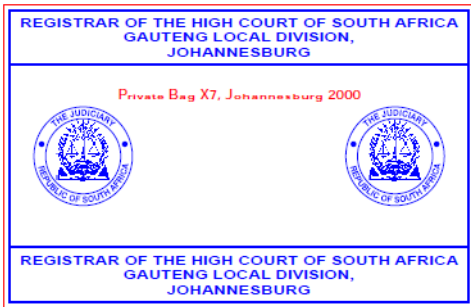
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

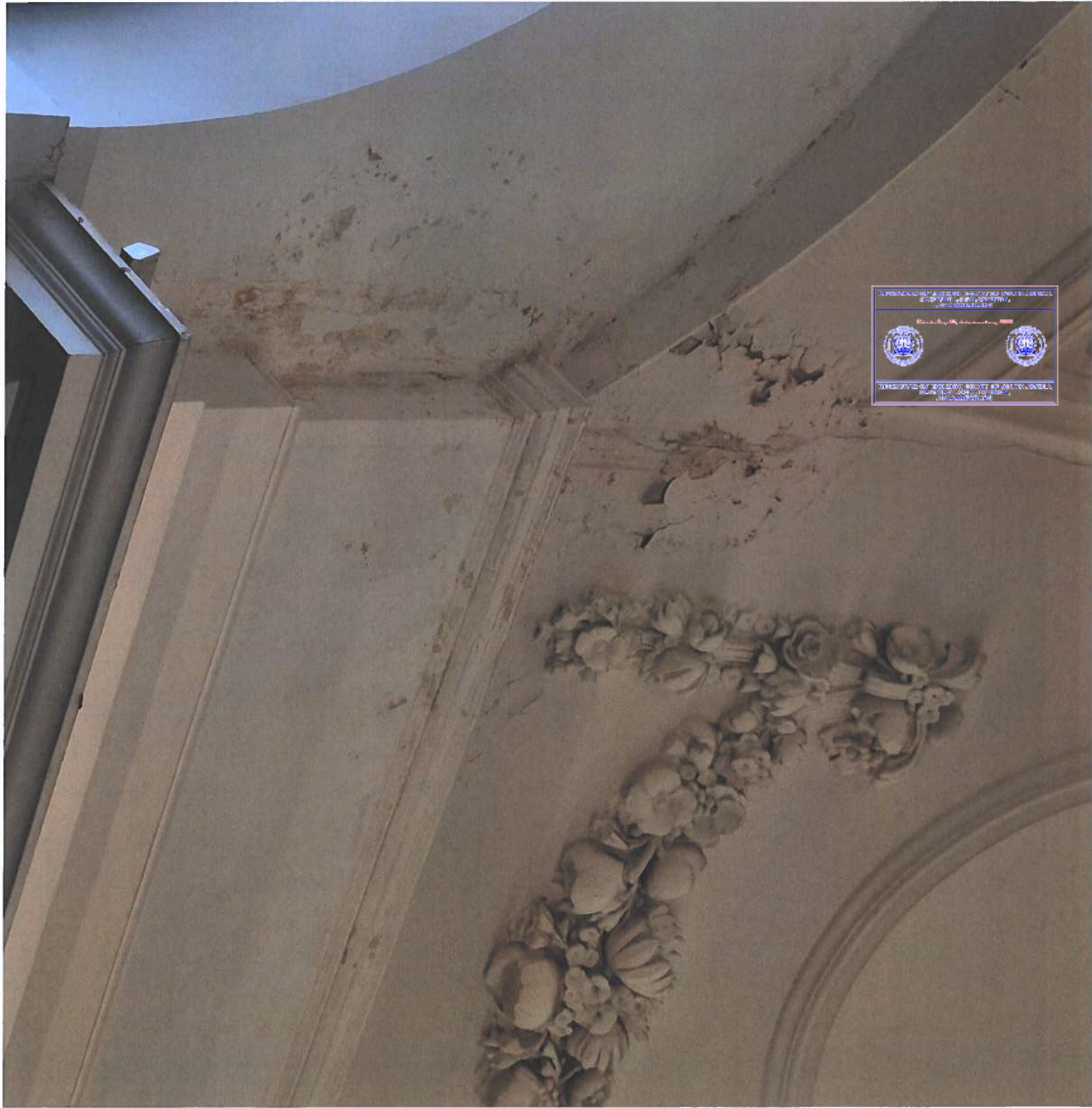
Annexure 05

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:07:56 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



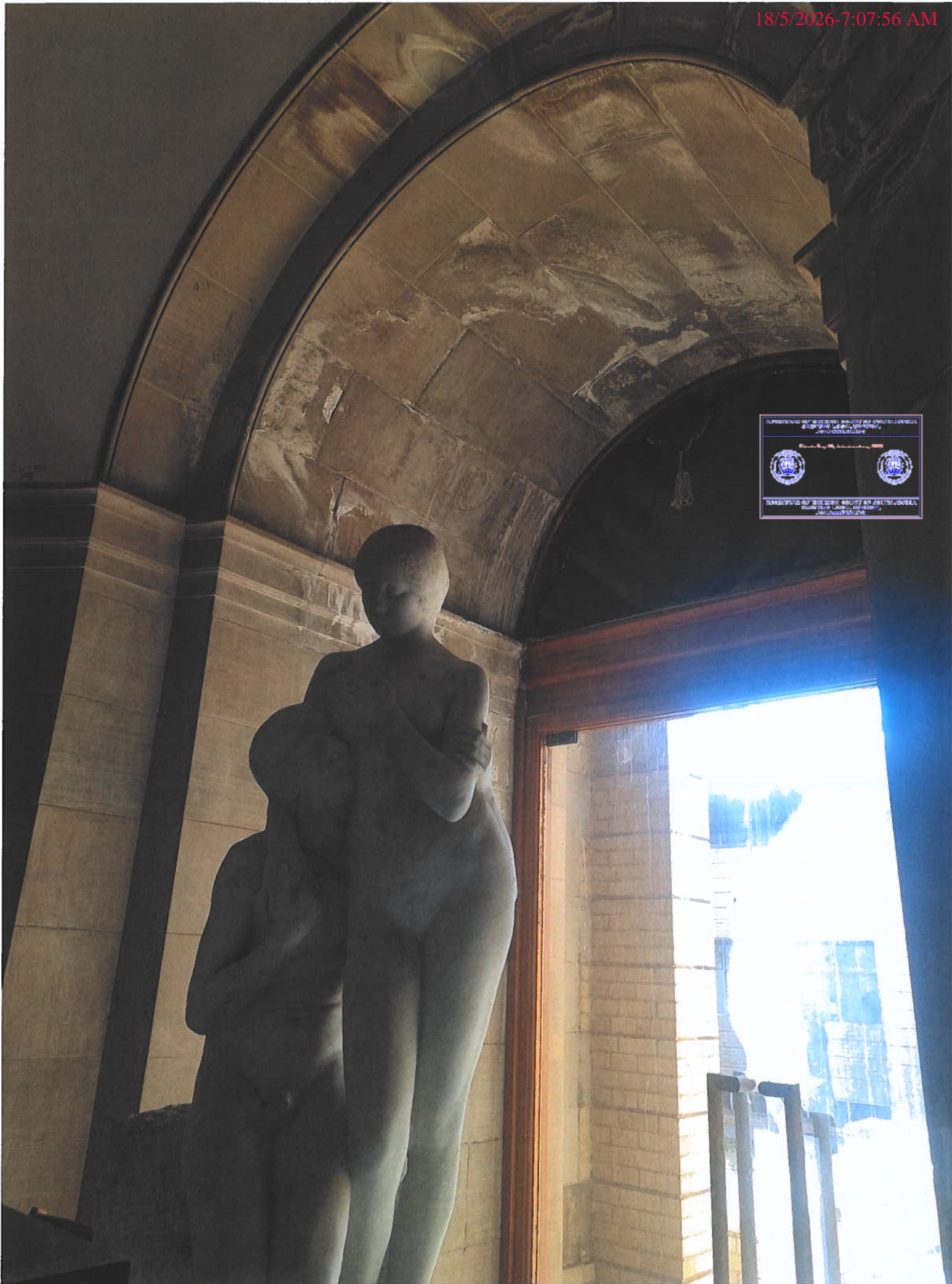
ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division, Johannesburg**







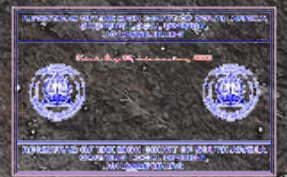




2. City Line









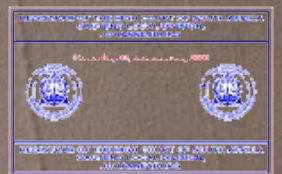


DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE
STATE OF QUEENSLAND
18/5/2026 7:07:56 AM
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DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE
STATE OF QUEENSLAND









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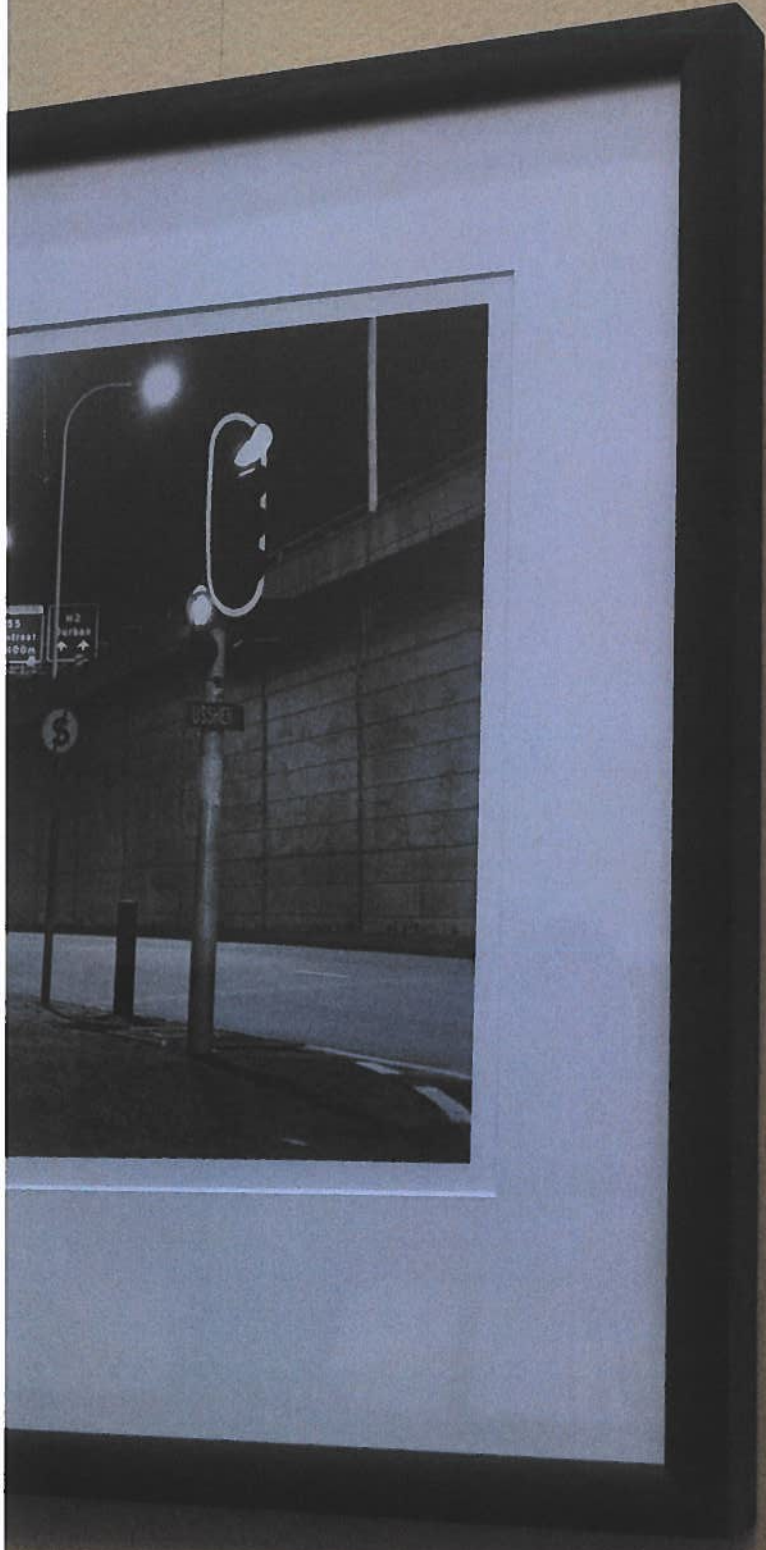










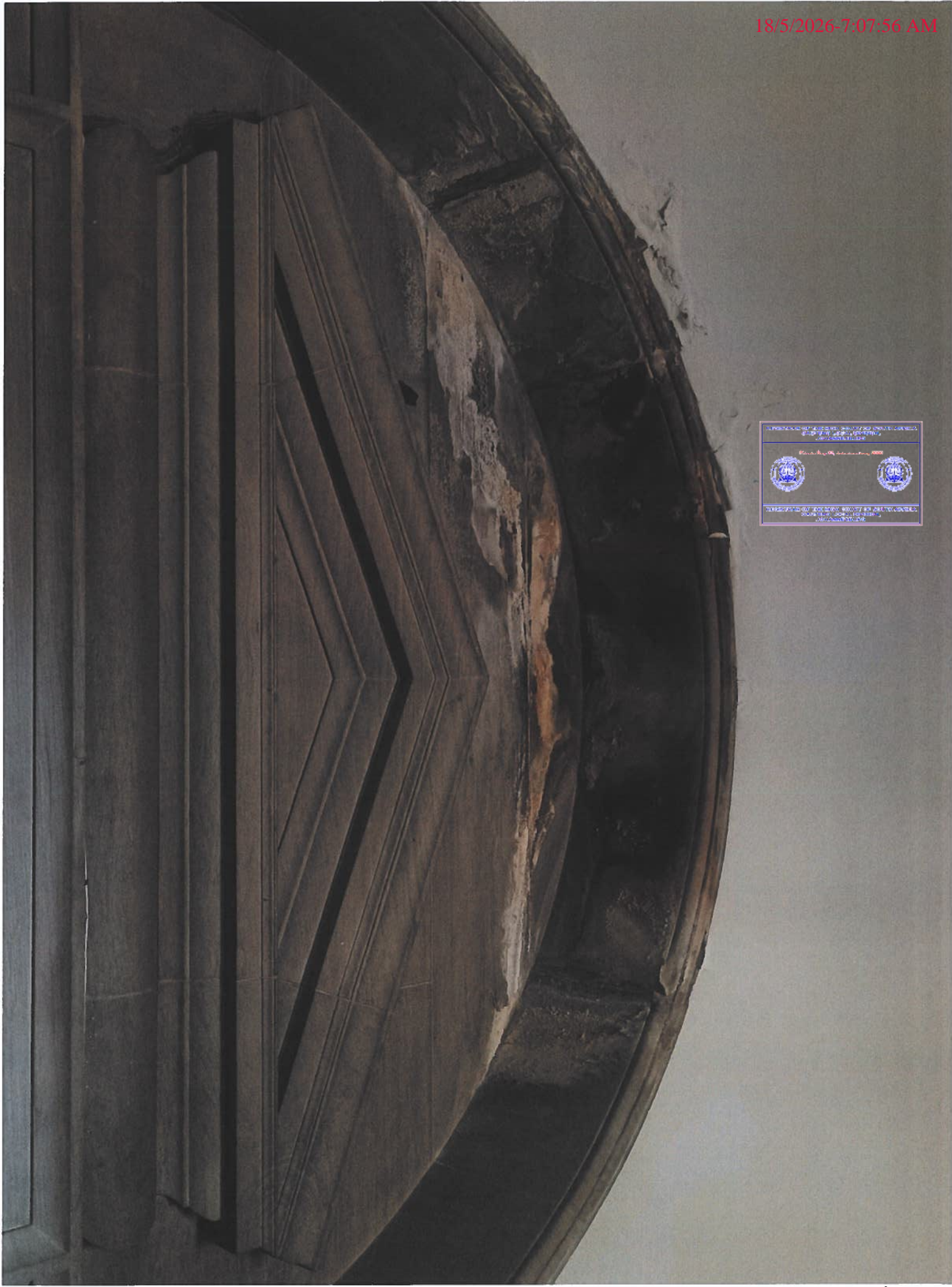


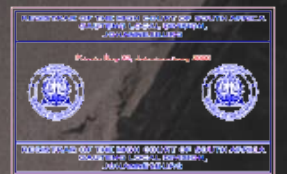


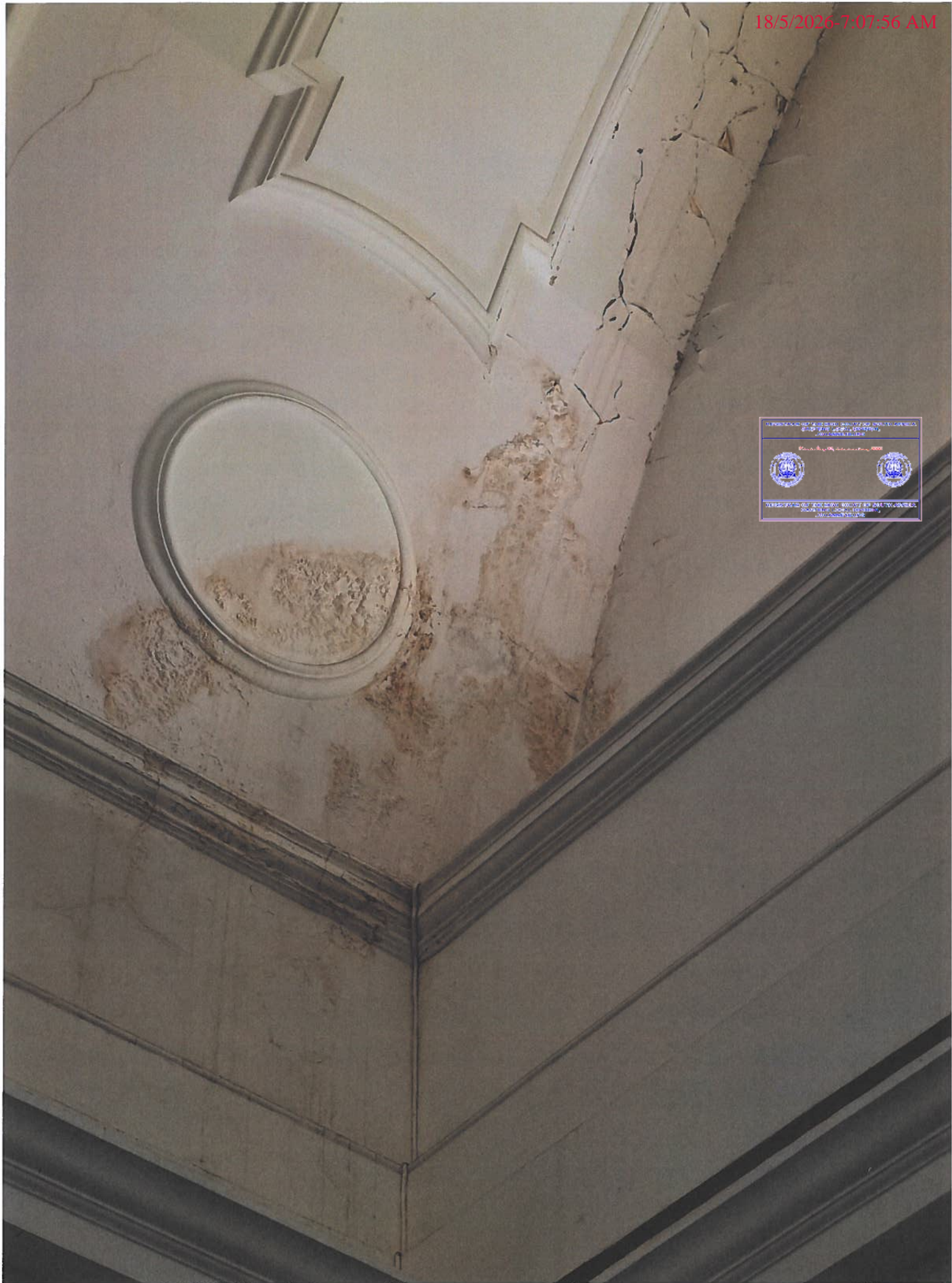


WAB ENBM











W. Brown

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

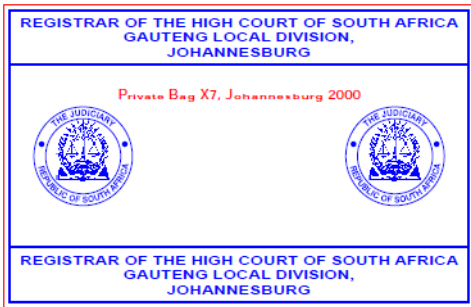
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 06

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:08:07 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

WEBBER WENTZEL

in alliance with > **Linklaters**

Mayor Dada Morero
City of Johannesburg Metropolitan Municipality
Metropolitan Centre
1st Floor Council Chamber Wing
158 Civic Boulevard
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Johannesburg
2000

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F +27 (0) 11 530 5111
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 Ilesley / 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

2024 08 28 WW To Mayor Morero Et Al_Final[21565413.1](21565435.1)

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 Franca M Garden OH Geldenhuys MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green JM Harvey JS Henning KR Hillis CM Hofeld 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 N 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 Tlhavani 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 Warrington 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.

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Page 3

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 15th 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.



NSM

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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

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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

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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

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

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 1st 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
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
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
Service by email

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

2nd Floor
 Surrey House Building
 35 Rissik Street
 Johannesburg
 Email: Tebogo.molokomme@gauteng.gov.za
Service by email

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

Email: imalgas@sahra.org.za
Service by email

7. Art Galley Committee Members

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



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

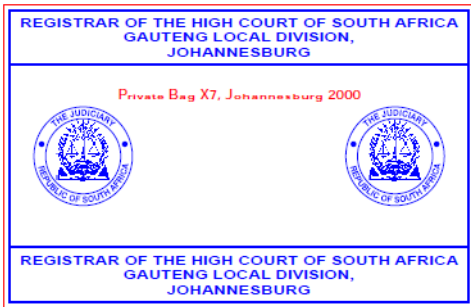
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 07

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:08:21 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.

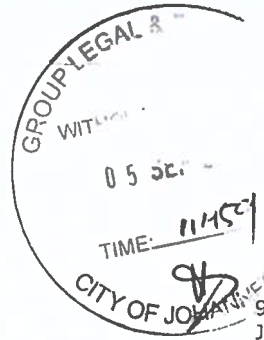


ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

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Mayor Dada Morero
City of Johannesburg Metropolitan Municipality
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By hand

Your reference

Our reference

A Thakor / M Ilsley / J Venter / T
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Date

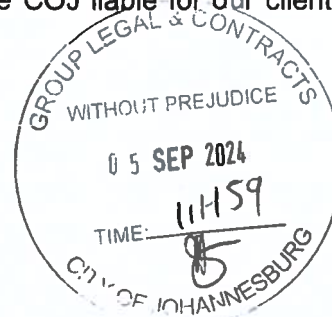
5 September 2024



Dear Mayor Morero

FAILURE BY THE MAYOR TO HEED DEADLINE SET IN THE LETTER OF DEMAND

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Joburg Art Gallery ("FoJAG"), collectively referred to as "our clients".
2. On 28 August 2024, the Sheriff of the High Court served our clients' letter of demand on you and other interested parties. The letter called on you to indicate the City's willingness to meet with our client to discuss the proposed solution for saving the art works in the Joburg Art Gallery from imminent ruin by 3 September 2024.
3. We are aware that the COJ's spokesperson informed the media that you are considering your options. Despite what the City's spokesperson communicated to journalists, you have missed the deadline set out in our letter.
4. We hereby request you to respond as soon as possible and by no later than 17h00 on Monday, 9 September 2024. Should you fail to respond, we shall proceed to prepare our urgent court papers and will seek to hold you and the COJ liable for our clients' wasted costs should the matter ultimately be settled.
5. Our clients' rights remain reserved.



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 Franca M Garden OH Geldenhuys MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green JM Harvey JS Henning KR Hillis CM Hoffeld 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 Lotter 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 Mohanlal 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 Ramjattan 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 Warrington J Watson AWR Westwood RH Wilson KD Wolmarans

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Page 2

Yours faithfully



WEBBER WENTZEL

Asmita Thakor

Partner

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CC: City Manager: Floyd Brink
Metropolitan Centre
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Braamfontein
Johannesburg



"By Hand"

Received a copy hereof this
day of September 2024



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

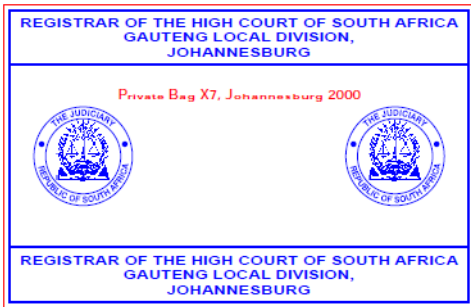
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**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
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MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
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AUTHORITY,KHWEZI GULE NO
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NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

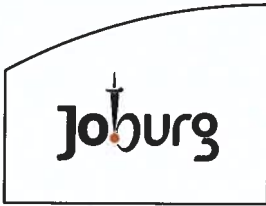
Annexure 08

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:08:32 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**



City of Johannesburg Metropolitan Municipality
Group Legal & Contracts
Office of the Executive Mayor

3rd Floor A Block
Metropolitan Centre
158 Civic Boulevard
Braamfontein 2001

Tel (+27)11 407-7373

To : **Asmita Thakor**
Webber Wentzel

By e-mail : **asmila.thakor@webberwentzel.com**

From : **Amohelang Makae**
Acting Director: Group Legal and Contracts

Date : **08 September 2024**



Dear Sir/Madam,

RE: REQUEST FOR AN URGENT MEETING TO SAVE THE ART COLLECTION OF THE JOHANNESBURG ART GALLERY

1. The City of Johannesburg (the City) hereby acknowledges receipt of your letter dated 28 August 2024 and the subsequent letter dated 05 September 2024.
2. We do not intend to deal with each and every averment contained therein and failure to do so should not be construed to be an admission of same. From the onset we place emphasis that we recognize your clients' rights to write to the City seeking clarity on the extent of the City's commitment to address the challenges alluded to in your communication.
3. The letter as we read it refers to concerns and allegations your clients raise with respect to the Johannesburg Art Gallery (the JAG), in particular its building and its collection.
4. The JAG is an institution that belongs to the City of Johannesburg and serves the artistic community and community of Joburg, the province and the country.
5. We were unpleasantly surprised to learn that your clients have resorted to engaging the City through lawyers when we were under the express impression that they were working towards raising the needed resources to aid the City in its quest to complete the restoration at the JAG.
6. The challenges of the JAG notwithstanding, we dispute the allegation that the City has neglected its duty and failed to maintain the Lutyens building. We also submit that the allegation that we have not placed the collection in a state of repair is not entirely accurate. There are countless interventions the City has invested in towards the restoration of the building and protection of the collection.

7. We are not sure how often your clients visit the JAG and/or attend exhibitions that are curated by the institution to appreciate that there are many of the artworks within the JAG collection that are exhibited from time to time, pursuant to the curatorial focus of each exhibition. It is generally accepted that just about all collection-based museums around the world do not display their collection at one go within its museums.
8. It is correct that on the 03 August 2024 your clients arrived at the museum on a pre-arranged visit whose intention was to bring potential sponsors who they indicated were interested in funding the restoration of the JAG. This letter suggests that your client came under false pretences to precipitate this legal process because it is exactly their knowledge of the challenges the JAG faces that led to the meeting and visit on the 03 August 2024. We are inclined to believe that it was false pretences because none of the sponsors they purported are coming arrived.
9. As the City, we are alive to the risks that some of the collection items face, and it is for this reason that we have been working on alternative storage for the affected collection items. A fact that your clients are fully aware of because they have been actively advising us on some of the alternative sites that we have looked at in the past. We have always maintained that the choice of alternative storage that we use for the collection must in all material respects be aligned to the standards that accord with international museum standards and for this reason, and in fulfilment of the commitment to protect the collection, we have declined to use some of the sites that your clients had proposed to us.
10. We must hasten to indicate that the JAG has a team of highly competent and educated staff that ensure that the artworks are handled with the due care they deserve.
11. The City has taken a decision to close certain sections of the building to the public until such time that the restoration work in those sections is completed. The City has also taken the position not to continue with the overall restorative work until such time that the collection items are relocated to an alternative site. This is in part also motivated by the need to protect the collection from unintended harm that may arise from the construction work.
12. The JAG has hosted a number of exhibitions in the recent past including presently. The number of artworks for such exhibitions are largely based on curatorial decisions which we support. We must also indicate that none of your clients have been to any of the recent exhibitions we hosted to appreciate the growth of our audience base in the post-Covid era. Your clients would have a better appreciation of the diversity and certainly the increase of audiences to the JAG if they were regularly participating in the JAG activities. Safe to say the comparison between the JAG and the institutions mentioned is incongruent.
13. The City has taken the position that the JAG challenges should be addressed in a more comprehensive manner to ensure that it is done in a way that is all encompassing and that results in more permanent solutions. It is for this reason that the City resolved to conduct a full condition assessment of the building that will inform the interventions that follow. To this end, the City has full knowledge of the challenges with the building.
14. The City is alive to the value of the JAG collection, and it is for this reason that we are employing measures to safeguard it for posterity and the benefit of future generations.



SNM
 [Handwritten signature]

15. To gain an appreciation of how the JAG has been responsive to its mandate, it may be useful to follow the outstanding work that has been done in the institution in spite of the stated challenges. This work has been enjoyed by a diverse audience that comprises many JAG loyalist but also new audiences that are enthusiastic about the offerings of the JAG.
16. The City as has been the case in the past, is open to an engagement with your clients. We are willing to set up a meeting with your clients in due course to address any of the concerns and questions they may have in line with our policies and procedures. The Office of the Executive Mayor will initiate a meeting and communicate the date on which the meeting can take place within the next three weeks.
17. We further wish to impress on yourselves that continued media engagements and mentioning of the artworks stored at the JAG exposes the artworks to potential risk of criminality which we know is at an unprecedented high and would urge you to refrain from doing so for security purposes.

Best Regards,



Amohelang Makae

Acting Director: Group Legal and Contracts

City of Johannesburg

Per e-mail: AmohelangM@joburg.org.za



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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

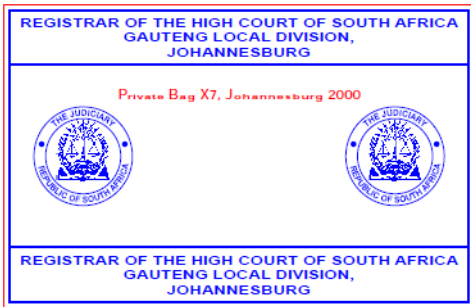
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 09

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

WEBBER WENTZEL

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Amohelang Makae
Acting Director: Group Legal and Contracts for the City of
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The City of Johannesburg Metropolitan Municipality
By email: AmohelangM@joburg.org.za

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Your reference

Our reference

Date

A Thakor / M Iisley / T Kathrada
4009947

11 September 2024



Dear Madam

RE: Request for an urgent meeting to save the art collection of the Johannesburg Art Gallery ("JAG")

1. We acknowledge receipt of your letter dated 8 September 2024 and thank you for responding to our letters.
2. Our clients reserve the right to respond in full to your letter at a later stage, should a response be necessary. For the purposes of this letter, we do not intend to respond to each and every allegation contained in your letter, and the absence of any response should not be construed as an admission of any sort nor should it be construed as an acceptance of the contents of your letter by our clients.
3. Our clients welcome the willingness of the Mayor to meet with them to discuss the issues they have raised concerning the Joburg Art Gallery. We are available to meet on any of the following dates, at a time that is convenient to the Mayor:-
 - 3.1 Friday, 27 September 2024;
 - 3.2 Monday, 30 September 2024; or
 - 3.3 Tuesday, 1 October 2024.
4. Once you have confirmed a date, we shall share with the Mayor our client's proposals relating to an interim solution to save the art collection of the JAG.
5. It is important that the stakeholders listed in annexure "A" of our letter dated 28 August 2024 be invited to the meeting, including staff members of JAG. Our clients also consider the

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 Mohanlal N Moodley L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndlweni 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 Plenaar MP Pool DJ Rafferty D Ramjetan 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 Strauelli 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 Warrington J Watson AWR Westwood RH Wilson KD Wolmarans

Chief Operating Officer: SA Boyd

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Page 2

presence of the City Manager, the MMC for Community Development, and the Mayor to be crucial so that the issues currently affecting the JAG can be thoroughly ventilated and prompt resolutions can be agreed to for implementation.

6. We look forward to your response containing a finalised date for the meeting. Please furnish a response by 16 September 2024.

Yours faithfully



WEBBER WENTZEL

Asmita Thakor

Partner

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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
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Plaintiff / Applicant / Appellant

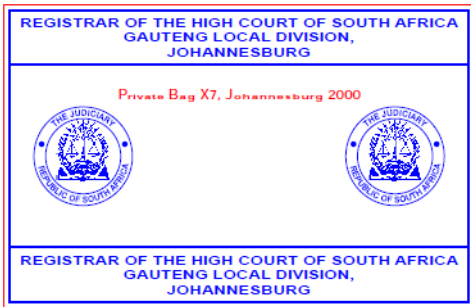
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKOTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 10

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**



RE:JAG

THE PROPOSED INTERIM PLAN TO REMOVE THE JAG ART COLLECTION TO A PLACE OF SAFETY AND A LONG-TERM PLAN FOR THE SUSTAINABILITY OF THE JAG INSTITUTION



Presented by the Johannesburg Heritage Foundation and
Friends of the Johannesburg Art Gallery

14 October 2024

SNSM

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INTRODUCTION

1. The Johannesburg Art Gallery ("JAG") houses a formidable art collection that represents the heritage of the City of Johannesburg and its people. The artworks are a crucial cultural and historical resource of South Africa's history of colonialism, apartheid and the ongoing struggle for equality.
2. The temporary relocation of the artworks is necessary to allow for:
 - 2.1 the preservation of the artworks;
 - 2.2 a process to unfold to determine the long-term plans for the sustainable governance of the JAG as an institution; and
 - 2.3 a process to assess the refurbishment of the JAG building.
3. According to the City's recent statement, certain sections of the JAG have been closed off from the public, and restoration works cannot proceed unless the artworks are removed temporarily. At the same time, 9000 artworks are in storage, and only one per cent of the art collection is currently on display. Half of the storage rooms are unsafe from water ingress, and the art collection must routinely be moved around to makeshift storage sites during heavy rains. There is an imminent threat to this art with the upcoming rainy season.
4. In the circumstances, the Johannesburg Heritage Foundation ("JHF") and the Friends of Johannesburg Art Gallery ("FoJ") hereby express their interest in working with the City of Johannesburg as the legal custodian of the artworks and owner of the JAG building. FoJ and JHF are not-for-profit organisations whose sole concern is preserving Johannesburg's valuable cultural and natural heritage for future generations.
5. The FoJ was established in the mid-1970s at the request of the Mayor's Office to assist the City in fulfilling JAG's mandate through fundraising and the management of special projects.
6. For this plan, JHF and FoJ have consulted with specialist suppliers, including MEMORIST, Stuttafords Van Lines Art Division, Gilbert Balinda Architects and INCCA. In addition, conditional pledges for (financial and specialist advisory) support have been obtained from the Embassies of France and the Netherlands to South Africa and the Lutyens Trust. The FoJ will manage the process under the supervision of an appointed Facilitator, along with the Chief Curator of JAG and the City of Johannesburg, supported by the Art Gallery Committee. Specialist contractors with



relevant credentials will be appointed to implement the work. Due to the public nature interest of the challenge, all parties must collaborate to improve the future of the JAG collection. A multi-stakeholder partnership approach is the only way to execute the plan successfully.

7. The relocation plan devised by FoJ and JHF calls for the urgent design and implementation of a governance structure to manage the relocation and the appointment of contractors with specialist skills required to implement the relocation plan. This document constitutes their plan in parts and discusses:
 - 7.1 the proposed relocation site;
 - 7.2 the process of packaging of artworks and ensuring their safe delivery to the relocation site;
 - 7.3 the need for a conservation analysis and
 - 7.4 the digitisation of the artworks.



THE RELOCATION SITE

8. The building used to store the JAG collection temporarily must meet several specialised criteria for the preservation of the art and its security to facilitate the safe and secure storage of the collection.
9. JHF and FoJ have considered several factors in identifying a temporary storage site for the collection's safety. In this regard, they have received an offer from the curator of the South African Cultural History Museum, which forms part of the South African Government's Ditsong Museums (hereinafter referred to as the "**Ditsong Museum**" or "Ditsong"). The Ditsong Museum is located at 149 Visagie Street, Pretoria and is suitable for temporarily storing the art collection. The Ditsong Museums of South Africa are an amalgamation of eight national museums, seven in Tshwane and one in Johannesburg. The Museums operate under the legislative mandate of the Cultural Institutions Act.
10. JHF and FoJ have identified seven considerations that qualify the Ditsong Museum as a suitable alternative site to house the artworks temporarily. Each of the considerations is discussed below.

10.1 The Public Character of the Relocation Site

10.1.1 The JAG's artworks are public assets in the hands of the state. Therefore, it is crucial that during its temporary relocation, the artworks remain under the state's control.

10.1.2 The Ditsong Museum is well suited because it operates under a legislative mandate supervised by the National Department of Sport, Art and Culture and is an established institution equipped to fulfil its mandate. Importantly, Ditsong's mandate allows it to render heritage-based services to other museums (national, provincial, local, and private) as well as to individuals and tertiary institutions.

10.1.3 Ditsong shares a similar vision to the JAG and houses cultural objects, crafts, sculptures, and paintings to provide an overview of South African culture through time.



10.2 Adequate Storage Space

10.2.1 Upon enquiry by FoJ, Ditsong's curator confirmed that Ditsong has sufficient storage space to store the JAG collection for two to five years.

10.2.2 The space comprises three storage rooms, partially equipped for storing and preserving museum artefacts. The storage space is approximately 550 to 600m² of floor area and includes:

10.2.2.1 two office cubes of 300m², and

10.2.2.2 vaulted door rooms (Vault I and Vault II) that are approximately 100m².

10.2.3 The storage space has tiled walls and is free from water leakage.

10.2.4 The storage space is an empty shell and must be refurbished and fitted out with custom shelving, sliding racks and frame mounts to accommodate artworks.

10.2.5 After consulting with JAG, FoJ envisages that the storage space is sufficient not only for storing artworks but also to serve as a workspace for restoration, including necessary repairs, conservation work, and the digitisation of the collection.

10.3 Climate Control

- 10.3.1 Artworks, especially old and delicate pieces, need a stable temperature and humidity maintained at appropriate levels to avoid mould growth and surface cracking. The ideal temperature is 18 – 22 degrees Celsius, while relative humidity should be kept between 40% and 55%.
- 10.3.2 The average temperature of Vault I is 23.9 degrees Celsius, and the average temperature of Vault II is 20 degrees Celsius. Both vaults will be equipped with air conditioning/dehumidifiers to control the temperature and humidity of these spaces properly.
- 10.3.3 Ditsong's curator has advised that the museum can conduct weekly temperature and humidity testing to ensure that the climate of the storage facilities is adequately monitored and that, if necessary, additional measures can be taken to remedy any unwanted conditions.



10.4 **Security**

- 10.4.1 Controlled access to the artworks must be monitored by on-site professional security personnel.
- 10.4.2 The proposed storage facilities at the Ditsong Museum are under lock and key and, as a further protection, are only accessible to those with fingerprint access.
- 10.4.3 The Ditsong Museum's curator is in favour of installing a comprehensive camera system in the storage area to add another layer of security to the collection.

10.5 **Fire Prevention**

- 10.5.1 Fire detection and suppression systems should be in place, with up-to-date fire safety and evacuation plans for the artworks.
- 10.5.2 The Ditsong Museum is equipped with fire-prevention water pipes and sprinkler heads. These are currently not operational, and in any case, such a system is unsuitable for protecting artworks. Therefore, JHF and FoJ will work closely with Ditsong to implement a suitable, cost-effective fire prevention system.

10.6 Lighting

- 10.6.1 Lighting should be strictly controlled and should be at low intensity (i.e. by installing low-intensity bulbs positioned away from direct contact with the artwork).
- 10.6.2 The lamps are currently out of use but will be replaced with lighting of the required intensity before the storage rooms are utilised.
- 10.6.3 The building has no windows so there is no risk of sun damage to any of the art.

10.7 Insurance

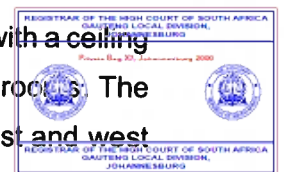
- 10.7.1 The building and its contents, which will now include the art collection, must be appropriately covered by an insurance policy.



REFURBISHING DITSONG STORAGE TO MAKE IT FIT FOR PURPOSE

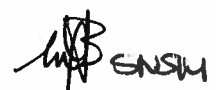
11. As stated above, the allocated space in Ditsong Museum's storage vaults is empty. The space needs to be refurbished and readied to receive the JAG collection.
12. FoJ brought in Gilbert Balinda Architects to advise on how to equip the Ditsong Museum vaults for storing the collection and ensure that the space meets museum storage standards for conservation work and digitisation.
13. According to Gilbert Balinda Architects' report incorporated in MEMORIST's proposal and annexed as **Annexure "A"**, the Storage Strategy would require a consideration of the aspects as listed, namely:
- 13.1 an analysis of storage methods (compact vs. visible storage) and recommended ratios for collection storage;
- 13.2 developing a strategy to ensure restoration processes can occur with no disturbance to other artefacts and
- 13.3 development of conservation environments, detailing storage methods and specifying the types of isolated environmental conditions and controls.
14. Following a site inspection, Gilbert Balinda Architects' report states that the proposed space can be divided into three distinct areas as indicated on the architectural drawings of the museum as viewed by the firm. However, the current layout will have to be reviewed to identify the necessary improvements to the space.

15. In summary, the three spaces as demarcated on the map contained Annexure A with photographs illustrating the space, including:
- 15.1 Area 1 is the largest area of approximately 300m², with a ceiling height of 5m. This space is accessed via an access-controlled double panel door (roughly 2,4 x 2,4m) connecting to the internal corridors of the building (north); vehicular access is available through a roller shutter door (south). The receiving area includes two smaller offices located south of the space.
- 15.2 Area 2, which is the crating and Supplies Storage Room: This is a smaller room of around 120m² with a ceiling height of 5m above floor level and is accessed through a vault door. A small storage room is located at the back of the room.
- 15.3 Area 3, which is the analytical laboratory: This area, roughly 180m² with a ceiling height of ~5m above floor level, includes an office and two storage rooms. The space has access to two wash trough areas on the laboratory's east and west sides.
16. In Gilbert Balinda Architects' opinion, the preliminary scope of work highlights several key areas that need improvement to ensure the conditions meet museum storage standards. These key areas are listed on pages 2 to 4 of the report, annexed as Annexure "A."



PROCESS AND METHODOLOGY FOR RELOCATION

17. FoJ obtained an updated proposal from MEMORIST to wrap, crate, and relocate the artworks to Ditsong. The proposal also includes MEMORIST assessing the artworks and digitalising the collection.
18. MEMORIST belongs to MOBILITAS, an international group of companies that specialise in restoring, preserving and enhancing cultural heritage.
19. MEMORIST will outsource the task of wrapping, crating, and relocating 9000 artworks to its sister company, Stuttford Van Lines Fine Arts Division. This company has 165 years of experience moving priceless art, antiques and difficult and fragile consignments and is trusted by MEMORIST to undertake such a massive relocation.
20. A massive relocation plan like this needs additional capacity to assist the curatorial team at JAG in executing the plan's various components alongside specialist contractors. To this end, FoJ has co-opted INCCA, a specialist mentorship management organisation, to help oversee a capacity-building and skills transfer program to ensure that the capacity is available to execute the plan in a minimum

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period. Curatorial graduates will be recruited for temporary employment through a mentorship program to ensure that the appropriate capacity of specialist skills is available for the relocation and digitisation parts of the plan. The FoJ has engaged the Embassies of the Netherlands and France in South Africa. They have indicated their willingness to support the relocation and digitisation project by amplifying specialist skills through a mentorship program for a cohort of local curatorial graduates.

21. MEMORIST is mindful that the collection's wrapping, crating, and transportation will need to be planned carefully to ensure that once it has been packed up, it can be moved directly to the storage facility at Ditsong Museum.
22. For the Planning to commence, the Chief Curator of JAG must provide MEMORIST and Stuttaford van Lines with an updated accession register OR inventory of the entire JAG collection to be moved as soon as possible.
23. Upon consideration of the accession register, MEMORIST and Stuttaford van Lines will conduct on-site visits with the Chief Curator of JAG to examine the condition of artworks and assess the customised crates to be manufactured for wrapping and crating.
24. After the site inspection, Stuttaford van Lines will instruct its carpenters to manufacture customised crates due to the artworks' size and shape and extraordinary value to ensure safe and secure transit. Stuttaford van Lines will label each crate at JAG, indicating what is inside. The crates will have rounded edges, handles and clear stencilling to ensure the crews' secure lifting and moving, allowing for safe loading and avoiding any damage during transit.
25. In addition to the site visit, MEMORIST and Stuttaford van Lines seek to have a Planning Strategy meeting with the Chief Curator of JAG and FoJ to discuss their project expectations and draft a Final Project Plan.
26. The Final Project Plan will include:
 - 26.1 a Floor Plan indicating in which spaces the collection is currently held at JAG to assist with the relocation planning of the collection;
 - 26.2 a Storage Plan mapping the storage space at Ditsong and indicating which crates need to be placed in which space;



- 26.3 a Collection Analysis Plan that is a quantitative classification of the collection by objects, categories, materials, and size, with the parties deciding in advance the packing order in which the artworks would be relocated;
- 26.4 a Timetable setting out how and when each section of the JAG collection is delivered and stored away to ensure that there is space to take delivery of the next section
- 26.5 a Risk Assessment of the risks to the object during handling, transporting and storing thereof.
27. The discussions between MEMORIST, Stuttaford van Lines and the Chief Curator of JAG will be minuted and culminate in a Final Project Plan.
28. A temporary database will be set up to import the existing inventory and collect all additional information in collaboration with the JAG team. This database exercise will involve inputting a barcode number and QR code to each artwork for later digitisation. The temporary database will include each artwork's title, artist name, medium, size and weight. This temporary database will be exported at the end of the whole process with all original data and additional identification information.
29. MEMORIST will then check each artwork being handled and packaged against this inventory and add additional information where necessary.



CONSERVATION

30. It is public knowledge that some of the artworks at JAG have been damaged over time due to the storage conditions at JAG. The timing is right once the artworks have been safely stored at the Ditsong Museum to assess the entire collection as a first step towards conserving the collection and understanding the extent and nature of the damages to the works.
31. FoJ has secured the support of INCCA, which has experience in conservation. FoJ has also obtained commitments from the Embassy of France and the Embassy of the Netherlands, which have artists skilled in conservation. These countries are interested in collaborating with the JAG project because the JAG collection contains valuable artworks from Dutch and French painters, whose works their governments are determined to preserve.
32. The French and Dutch governments will contribute through skills transfer and mentorship to young South Africans working on the project.

33. Conservation of the artworks will be preceded by a qualitative analysis focused on the collection's condition, future purpose, and curatorial opportunities.
34. MEMORIST has affiliates who specialise in the conservation of fine arts, including oil and acrylic paints on canvas or board and for sculptures. Based on MEMORIST's experience of conservation, three steps will guide the initial assessment of the artworks, which is:
- 34.1 Documentation includes a detailed description and photographic documentation of the object's condition upon arrival.
- 34.2 Condition Mapping: This refers to the mapping of areas where deterioration, damage, structural weaknesses, and previous repairs have occurred.
- 34.3 Material Analysis: Where necessary, the identification of materials and their condition through non-destructive testing or sampling to understand the steps forward.
35. MEMORIST, based on its experience, will be able to provide a condition description and assessment and recommendations of conservation treatments and processes required to stabilise and preserve the integrity of the artworks for future use. However, because the conservation of fine art is a specialised area of art conservation that involves preserving and restoring these artworks to maintain their visual and structural integrity, the necessary experts will have to be appointed to carry out this work.



DIGITISATION

36. The digitisation of the collection involves creating high-resolution digital copies of artworks to aid in the preservation, accessibility, restoration, and online sharing of collections.
37. All digitisation will be carried out at the Ditsong Museum. The space at Ditsong should be refurbished to allow artwork digitisation within the storage area. This will ensure that no further movement of the artwork would be necessary.
38. FoJ recommends that MEMORIST, which has extensive experience in the digitisation of a wide variety of archival material and heritage objects and/or artwork, be appointed by the City of Johannesburg to perform this task, more especially because MEMORIST is able to carry out the work based on international best practice and standards.

39. The advantage of digitalising the artworks is that the artworks can then become publicly accessible on an online digital platform, thereby garnering a wider local and international audience.
40. According to MEMORIST's proposal, the current inventory of JAG will be crucial to project managing the digitisation process. The existing JAG database will be utilised, and the current inventory, as a first step, will be enriched with additional metadata to further facilitate the searchability of the final digital assets. A temporary database will be built to import all available information regarding the artwork and collect all additional information. This process will result in barcode stickers being generated for each artwork and item.
41. MEMORIST will deploy a documentalist to read the barcode sticker when receiving the artwork. A QR Code (more robust and easier to read) will automatically be created for the digitisation team. It will be used to name the image files correctly. If there is no barcode sticker on the artwork, an inventory sticker will be created and printed for the next step (digitisation). The numbering will be done under curator supervision.
42. The person in charge of the inventory and capturing additional information will keep track of the status of the jobs from the time the artwork is moved from the rack or shelves to the time they are returned.
43. The MEMORIST proposal recommends that because the JAG collection consists of a large variety of mediums, two different digitisation teams will be established to enhance efficiency. The first digitisation station will digitise paintings, sculptures, garments, furniture and objects with a camera on a tripod, several flashes and light models, and a white backdrop. The second digitisation station will digitise 2D objects. Both digitisation stations will comply with Metamorphoze V2 and FADGI 4 stars standards.
44. **First digitisation station: paintings, sculptures, garments, furniture and objects**
- 44.1 Camera: Nikon D850 or equivalent camera (DSLR camera with a 45-megapixel definition) with a 24-70mm zoom for small to regular-sized objects and a fixed 35mm lens for large pieces,
- 44.2 Lighting/Flashes: Elinchrom ELC HD Pro flashes with various light modellers (1,000 Joules model).
- 44.3 Backdrop: White will enable direct import to the Vernon CMS software.



45. Second digitisation n station: 2D objects

45.1 Objects smaller than A1 format:

45.1.1 Device: Integrated digital camera and lighting system from I2s called CopiBook

45.2 Objects up to A2 format:

45.2.1 Device: i2S A2 CopiBook Scanner

46. Device calibration

46.1 Both digitisation stations will utilise a standard procedure for calibration and characterisation.

46.2 Colour charts will be used to create ICC profiles for each digitisation station. The ICC profile is calculated with BasICColor v6 software ColorChecker SC charts.



47. Visualisation

47.1 The screens that will be used for visualisation are 24-inch Eizo models with a standard set colour temperature for graphic arts of 5000°K.

47.2 All visual actions are made using calibrated screens with appropriate visualising software (Photoshop 2022).

48. For flat unmounted documents, MEMORIST uses I2S Copibook scanners with integrated cameras and automatic capture of images. All images are captured and processed using LIMB CAPTURE & LIMB. Formats up to A2 can be digitised with a 300 dpi resolution. Light is integrated into the system. The digitisation of this type of document will be performed on a brand new i2S A2 Copibook Scanner equipped with its book cradle and a special glass for a perfect flattening of bound and unbound documents when needed.

48.1 According to MEMORIST's proposal, the following post-processing quality check and delivery actions will be carried out:

48.1.1 Checking the appropriate number of views (for objects).

48.1.2 Level and quality of background.

48.1.3 Framing according to type (prints, painting, objects).

48.1.4 Detouring for large objects or objects that were not photographed with a white background for technical reasons.

49. Anticipated timelines

DIGITISATION		
Total number of objects	Number of objects digitised per day (average)	Estimated timeline (days)
Paintings		
2250	35	65
Furniture, garments, objects		
850	15	57
Sculptures		
250	15	17
2D, drawings, prints photo		
4350	250	15



POST-PRODUCTION		
Total number of objects	Number of objects digitised per day (average)	Estimated timeline (days)
Paintings: framing		
2250	300	7.5
Furniture, garments, objects: framing, background check, naming		
850	15	57
Sculptures: framing, silhouette, checking and naming		
250	15	17

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SNEY

2D, drawings, prints photo		
4350	125	30

ESTIMATED COSTS OF RELOCATION

49.1 MEMORIST's proposal includes the costs of relocation, conservation, digitisation, and the estimated fees of Gilbert Balinda Architects to lay out the Ditsong Museum storage space for the purposes of carrying out the work discussed in this plan.

49.2 The City of Johannesburg has not budgeted this amount and is desirous of entering into a public-private partnership with a private donor. The City of Johannesburg and FoJ have both had discussions with the Anglo American Johannesburg Centenary Trust ("AAJCT") as a dedicated supporter of JAG to support the relocation project. The AAJCT has indicated that all legal instruments be put in place and tabled before the trust in order for the AAJCT to reasonably consider the request.



LONG TERM PLAN FOR THE JOHANNESBURG ART GALLERY

50. FoJ and the JHF are aware that the City of Johannesburg has commissioned three different heritage architects to inspect the Johannesburg Art Gallery and proffer opinions on the structural defects that require attention. The City of Johannesburg has reports from:

- 50.1 Engela White – Conservation Report, 2015
 - 50.2 Jonathan Stone - JAG Conservation Management Plan, 2017
 - 50.3 SAJ Architects - Architectural Report commissioned by the Johannesburg Development Agency, 2023
51. The City of Johannesburg further expended public funds to address and restore the structural defects at the JAG on two occasions, once in 2015 and again in 2017. Objectively speaking, the City's appointment of professionals and contractors without the necessary specialised knowledge to address the original construction flaws in the Meyer Pienaar section caused more damage than good, with the result that the restoration works were left incomplete.

52. In consequence, the City of Johannesburg has decided to close certain sections of the JAG building to the public until the restoration work in those sections is completed. The City has also agreed not to continue with the overall restorative work until the collection items are relocated to an alternative site.
53. FoJ and the JHF caution the City of Johannesburg against completing the restoration works without first conducting a thorough analysis of both the building's physical condition and the long-term plan and vision for the JAG. It is imperative that the long-term plan for the JAG be conceived after a thorough public participation process involving all role players, including the private sector.
54. FoJ and JHF based on their experience of being involved in the JAG, believe that any decisions by the City of Johannesburg on a long-term plan would call for public participation discussions around several critical issues, these being:
- 54.1 the heritage and architectural significance of the JAG, considering that it is the only building designed by Lutyens in South Africa;
- 54.2 whether JAG is big enough in size (in relation to the exhibition halls, the storage rooms, offices for staff, cafeteria, restoration workshop, and sales shop) to house its entire collection of 9000 artworks and how to attract a large number of visitors and tourists given the security risks associated with its current location within the Hillbrow / Joubert Park precinct;
- 54.3 reimagining JAG and modernising it such that it offers the Johannesburg community an opportunity to enjoy art as a form of cultural expression and a place for education and learning;
- 54.4 the income-generating opportunities for the City of Johannesburg if the JAG were to become a sought-after tourist destination for both local and foreign tourists;
- 54.5 governance of JAG: with the deed of donation being written in 1908, a discussion is necessary in relation to the Governance structures of JAG. A discussion on whether the Mayor can realistically exercise oversight powers as envisaged in the deed, alternatively, if a public-private partnership agreement would allow more scope to grow JAG through sponsorships and donations.
- 54.6 drawing up a Comprehensive scope of work for JAG;
- 54.7 securing funding to carry out the restoration works needed at JAG;



- 54.8 keeping the JAG open during the restoration period to host temporary exhibitions and
- 54.9 the potential for the JAG to be a Contemporary Cultural production hub with satellite art galleries in other parts of Johannesburg.
55. In terms of restoration work on the JAG building itself, the JHF and FOJ request urgent access to all the previous condition reports mentioned above – especially the 2022 report from SAJ Architects, as that is the most recent. These reports were commissioned at considerable cost to the City of Johannesburg and contain valuable information that will guide future investigations without having to start from scratch. Once these reports are received, the JHF will undertake an on-site review of the physical structure by experienced heritage architects (appointed by the JHF) in order to generate an updated condition assessment with a list of recommendations on how to repair the structure appropriately and correctly.
56. Going forward, the JHF is prepared to offer ongoing oversight of any commissioned restoration work and advise on suitable contractors with the requisite skills to complete the work successfully. Due to the enhanced capacity needed in terms of the specialised knowledge required for such a project, it is strongly recommended that the City of Johannesburg, its agencies, the Johannesburg Property Company (JPC) and Johannesburg Development Agency (JDA) are not involved in the appointment of architects/contractors, etc. Keeping the restoration process independent of City structures will also make it easier for the JHF and FOJ to assist in raising funds for restoration from suitable donor organisations. These may include the Anglo-American Johannesburg Centenary Trust, Jozi My Jozi, the Edwin Lutyens Trust, etc.



GOVERNANCE STRUCTURE

57. The relocation plan and long-term plan for the sustainability of JAG as an institution can only materialise if a governance structure is put in place to work hand in hand with the office of the Mayor of Johannesburg. The governance structure will interrogate the proposed plan, iron out any issues that arise in the design and implementation of the project, perform all the groundwork and put forward recommendations to the office of the Mayor relating to the critical decisions the Mayor and the City of Johannesburg are called upon to make to save the artworks and the JAG as an institution. Our clients propose that a governance structure be put in place made up of the following:
- 57.1 a Facilitator;
- 57.2 a dedicated Task Team or Committee, and

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57.3 a Secretariat.

58. Each entity will have specific roles and responsibilities for implementing this interim plan successfully.

59. The Facilitator

59.1 The Facilitator would act as the chairperson of the governance structure, responsible for ensuring the smooth execution of the relocation plan and fostering collaboration among role players.

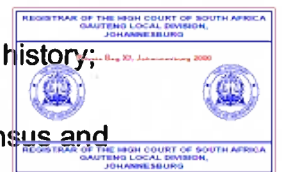
59.2 The Facilitator should possess the following attributes:

59.2.1 leadership and neutrality;

59.2.2 comprehensive knowledge of, and interest in, art, culture and history;

59.2.3 negotiation skills to guide diverse role players towards consensus and

59.2.4 project management experience. It will be beneficial if the Facilitator has experience in both the public and private sectors.



60. The Task Team

60.1 The Task Team should consist of City officials and other public representatives, including the Chief Curator of JAG and role players from the private sector.

60.2 Each stakeholder will nominate one member to the Task Team. These representatives will address their respective institutions' interests while contributing to the collective objective of relocating and preserving the art collection.

60.3 After the first meeting of the task team, the Facilitator will crystallise the roles and responsibilities.

60.4 Members of the Task Team should possess the following attributes:

60.4.1 expertise to be able to represent the interests of their nominating stakeholder sufficiently;

60.4.2 a collaborative mindset and a willingness to work towards the fulfilment of the relocation plan; and

60.4.3 commitment to carrying out assigned responsibilities and reporting on progress.

61. **Secretariat**

61.1 The Secretariat will provide administrative and logistical support to the governance structure by:

61.1.1 **Organising Meetings:** Schedule and organise Task Team meetings in alignment with the milestones in the relocation plan and when directed by the Facilitator;

61.1.2 **Documenting Proceedings:** Take minutes during meetings, maintain accurate records, and circulate documentation to all role players; and

61.1.3 **Office Space & Resources:** Provide office space and necessary resources for the smooth operation of the governance structure.

CONCLUSION



62. Discussions on the long-term future of the JAG can begin once a public-private sector compact is in place with all stakeholders committed to working for the public good of JAG as an institution bequeathed for the benefit of the citizens of Johannesburg. It is envisaged that these discussions could take as long as six months and should culminate in an efficient implementation plan once broad consensus is reached amongst public and private sector role players.

63. However, due to the urgent and imminent risks facing the art collection, it is requested that the Mayor and the City give urgent approval for the relocation and restoration of the collection as soon as possible. At the same time, discussions around the long-term future of the JAG are ongoing.

64. If the Mayor and the City are interested in proceeding with the proposed interim plan, JHF and FoJ will seek to secure pro bono legal assistance for the plan's implementation and to advise on the most effective legal mechanisms to secure relocation, conservation, and restoration of the work and allow for the appointment of architects/contractors, etc. JHF and FoJ also propose that the Mayor assign an appropriate official in their office to help coordinate the plan's implementation.

SNSM

Gilbert Balinda Architects

18 September 2024



Preliminary Mapping Report for Museum Storage

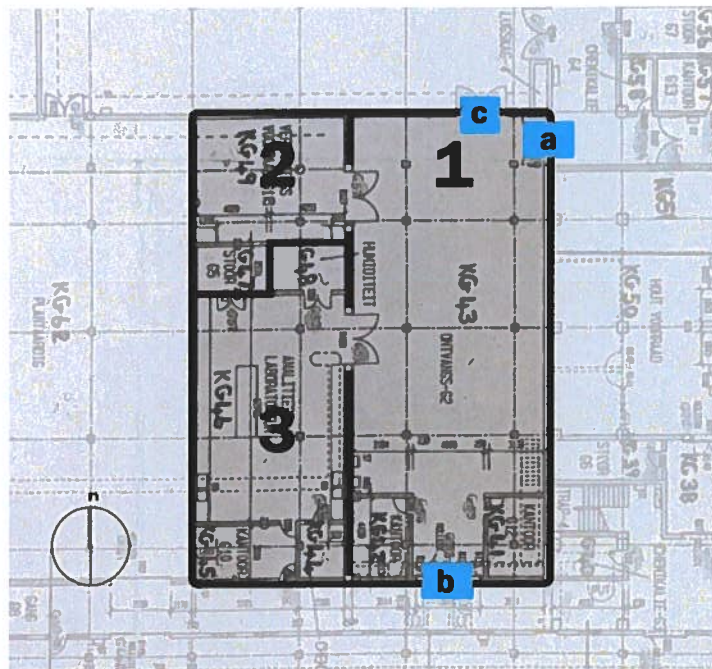
Following the initial site visit, preliminary spatial and technical observations were made.

Spatial Observations:

The Ditsong National Museum of Cultural History (DNMCH) has earmarked approximately 550 to 600m² of floor area for storage and conservation efforts. The proposed space is accessed by occupants via a corridor on the north connecting to the offices and other collections and artefacts storage held by the DNMCH. Vehicular access is allocated on the south side of the space and can be reached via a ~3m wide internal vehicular corridor.



The space divided into three distinct areas with attached subsidiary rooms, as indicated on the original architectural drawings of the museum viewed on the premises:



- 1- Receiving Area
- 2- Crating and Supplies Storage
- 3- Analytical Laboratory
- A- Entrance
- B- Vehicular Access
- C- DNMCH Art Vault

Area 1_ Receiving Area:

The largest area with a footprint of approximately 300m², with a ceiling height of ~5m above floor level. The space is accessed via an access controlled double panel door (roughly 2,4 x 2,4m) connecting to the internal corridors of the building (north); vehicular access is available via a roller shutter door (south). The receiving area includes two smaller offices, located on the south of the space. The space has a tiled wall and concrete floor finished with a seemingly robust and highly durable sealant. No visible structural defects or water damage is visible. The space has access to a wash trough located in proximity to the office and laboratory.

The receiving area is currently unoccupied, though it contains some furniture, unused storage shelves, as well as artifacts from the building's previous use, notably vault and security doors resting on the floor.



Area 2_ Crating and Supplies Storage Room:

This smaller room, of around 120m² with a ceiling height of ~5m above floor level, is accessed through a vault door. It is primarily filled with storage cabinets, drawers, and some office furniture. A small storage room is located at the back of the room. The removal of current unused storage and furniture and the installation of any new equipment is limited by the retrofitted access door (roughly 1m width).

The space has a tiled wall and brick floor finished with a seemingly robust and highly durable sealant. No visible structural defects or water damage is visible.



Area 3_ Analytical Laboratory:

This area, roughly 180m² with a ceiling height of ~5m above floor level, includes an office and two storage rooms. It is mostly unoccupied, with some unused storage cabinets present. The space has access to two wash trough areas located on the east and west sides of the laboratory.

The space has a plastered and painted wall and concrete floor covered with a seemingly high duty, laboratory type sealant. No visible structural defects or water damage is visible.



General Notes and Observations:**Structural:**

- No visible structural defects were observed.
- While the DNMCH team have witnessed flooding in lower areas of the building, they have noted that, to date, no flooding has occurred in the areas designated for the JAG collections.

Services:

Electrical: Several electrical sockets are visible throughout the designated spaces; however, the functionality and socket types were not inspected during the initial site visit. Lighting conditions are suboptimal for conservation work and temporary solutions should be considered. It is not clear whether power outages and loadshedding affects the premises, and if a generator is available during such events.



HVAC and climate: While extensive HVAC infrastructure is notable throughout all the spaces, the DNMCH team advised that HVAC was not in a working condition. However, according to the team, considering the original purpose of the building as an incarceration facility, the thermal mass provided by the concrete structure creates a stable internal climate throughout the year. Climate control panels and recorders have been installed in some areas. The data records of these devices will be provided to the professional team for further analysis, pending a firmware upgrade.

Fire Safety: Extensive fire reticulation is visible throughout the premises, however, the DNMCH team advised that some areas are not in a working condition. Furthermore, gas suppression is advisable to prevent water damage to valuable artefacts in the event of fire.

Security: Access control panels are installed on the maglock doors that provide access to the receiving area and DNMCH art vault which is accessible through this area. Manually operated vault type doors are installed to the Crating and Supplies Storage Room, and the Analytical Laboratory.

Preliminary Scope of Work

Following the initial site visit, the preliminary scope of work highlights several key areas that need improvement to ensure the collection meets museum storage standards. The following steps are envisaged:

Preliminary Assessment:

1. Condition Analysis:

A comprehensive evaluation of the premises, focusing on spatial and technical aspects.

2. Investigation and Documentation:

Review of the current layout to identify necessary improvements, including:



- **Access and Security:** Evaluation of access control systems and security measures.
- **Electrical and Lighting:** Assessment of existing electrical infrastructure and lighting adequacy (e.g., sufficient lux levels).
- **Environmental Control:** Analysis of temperature, humidity control, ventilation, and monitoring data.
- **HVAC System:** Evaluation of the existing HVAC and service reticulation systems.
- **Spatial Planning:** Optimizing storage layout for shelving, filing units, racks, and other equipment.
- **Logistics:** Review of current processes for artifact handling, including loading, offloading, restoration, crating areas, and storage protocols.

Renovation Strategy and Planning:

1. Collection Analysis:

- Quantitative classification of the collection by objects, categories, materials, and size.
- Qualitative analysis focused on the collection's condition, future purpose, and curatorial opportunities.

2. Storage Strategy:

- Analysis of storage methods (compact vs. visible storage) and recommended ratios for collection storage.
- Develop a strategy to ensure restoration processes can occur with no disturbance to other artifacts.
- Development of conservation environments, detailing storage methods and specifying the types of isolated environmental conditions and controls.

3. Digital Mapping and Modelling:

- Creation of digital models and maps to create baseline for analysing designated areas, storage methods, and preservation strategies in coordination with interdisciplinary team.
- Examination of available space and infrastructure to support long-term conservation and preservation.
- Architectural planning, coordination, and detailing of interventions, including all services: Mechanical, Electrical, Wet services, Fire, Security, etc.
- Storage equipment scheduling for art storage, restoration, loading and offloading, fumigation, etc.
- Integration of IoT tracking system technology for security and environmental monitoring, and logistical management.
- Expert Coordination with specialist consultants to elaborate and align to best practices, conservation standards, and certification.



Estimated Costs:

- Cost per square meter: R20,000 to R30,000
- Estimated required area: 600 sqm
- Total estimated cost: R12 million to R18 million

Note: Without a thorough assessment of the existing conditions, requirements, and a clear project scope, any time and cost estimates should be approached with caution. Museum-related projects are multidisciplinary in nature, requiring a specialized design approach and equipment. Early cost estimates should therefore be avoided.

The recommended approach is to first conduct a feasibility and assessment study to establish more realistic estimates. At this stage, any provisional timeframes and costs provided are broad estimates based on our experience and are subject to change after the assessment is completed.

Estimated Timeframe:

Preliminary Assessment and Planning Phase: 4 to 6 months

The duration of planning and fitout will depend on the specific improvements needed to address defects and meet preservation and conservation requirements. The entire process could extend to 4 to 6 months, factoring in the time required for procuring materials, shelving, and other necessary components.



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HNSM

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

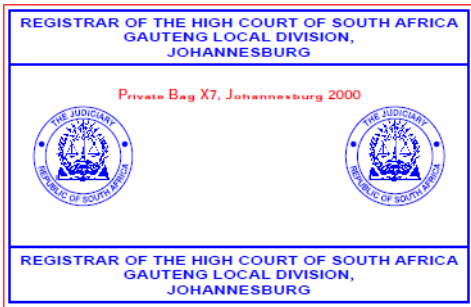
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 11

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:09:11 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

NEWS & FOX PREMIUM

Johannesburg Art Gallery has a history of neglect

Agonising over the ailing of Africa's biggest art gallery

August 03, 2023 at 5:00 am

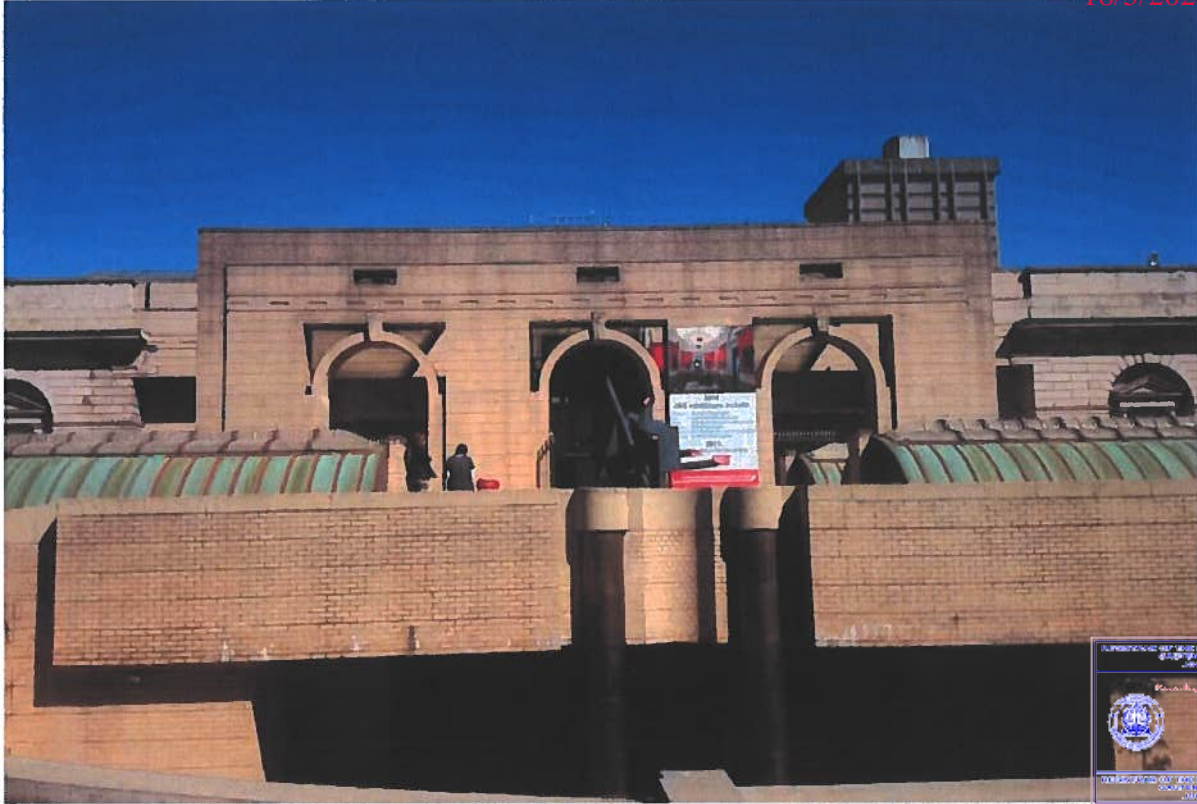
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HENSM



The Johannesburg Art Gallery in Joubert Park. Picture: Tshoko Kabasia

The neglect of the Johannesburg Art Gallery (JAG) is not the first time this “cultural jewel” has suffered such a fate.

The gallery was bequeathed to the city when it was established. After construction began in 1911, it took another four years for the building to be completed because the city council was unwilling to commit enough money to the project. It took the intervention of Florence, Lady Phillips, wife of randlord Lionel Phillips, to finish the job.

Lady Phillips, according to former JAG director Christopher Till, believed there had to be “some semblance of cultural life” among the “bars and bordellos of Joburg”. She sold a diamond ring to buy the first artworks for the gallery, but refused to attend its opening.

Today the JAG is the biggest art gallery in Africa, but it’s in a poor state. One of its treasures, the Brenthurst Collection of rare and valuable Southern African artefacts, has been moved to a safer haven at the Brenthurst Library in Parktown, Joburg. The location of the JAG in one of the most rundown parts of the city, opposite Joubert Park, adds to its precarious status.

The JAG was entrusted to the city of Joburg, but 'that trust has effectively been broken'

— Christopher Till

The JAG was entrusted to the City of Joburg, but “that trust has effectively been broken”, says Till. “The result is what we see now.” He urges a reassertion of the JAG’s founding idea by providing the city’s people “with a cross-section of art and creativity for their edification and enjoyment”.



The gallery has also been the subject of recent politicking, with the DA offering to accommodate its collections in Cape Town, and an academic scorning the idea because the “heritage system in the city and the province is a mess” after a recent court ruling allowing the development of a riverside site despite describing it as having cultural value.

Ciraj Rassool, professor of history at the University of the Western Cape and a museum scholar, has also questioned local commitment to JAG. He asked whether art students at Wits University were making their voices heard. But Steven Sack, a former director of arts & culture in Gauteng, says the Wits art department is active in the life of the JAG.

In the mid-1980s, when Till was director, he approached Harry Oppenheimer and Anglo American to buy the Brenthurst Collection. At the time, the city council had refused to invest in the JAG. Under an ANC local government after 1994, money was committed for the restoration of the building, but the upgrade was poorly managed and the contractors not qualified to do specialist heritage work.

“The problem with the JAG is that it is inappropriately governed,” Rassool says. “It is a cultural jewel that just so happened to come out of the achievements of mining capital and because of that it is associated with the mining wealth of Joburg. But when democracy came and you had a restructuring of government into different tiers and different spheres, the continued governance of the JAG as a municipal museum was completely and thoroughly at odds with the significance of the collection and this museum.”

Sack says that for at least 20 years since 1994 it was well managed. “There was never any likelihood that the JAG would have become a national cultural institution,” he says, but it was more effective than most national institutions.




Rassool says the JAG needs to be governed by a national council; Sack says it has limited tourism appeal because of its location; Till is adamant it should stay as part of Joburg.

The Joburg situation is also happening in other South African cities, says Till. “The Tatham Art Gallery in Pietermaritzburg, which also has a very good collection, is going through the same situation.”

Sack says Khwezi Gule, the chief curator of the JAG, has arranged exhibitions in partnership with Wits University and international partners. “We need to lobby the city to find funds to fix the building. We need to look to 2028 or thereabouts as the date on which the [Brenthurst] collection will be housed again in a restored JAG in Joubert Park, with safe public transport provided to enable public access.”

Sally MacRoberts, the head librarian and library manager at the Brenthurst Library, says the collection of about 800 items needs cleaning and

Joburg's Art Gallery 'can't survive' another season of ruin and rain

 currencynews.co.za/joburgs-art-gallery-cant-survive-another-season-of-ruin-and-rain

Ferial Haffajee

November 18, 2024



New and unseen images of the Johannesburg Art Gallery (JAG) reveal increasing ruin, while irreplaceable artworks, including pieces by South African greats like Irma Stern, may be damaged beyond repair.

The parlous state of the building – and its precious collection – have now been brought to the attention of Joburg mayor Dada Morero, after being served a lawyers' letter, on behalf of the Friends of JAG and the Johannesburg Heritage Foundation (JHF). But he's told Daily Maverick that budgets to repair the gallery will only be allocated next year.

In 2023, Morero – then in charge of city finances – revealed that the city had a R4bn per month operating deficit. While the city has since signed loans with a French development finance institution and the World Bank, its finances have worsened according to monthly municipal public accounts committee reports.

As for the relocation of the JAG's art collection, Morero says the city is "on the verge of signing an agreement with Ditsong [a public museum in Tshwane] that will guide the relocation and storage of the works".





A painting by Sir Philip Burne-Jones (1889), "George Frederic Watts Working on "Physical Energy"" shows water damage and big crack down the middle of the painting. Image supplied

He has not given a date. However, he promised that the city will take a lead "in matters about the restoration of the building", but did not say what this means.

Yet this is unlikely to happen any time soon, given how the city's budget process works. The city has "committed" that there will be a budget "made available for the first phase of restoration work" – but only in the 2025/26 financial year. So, any work is at least a year away.

This may well be too late for much of the art in the building, such is the extent of the damage. "Given the perilous state of the JAG building, the first priority is to get the collection to a place of safety as soon as possible to avoid further damage," said the Friends of JAG and the JHF.

MB ENGM



Visible crack on a painting by Alfred J Munnings, 'Skating at Flatford'. Image supplied

Letter of demand

This is why, in September, the Friends of JAG and the JHF, via law firm Webber Wentzel, served their first letter of demand to the city. Morero then met representatives of the JHF and Friends of JAG, but he has yet to commit to any action.

The images shown here for the first time show what the Friends of JAG calls the "slow destruction" of the art gallery, thanks in part to a succession of botched restoration jobs to the historic Lutyens building in Joubert park. Because inferior roofing was used to replace the original clay roof, the summer rains cause major leaks, which have now turned to damp and black mould. Exhibition halls have turned into makeshift storage spaces. The city's insurers have refused to pay for repairs because they say the space is no longer at museum standards for underwriting.



The Meyer-Pienaar extension of the JAG has been completely bungled. Image supplied

In 2021, the Johannesburg Property Company “renovated” the award-winning Meyer-Pienaar gallery extension. Its copper roofs and vaulted ceilings were removed, and a rough concrete slab was thrown. The image shows what is left of the extension, which was abandoned by the city’s contractors. The JHF says some exhibition halls have been declared unsafe, with building rubble clearly still visible.

The images also show the extent of damage to works by Irma Stern, Edward Burne-Jones, Alfred Munnings and the Old Dutch Master Peter Donckers de Rij. The surfaces of these paintings are cracked; paint runs in others. A signature piece is unsafely wedged next to a stack of photocopy paper. The contemporary star artist Nandipha Mntambo’s work, meanwhile, is suspended over a damaged floor.

“As a gallery, the JAG building is simply not fit for purpose. The roof leaks in several places, entire wings are closed because of damp and mould, exhibition halls are empty and show signs of major water damage. The storage rooms

where the bulk of the collection is kept are also prone to leaks so each time it rains, there is a danger of further damage to the fragile artworks. We have heard of occasions where the gallery staff were called in the middle of the night to come and move paintings from one [room] to another because of water ingress. Clearly, we need to get the collection out of these unsafe conditions as soon as possible – especially since the rainy season is upon us,” said the Friends of JAG and the JHF in written answers to questions.



Visible surface damage on the Old Dutch Master painting by Peter Danckerts de Rij, 'Picture of the Artist's Mother' (1634). Image supplied

At a turning point

The mayor's timelines have been met with disbelief.

“The issues facing JAG have been well known for many years. We are now at a turning point. The collection simply cannot endure another year of damage from water and mould. The city's plan would require extensive delays in order

to allocate budget, issue tenders, select appropriate contractors, etc. We cannot wait another year or two before we see any action. The JAG and its important art collection need to be saved now!"

It's not just the rain, though. The artworks, which are worth hundreds of millions of rand, are precariously stored in a building that is now in the middle of a high-crime area. In art terms, the storage conditions can be compared in health terms to an amputation.



This painting was part of the foundation collection left to the citizens of Johannesburg by Lady Florence Phillips in the custody of the city council. Image supplied

Webber Wentzel's Asmita Thakor says that 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 and the City of Johannesburg's failure to discharge custodial responsibilities over them".

So what *should* happen now?

“Once the collection is secure [in storage at Ditsong], we can undertake a thorough examination of the Lutyens building by qualified heritage professionals in order to draw up a comprehensive scope of work. Then it will be a matter of finding suitable funders, project managers, architects to do the work,” say the Friends of JAG and the JHF.

“In all, the process of properly repairing the JAG building is estimated to take three to five years. Once the building is repaired, the collection can return to Johannesburg,” they said.



The east wing of the JAG, where the 'Curriculum' exhibition is currently on show, shows visible water damage to the parquet floors. Image supplied

This special report on the Johannesburg Art Gallery is a continuing [joint investigation](#) by Currency and the [Daily Maverick](#).



Currency X Daily Maverick

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
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CASE NO: 2026-111053

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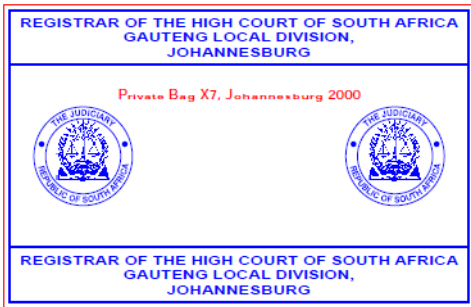
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 12

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:09:21 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

WEBBER WENTZEL

in alliance with > Linklaters

Executive Mayor Dada Morero
City of Johannesburg Metropolitan Municipality
Metropolitan Centre
1st 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

By email: selloenockm@joburg.org.za
deidreh@joburg.org.za



Your reference

Our reference

Date

A Thakor / M Ilesley
4009947

18 October 2024

Dear Mayor Morero

Johannesburg Art Gallery ("the JAG") relocation plan meeting

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") ("our clients").
2. We thank you for making the time to meet with our clients on 16 October 2024. At the meeting the City agreed to a collaborative approach of working with our clients to address the problems facing JAG.
3. We record, that our client's proposal for a steering committee to be elected with the task of establishing a Governance structure to oversee the JAG project due to the complexity and scale of the project, did not find favour with the City. In your view, it was unnecessary to duplicate structures, because, Mr Vuyisile Mshudulu, the Director of Arts, Culture and Heritage at the City of Joburg, had previously worked with our clients and the working relationship between the officials and our client should therefore be "rekindled."
4. In light of the outcome of the meeting, our clients shall proceed to set up a meeting with Mr Mshudulu, who we trust would report back to the office of the Mayor on the progress thereof.
5. It is important that the custodians of the JAG participate in the discussions. We shall accordingly be writing to Mr Mshudulu to invite Mr Kwezi Gule (Chief Director) and the Art Gallery Committee, established under the deed of donation to the meeting.

WW Letter To COJ Mayor Dada Morero18 Oct 2024(21787284.1)

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 Elser AE Esterhuizen K Fazel G Fitzmaurice JB Forman L Franca M Garden OH Geldenhuys MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green JM Harvey JS Henning KR Hillis CM Halfeld 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 Mohanlal 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

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Page 2

Yours faithfully



WEBBER WENTZEL
Asmita Thakor
Partner
Direct tel: +27 11 530 5875
Direct fax: +27 11 530 6875
Email: asmita.thakor@webberwentzel.com



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

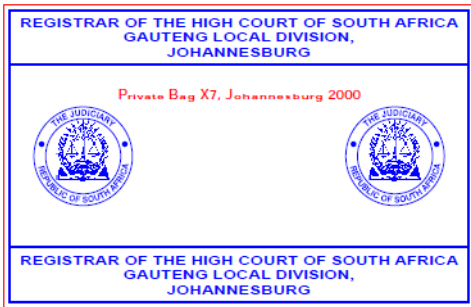
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKOTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 13

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

WEBBER WENTZEL

in alliance with > **Linklaters**

DIRECTOR: ARTS, CULTURE AND HERITAGE

Vuyisile Mshudulu
 City of Johannesburg Metropolitan Municipality
 Metropolitan Centre
 Department: Community Development
 1st Floor Council Chamber Wing
 158 Civic Boulevard
 Braamfontein
 Johannesburg
 2000

90 Rivonia Road, Sandton
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 Docex 26 Johannesburg
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 F +27 (0) 11 530 5111
www.webberwentzel.com

By email: vuyisilemsh@joburg.org.za



Your reference

Our reference

Date

A Thakor / M Iisley / S Tihale
 4009947

24 October 2024

Dear Mr Mshudulu

RE: Request for a meeting to discuss a plan to relocate the art collection of the Johannesburg Art Gallery ("the JAG")

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") (collectively, "our clients").
2. We refer to the meeting with the Executive Mayor and other officials of the City of Johannesburg ("the City") held on 16 October 2024; and our consequent letter of 18 October 2024 to the Executive Mayor, which was copied to you.
3. At the meeting with the Mayor, the parties agreed to a collaborative approach. The Mayor directed that our clients meet with you to map the way forward and that you provide regular reports on the progress of the meetings to him.
4. Accordingly, we hereby seek a virtual meeting with you to discuss the plan drafted by our client titled "Proposed Interim Plan to Remove the JAG Art Collection to a Place of Safety and the Long-Term Plan for the Sustainability of the JAG Institution". This draft plan was circulated to you through the Office of Mayor.
5. Our request for collaboration stems from the significance of this art collection, which holds immense value not only to the City of Johannesburg but also to the people of South Africa, as parts of the collection form part of the National Estate. We would welcome your input on our clients' draft relocation plan and kindly request that you share the City's relocation plan with us ahead of our meeting. During the meeting with the Mayor, he was adamant about

2024 10 23 WW To Vuyisile Mshudulu(21804488.1)

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 Hofeld 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 Mohanlal 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 Plenaar MP Pool DJ Rafferty D Ramjattan 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 Warrington J Watson AWR Westwood RH Wilson KD Wolmarans

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Page 2

the City having its own plan for relocation of the artworks. Our clients would be pleased to review this plan, as exchanging plans will facilitate constructive discussions on how the strengths of both approaches can be integrated into a unified and comprehensive relocation strategy.

6. Our clients are of the view that a constructive discussion on the relocation of the artworks can only take place if the role players with substantive insight into the collection participate in the discussions. Therefore, it is imperative for the following people to be present at the meeting:

- 6.1 members of the Art Gallery Committee;
- 6.2 Kwezi Gule, the Chief Curator of the JAG;
- 6.3 the Anglo-American Centenary Trust;
- 6.4 the City's Acting Head of Legal; and
- 6.5 the legal representatives of JHF and FoJAG.



7. Please advise on your availability on any of the following dates to attend the meeting:

- 7.1 28 October 2024;
- 7.2 29 October 2024; or
- 7.3 30 October 2024.

8. We shall circulate a Microsoft Teams link together with an agenda ahead of the meeting, once you confirm your availability with us. Please confirm the date without delay.

9. We look forward to your response.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Direct fax: +27 11 530 6875

Email: asmita.thakor@webberwentzel.com

Letter sent electronically. Physical signed version to be provided on request.

CC:

HEAD OF GROUP LEGAL AND CONTRACTS FOR THE CITY OF JOHANNESBURG

Mr Mbulelo Rada

By email: MbuleloR@joburg.org.za

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

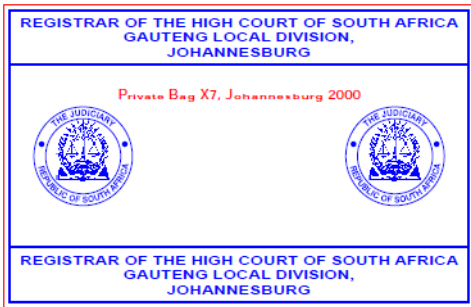
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 14

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:09:41 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

Matthew Ilsley

From: Matthew Ilsley
Sent: Wednesday, November 20, 2024 10:17 PM
To: Gaylard Joseph; Asmita Thakor; melissagoba15@gmail.com; moiloa.molemo@gmail.com; nontobeko.ntombela@wits.ac.za; sidogip@tut.ac.za; PhilippaV@joburg.org.za; Joseph Gaylard
Cc: Eben Keun; david@joburgheritage.org.za; brian@briankent.joburg; Siphon Tlhaole; KHWEZI GULE; Vuyisile Mshudulu
Subject: RE: Request for a meeting with the members of the Joburg Art Gallery Committee [WW-WS_JHB.FID2805892]
Attachments: 2024 10 14 Relocation plan(21765681.1).pdf

Dear Mr Gaylard,

I hope you are well. By way of introduction, my name is Matthew Ilsley and I report to Asmita Thakor at Webber Wentzel.



Thank you for your positive response to Asmita's email. Our clients welcome the opportunity to meet with members of the Joburg Art Gallery Committee late next week.

You have raised a pertinent point in relation to what resources and which partners are available to execute our clients' plan. As a start, our clients negotiated with Ditsong Museum to store the artworks at no cost, for at least a five-year period. We refer you to the Proposed Relocation Plan (attached) in which we discuss the other donors our clients have rallied and the resources they are willing to contribute (such as discounts from Memorist, skills transfer opportunities from the French and Dutch embassies and support from Anglo American Centenary Trust). More donors have expressed an interest to save JAG with the heightened media publicity this week.

Our clients' potential donors require an inventory of the art collection of JAG. The inventory is critical to help them work out the costing for purposes of the work which includes the relocation and digitalisation of the art collection. In your capacity as chair of the Art Gallery Committee and custodian, we are of the view that you ought to possess an inventory of all the art works under your control.

Our clients hereby request you to share the inventory of the artworks for the sole purpose of enabling our potential donors (primarily Memorist) to complete the costings. Once the costings are done it will open the way for our clients to obtain written commitments from the potential donors.

I might state upfront that our clients' potential donors are not eager to work directly with the City due its poor track record, complicated bureaucracy, and lack of transparency. As such, they have expressed a preference to work through a reputable third party that can initiate the project quickly and manage the process more effectively.

It is foreseeable that more than one donor could be relied upon to finance different stages of the project.

Your email states that you share our clients' concerns about urgency, which we read to mean the need to relocate the artworks to a place of safety. With the inventory in hand, all the parties interested in saving JAG can work together faster and collaboratively.

Our clients shall await your prompt response.

Kind regards

Matthew Ilsley | Associate | Webber Wentzel

T:+27115305013 | matthew.ilsley@webberwentzel.com | www.webberwentzel.com

From: Gaylard Joseph <jgaylard@prohelvetia.org.za>

Sent: 18 November 2024 20:17

To: Asmita Thakor <asmita.thakor@webberwentzel.com>; melissagoba15@gmail.com; moiloa.molemo@gmail.com; nontobeko.ntombela@wits.ac.za; sidogip@tut.ac.za; PhilippaV@joburg.org.za; Joseph Gaylard <coelacanth@iafrica.com>

Cc: Eben Keun <eben@breinstorm.co.za>; david@joburgheritage.org.za; brian@briankent.joburg; Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Siphon Tlhaole <Siphon.Tlhaole@webberwentzel.com>; KHWEZI GULE <KhweziG@joburg.org.za>; Vuyisile Mshudulu <VuyisileMsh@joburg.org.za>

Subject: RE: Request for a meeting with the members of the Joburg Art Gallery Committee

Dear Asmita Thakor

Thank you for your mail requesting a meeting between the Art Gallery Committee and your clients.

The AGC has followed closely and with concern the ongoing exchanges between your clients and the City since your correspondence of the 28th of August, and has given careful consideration to the documents presented both there and in the context of your meeting with the Mayor and officials of the CoJ on the 16th of October. We share your client's sense of urgency regarding the current position of the collection and remain committed - within both the powers and limits of our mandate - to playing a constructive role in supporting a cooperative way forward the collection and the institution more generally.



In order to engage in a consequential and properly informed encounter with your clients, it would be useful to first understand more clearly the resources and partners that your clients have asserted they have in place for the implementation of the relocation project. In the documentation that we have been provided with (from August 28 and October 14), there is significant and useful detail about how the relocation project could unfold, but there is a notable lack of clarity as to how this complex and multi-dimensional process would be resourced, a concern that we have raised with both the City and the Johannesburg Centenary Trust.

We would be grateful if more detail – ideally in the form of clear written commitments from the relevant funding partners and more detail regarding the capacities of the proposed implementing partners – could be shared with the committee. Such information would provide us with a firmer ground from which to both engage with your clients and properly prosecute our advisory role in relation to the City, as well as our power of approval/consent in relation to any matter concerning the acquisition, or loan or removal/movement of work in and out of the collection, and in and out of the actual gallery building.

We are also simultaneously awaiting feedback from the City both on the recently convened meeting with your clients and on deliberations internal to the AGC, and once we have clear information and feedback from both parties on their respective understandings and commitments, we would then be better positioned to respond to your request for a meeting, ideally in the second half of the week of the 25th of November.

I also transition the exchange across to my personal email address (coelacanth@iafrica.com) as I move on from the Arts Council at the end of this year.

regards

Joseph Gaylard

|||||

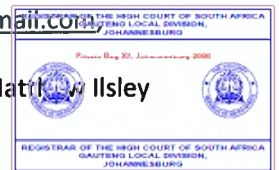
Joseph Gaylard
Head: Pro Helvetia Johannesburg

Mobile/WhatsApp: +27 82 598 4107
MS Teams +41 44 267 76 18
jgaylard@prohelvetia.org

Pro Helvetia Johannesburg
Swiss Arts Council
P O Box 31532 | Braamfontein 2017
Johannesburg | South Africa
prohelvetia.ch

Follow us on Instagram [@prohelvetia_johannesburg](https://www.instagram.com/prohelvetia_johannesburg)

From: Asmita Thakor <asmita.thakor@webberwentzel.com>
Sent: Thursday, 14 November 2024 18:44
To: Gaylard Joseph <jgaylard@prohelvetia.org.za>; melissagoba15@gmail.com; moiloa.molemo@gmail.com; nontobeko.ntombela@wits.ac.za; sidogip@tut.ac.za; PhilippaV@joburg.org.za
Cc: Eben Keun <eben@breinstorm.co.za>; david@joburgheritage.org.za; brian@briankent.joburg; Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Sipho Tlhaole <Sipho.Tlhaole@webberwentzel.com>
Subject: Request for a meeting with the members of the Joburg Art Gallery Committee



Dear Acting Chairperson Mr. Gaylard and Members of the Johannesburg Art Gallery Committee,

We represent the Johannesburg Heritage Foundation and the Friends of the Johannesburg Art Gallery.

Today, we had a meeting with Mr Vuyisile Mshudulu, who reported that he and the City have engaged extensively with you regarding the impending relocation of the JAG collection. We requested Mr Mshudulu to include you in the meeting and would have greatly valued your input as well. Our clients are eager to engage directly with the Committee on matters concerning the JAG's collection and would appreciate the opportunity for a virtual meeting with you.

Our clients respectfully request a virtual engagement with you to discuss matters concerning the JAG's collection. We propose holding this meeting on one of the following dates and times:

- Friday, 22 November at 14:00
- Monday, 25 November at 11:00 or 14:00.

Please let us know which of these times would be convenient for you, or suggest an alternative if necessary.

We look forward to your response.

Kind regards,

Asmita Thakor | Partner | Webber Wentzel
T:+27115305875 | M:+27824592327 | asmita.thakor@webberwentzel.com | www.webberwentzel.com



South Africa Law Firm of the Year – Chambers Africa Awards 2024
South Africa Law Firm of the Year – IFLR Africa Awards 2024
Chambers Global 2024 – the most individual & band one practice rankings in South Africa for the last decade

Our purpose is to have a transformative and sustainable impact through our work and actions. One way in which we achieve this is through our **Pro Bono** and **CSI** initiatives.

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CAUTION: Prior to making any payment to us, please ensure you verify our banking details directly with your designated Webber Wentzel contact. We will not be responsible for payments made to incorrect accounts.



A handwritten signature in black ink, appearing to read 'M. B. ENSM'.

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

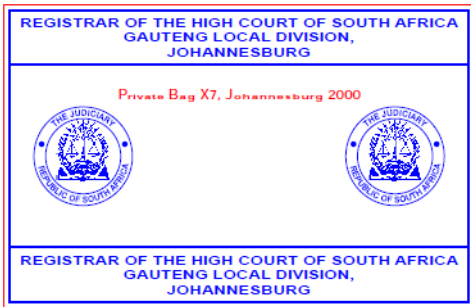
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKOTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 15

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:09:51 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**



a world class African city

11th Floor A Block
Metropolitan Centre
158 Civic Boulevard
Braamfontein

PO Box 1049
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South Africa
2000

Tel +27(0) 11 407 7354

www.joburg.org.za

**MEDIA RELEASE
FOR IMMEDIATE RELEASE
20 November 2024**

MEDIA STATEMENT BY THE CITY OF JOHANNESBURG ON THE VARIOUS MISLEADING MEDIA REPORTS ON THE JOHANNESBURG ART GALLERY

The Executive Mayor of the City of Johannesburg has expressed serious concern regarding the misleading media reports circulating about the Johannesburg Art Gallery (JAG) and the current state of both the building and its art collection. In the interest of clear communication and transparency, the City would like to provide factual information regarding the restoration efforts and the management of the collection.



Background on the Johannesburg Art Gallery

The JAG is an architectural complex comprising three interconnected buildings: the Lutyens Building (completed in 1917), the Howden building (completed in 1943), and the Meyer Pienaar building (completed in 1987). Over the years, the JAG's art collection has grown significantly, necessitating expansions to accommodate the increasing volume. Historical infrastructure challenges have characterised the JAG's existence, particularly in the Meyer Pienaar section, which has faced longstanding issues since its establishment. It is important to note that the Lutyens and Howden buildings remain fully operational and continue to host various exhibitions for the public.

Current Restoration Efforts

In light of the ongoing infrastructure challenges, the City has prioritised restoration efforts to address the most pressing needs of the JAG. This includes redesigning the roof of the Meyer Pienaar section to mitigate recurring leaks — a project that had to be paused due to the Covid-19 pandemic. A comprehensive professional assessment has outlined the extent of work needed, with a multi-phase restoration plan in place, beginning with critical waterproofing and roof repairs. The City acknowledges the fiscal constraints that arose post-Covid, which interrupted the progress of restoration initiatives. However, resources are now being allocated for the next phase of this significant work. The City is also actively engaging with key partners to enhance support for the restoration endeavours.

Management of the JAG Collection

Regarding the JAG collection, the City undertook an extensive search for appropriate storage that meets specialised museum standards, ensuring the safety and

preservation of the artworks. There have been no new instances of water damage to the collection since the recent roof redesign efforts. The City has allocated a budget for the restoration of artworks previously affected by water damage, with a procurement process underway set to culminate in a bid advertisement by the end of November 2024.

Furthermore, the City ensures compliance with all statutory requirements in the management of both the restoration efforts and the collection relocation. There seems to be a sinister motive to create an impression that the City does not hold legal custodianship of state assets it holds on to behalf of the residents of Johannesburg. The legal custodianship of the JAG collection and building remains firmly with the City of Johannesburg, which actively works on behalf of its residents. Any claims suggesting otherwise are misleading and factually unfounded.

Stakeholder Engagement and Commitment to Transparency

To promote transparency, the City has maintained open lines of communication with stakeholders, providing regular updates on the relocation and restoration processes. While the City is committed to engaging all stakeholders, it has observed that misinformation has emerged from certain sources, potentially undermining the vital work underway. Despite these challenges, the City appreciates the collaboration of stakeholders who have engaged with integrity and goodwill. Recognising the JAG as a crucial cultural institution, the City commits to enhancing budgetary support in future cycles to further facilitate the restoration of both the collection and the building.



END

Issued by the City of Joburg

For enquiries, kindly send email to mediaqueries@joburg.org.za

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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

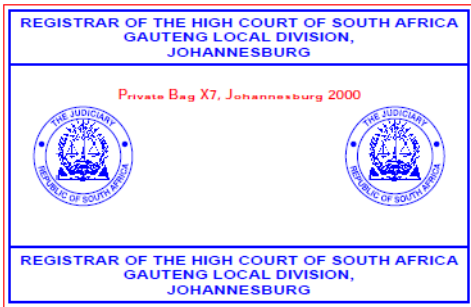
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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Local Division,Johannesburg**

WEBBER WENTZEL

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South African Museums Association
Dr Bongani Ndhlovu / Ms Aisha Mayekiso / Ms Talita Fourie

ABSA Art Gallery
Dr Paul Bayliss

The Campaign for Free Expression
Mr Anton Harber / Mr Ismail Mahomed / Adv. Carol Steinberg

Jozi My Jozi
Ms Bea Swanepoel

Occupying the Art Gallery
Ms Mary Sibande / Mr Lawrence Lemaoana

Joburg Art Gallery Committee
Mr Joseph Gaylard / Ms Melissa Goba / Ms Molemo Moiloa / Ms Nontobeko Ntombela / Prof Pfunzo Sidogi / Ms Philippa van Straaten

Ditsong Museums
Dr Moleboheng Mohapi / Mr Nkosinathi Hlophe / Ms Tersia Peregil

South African Heritage Resources Agency
Ms Mamakomoreng Nkhasi-Lesaona / Adv Lungisa Malgas

Anglo American Johannesburg Centenary Trust
Mr Michael Murray / Ms Joanna Stanley

Department of Sports, Arts and Culture
Mr Vusi Ndima / Rre Kgomotso Mokgethi / Ms Thembi Malao / Ms Alicia Monis

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Your reference	Our reference	Date
	A Thakor / M Ilsley / J Venter / S Tlhaole 4009947	26 November 2024

Dear All,

RE: Johannesburg Art Gallery (JAG) – Invitation to collaborate on preservation and restoration efforts

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") ("our clients").
2. Our clients hereby reach out to you to become involved in a collaborative and urgent effort to safeguard one of South Africa's most important cultural and artistic institutions. Despite repeated attempts to engage the City of Johannesburg, the urgent need for intervention has

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 Elser 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 Mohanlal 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 Tlhavani 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 Warrington J Watson AWR Westwood RH Wilson KD Wolmarans

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been ignored. The City's officials have rejected all attempts for collaboration between our clients, the private sector, and the City. This neglectful approach is not in the interests of JHF and places the invaluable JAG collection – and its historical, cultural and economic significance to both Johannesburg and South Africa – at grave risk.

3. This meeting is being convened on an **urgent basis** given recent media reports describing the current poor conditions under which the JAG collection is stored and the incapacity of the City to exercise effective oversight over this priceless collection.

Engagements with the City of Joburg to Date

4. Our clients have made sustained efforts to engage the City in a reasonable and cooperative manner, and have offered their assistance and solutions to remedy the JAG's decay, all of which have been rebuffed.
5. On 28 August 2024, our clients initiated a process to compel the City of Johannesburg to take urgent steps to preserve the invaluable artworks housed at the JAG. As part of this initiative, our clients presented the City with a comprehensive plan, which included:
 - 5.1 an interim solution to relocate the artworks to protect them immediately; and
 - 5.2 a long-term proposal for the restoration of JAG.
6. On 16 October 2024, our clients met with the Mayor to discuss the state of the JAG and his obligations under the Deed of Donation governing the JAG and its collection. It was agreed that all parties would collaborate to preserve the collection.
7. On 14 November 2024, a further meeting was held with Mr Vuyisile Mshudulu, Director: Arts, Culture and Heritage for the City. During this meeting, the City's legal adviser clarified that Mr Mshudulu had been delegated oversight responsibilities for JAG by the Mayor due to the importance of this project.
8. During the meeting, Mr Mshudulu delivered a presentation summarising the City's approach to addressing the challenges facing JAG, which we outline below.

**Summary of the City's Plan to Save JAG and the Artworks**

9. Mr Mshudulu stated in a Power FM interview and in our meeting with the Mayor that the City has a plan of its own to address the problems at JAG. Despite repeated requests to him to share the plan, he continues to refuse to do so.
10. At the meeting of 14 November 2024, Mr Mshudulu alluded to the City's plan for JAG. The salient points drawn from his presentation are that:
 - 10.1 the City claims it cannot share its plan due to constraints imposed by its supply chain management policies, promising disclosure only upon the publication of tender terms of reference;
 - 10.2 the relocation of the artworks is contingent on funding availability, with submissions pending before the adjustment budget committee;
 - 10.3 the City may appoint a project management company to handle relocation, logistics, and digitization;

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- 10.4 not all artworks will be relocated due to limited space at the Ditsong Museum; and
- 10.5 the JAG will remain open during the relocation, as a council resolution is required for temporary closure.
11. Despite these discussions, the City has provided no clear timeline or guarantees as to its next steps, save for Mr Mshudulu noting the following timelines in his presentation:
- 11.1 30 November 2024: submissions will be made to the City's Budget Steering Committee motivating for the allocation of funds to JAG;
- 11.2 31 January 2025: outcome of the budget adjustment process will be announced; and
- 11.3 30 July 2025: further budget allocation will be requested for the 2025/26 financial year.
12. On the subject of collaboration, Mr Mshudulu emphasised the need to maintain "parameters to the relationship," asserting that the City's role would be confined to providing progress updates rather than actively participating in joint planning or idea-sharing with our clients. Furthermore, he declined to commit to the timelines referenced above, characterising them as aspirational targets rather than firm deadlines, thereby casting doubt on the City's ability—or willingness—to adhere to these proposed timeframes.

**Concerns with the City's Lack of Urgency**

13. Upon review of the City's progress report, our clients are deeply concerned about:
- 13.1 the City's refusal to share its relocation plan, which suggests that no detailed, actionable strategy currently exists;
- 13.2 the City's outright dismissal of our clients' request for JAG collections inventory, which undermines the constitutional values of transparency and accountability; and
- 13.3 Mr Mshudulu's vague plans and prolonged timelines, which indicate a lack of appreciation for the urgency of the situation, given the perilous state of the collection.
14. Our clients are particularly troubled by the City's dismissive attitude toward the specialised skills necessary for the safe relocation of the artworks. This attitude not only undermines the public's right to access and engage with the cultural heritage preserved at the JAG but also reflects a troubling disregard for the City and the Mayor's fiduciary responsibilities under the Deed of Donation.
15. Despite these challenges, our clients have made significant efforts to collaborate with the City. They have even secured a private donor willing to fund parts of the relocation process, particularly the temporary housing of artworks at the Ditsong Museum. Unfortunately, the City has refused to engage meaningfully with our clients' proposal and continue to refuse to integrate our clients' views into their plans.

Invitation to Collaborate

16. Given the urgency of the situation and your organisation's expertise in art and heritage preservation, we invite you to participate in a discussion on the future of JAG that will take place on Microsoft Teams on **Saturday, 30 November 2024 from 10h00 – 12h00**. This discussion will explore potential solutions to preserve and restore the JAG collection,

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Page 4

leveraging your knowledge of the legislative framework governing artworks. The meeting will be facilitated by David Fleminger of the Johannesburg Heritage Foundation.

17. Please confirm your availability by **12h00 on Friday, 29 November 2024** so that we can ensure you receive a meeting link to join the discussion.
18. We look forward to your response and hope to work together to safeguard this cultural treasure.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Direct fax: +27 11 530 6875

Email: asmita.thakor@webberwentzel.com



Letter sent electronically. Physical signed version to be provide upon request.

A handwritten signature in black ink, appearing to be 'Asmita Thakor', with the letters 'S' and 'M' being particularly prominent and stylized.

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Page 5

Annexure A: Addressees**South African Museums Association**Dr Bongani Ndhlovu - bndhlovu@iziko.org.zaMs Talita Fourie - Talita.Fourie@postoffice.co.zaMs Aisha Mayekiso - amayekiso@iziko.org.za**ABSA Art Gallery**Dr Paul Bayliss - paul.bayliss@absa.africa**The Campaign for Free Expression**Mr Anton Harber - anton@harber.co.zaMr Ismail Mahomed - MahomedI@ukzn.ac.zaAdv. Carol Steinberg - carol@csteinberg.co.za**Jozi My Jozi**Ms Bea Swanepoel - bea@jozimyjozi.com**Joburg Art Gallery Committee**Mr Joseph Gaylard - jgaylard@prohelvetia.org.za / coelacanth@iafrica.comMs Melissa Goba - melissagoba15@gmail.comMs Molemo Moiloa - moiloa.molemo@gmail.comMs Nontobeko Ntombela - nontobeko.ntombela@wits.ac.zaProf Pfunzo Sidogi - sidogip@tut.ac.zaMs Philippa van Straaten - PhilippaV@joburg.org.za**Ditsong Museums**Dr Moleboheng Mohapi - Mohapi@ditsong.org.zaMr Nkosinathi Hlophe (c/o Ms Phindile Ntane) - Phindile@ditsong.org.zaMs Tersia Peregil - Tersia@ditsong.org.za**Occupying the Art Gallery**Ms Mary Sibande - mary.sibande@gmail.comMr Lawrence Lemaona - Lawrence.lemoana@gmail.com**South African Heritage Resources Agency**Ms Mamakomoren Nkhasi-Lesaona - mnkhasi@sahra.org.zaAdv Lungisa Malgas - lmalgas@sahra.org.za**Anglo American Centenary Trust**Mr Michael Murray - michael.murray@bowmanslaw.comMs Joanna Stanley - joannastanley2@gmail.com**Department of Sports, Arts and Culture**Mr Vusi Ndima - vusithemban@dsac.gov.zaRre Kgomotso Mokgethi - kgomotso@dsac.gov.zaMs Thembi Malao - thembi@dsac.gov.zaMs Alicia Monis - aliciam@dsac.gov.za

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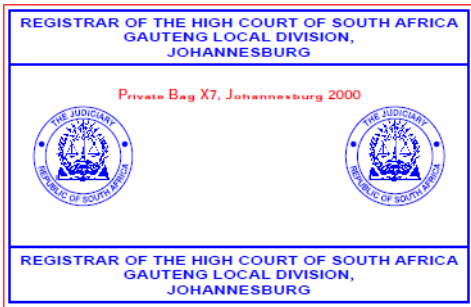
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SIDOGI NO**

Defendant / Respondent

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

Public Statement: Current situation regarding the state of the Johannesburg Art Gallery collection and infrastructure

6.12.2024

The Art Gallery Committee (AGC) of the Johannesburg Art Gallery (JAG) is a structure established by virtue of the 1913 Deed of Donation through which the original collection of the Gallery was bequeathed to the City of Johannesburg. The Deed makes clear that the Municipal Council/City of Johannesburg is responsible for the management and care of the JAG collection, and that the AGC has an oversight role in the exercise of that duty, which, among other things, specifies that the advice and consent of the AGC is required on matters related to the acquisition, loan or removal of work from the collection. The review and updating of the mandate and composition of the AGC is a matter of ongoing dialogue with the city administration, in ways that would take into account the implications of the passage of time and changes in administrative context and practice. We nevertheless take seriously the essential responsibilities and duties conferred by the original Deed of Donation.

The AGC takes note of communication from the Friends of JAG and the Johannesburg Heritage Foundation regarding the state of maintenance of the JAG collection and infrastructure, and the subsequent ventilation of these issues in the media.



The need to both digitise and relocate the collection has been under consideration by the AGC since at least 2016 in the context of the deteriorated state of the JAG infrastructure, inadequately realised repairs to this infrastructure, and the consequent suspension of acquisitions on the part of the Anglo-American Centenary Trust (AAJCT). Under this general advice, the City has explored various possibilities for alternative housing for the collection, and the AAJCT has expressed in principle commitment to contributing resources to this complex and demanding project. In dialogue with the Friends of JAG, the City has earmarked the Old Mint building (which forms part of Ditsong Museums) as a temporary host for the collection, opening the way for the refurbishment of the JAG building.

Over the past two years, the AGC has provided advisory support to the staff of the Johannesburg Art Gallery in devising an approach and required administrative framework for the relocation of the collection. This work has included advice in the drafting of terms of reference and memorandums required for the successful implementation of the relocation, and the facilitation of potential partnerships. This process has not been without its challenges, but has moved ahead to identify the most viable strategies to protect the collection within both resource constraints and the demanding administrative framework of municipal finance and systems, and in the best interests of the collection and the Gallery more broadly. We believe that there is now a viable framework in place for the City to deliver on the immediate priority of digitisation and relocation of the collection, working together with the Jozi my Jozi initiative, a well-placed consortium of private sector partners invested in the revitalisation of the inner city. We look forward to this cooperative framework providing a basis for the larger project of the refurbishment of the JAG building and the general repositioning of the institution.

We believe that the many valid concerns that have been raised by the Friends of the Johannesburg Art Gallery and the Johannesburg Heritage Foundation regarding the state of the gallery and the collection can now be addressed through a credible and coherent framework of public-private partnership and cooperation, through which their (and other) contributions and those of the AAJCT can also be constructively channelled.

We furthermore believe there should be public transparency on all matters related to the collection (loans, acquisitions, and so on) and encourage the City to make this information available to interested/concerned parties, where this is not in conflict with the duty of care to artworks and safety and security considerations.

We encourage the City's steps to partner with stakeholders to enable the process of relocation, and we will continue to support a framework of constructive accountability for the Johannesburg Art Gallery, and impel the City to fulfil its responsibilities to the institution and the collection.

The members of the Art Gallery Committee of the Johannesburg Art Gallery

Joseph Gaylard (acting chairperson)

Melissa Goba

Molemo Moiloa

Nontobeko Ntombela

Pfunzo Sidogi



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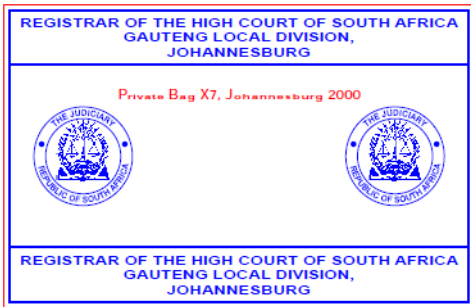
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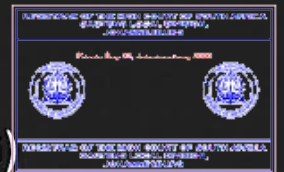
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SOUTH AFRICAN HERITAGE RESOURCES AGENCY

CONCERNING STATE OF THE JOHANNESBURG ART GALLERY (JAG) BUILDING, AND POOR CONSERVATION OF THE ART COLLECTION



DATE: 20 NOVEMBER 2024

Handwritten signature/initials and the text 'SANSIM'.



Our Ref:

Enquiries: Leomile Mofutsanyana

Contact No: 021 202 8673

Email: lmofutsanyana@sahra.org.za

20 November 2024

The Chief Curator
Johannesburg Art Gallery
Cnr Klien and King George Str
Joubert Park 2001

In Copy: Mr S. Maja: Chief Director of Arts, Culture and Heritage in City of Johannesburg
Mr V. Mshudulu: Director Arts, Culture and Heritage, City of Johannesburg
Ms T. Molokomme: Coordinator of Gauteng Provincial Heritage Resources Authority



Dear Dr Gule,

**RE: CONCERNING STATE OF THE JOHANNESBURG ART GALLEY AND
CONSERVATION OF THE ART COLLECTION**

1. The above subject matter refers, and the articles published by Currency and Daily Maverick on the 18 November 2024 titled *Joburg's Art Gallery 'can't survive' another season of ruin and rain*, as well as a part-two published by Daily Maverick on the same date titled "*How inaction, corruption and theft in the City of Joburg are destroying Africa's most valuable art collection.*"
2. The South African Heritage Resources Agency (SAHRA), the national legislative body responsible for the protection of heritage resources in South Africa, is greatly concerned over the persistence, and degree of progression, of the issues claimed in the abovementioned articles. It is not the first time that there has been public outcry over the dilapidating state of the Johannesburg Art Gallery (JAG) building and subsequent threats to the renowned art collection, nor is it the first time that SAHRA has expressed discontentment and ventured to engage JAG on these issues.
3. Principally concerning in the articles is:
 - (a) Negligence in managing the conservation of the building as per best practise.
 - (b) The conservation risk, damage and negligent of the art collection.
 - (c) Proposed relocation and storage of the art collection



4. Section 9 of the National Heritage Resources Act, No.25 of 1999 (the NHRA), and its associated regulations, instructs all state and state-owned entities with the responsibility to safeguard all heritage resources in their custody. According to section 9 (3) (a) to (f) custodians must:

- (i) Maintain and conserve all heritage resources in accordance to standard practise and procedure
- (ii) Prepare management plans for specified resources
- (iii) Report maintenance and development of heritage resources to heritage authorities
- (iv) Not take any adverse action that affects a resource without comment from the heritage authority.
- (v) Inform the heritage authority timeously (at least 90 days or initiation process) before any adverse action on a heritage resource is taken. The adverse action includes sale, destruction, export, loan and relocation of the heritage resource.
- (vi) Failure to adhere to the outlined directives constitutes a contravention of the NHRA as per section 51 (5) & (6).
- (vii) A guilty offence in terms of section 51 (5) and (6) may be convicted thus liable to maximum penalties in a form of a fine or imprisonment.



5. You are further reminded that the JAG building is a declared Provincial Heritage Site, and therefore, per section 27(20) of the NHRA the duty of care prescribed to Johannesburg Art Gallery and the City of Johannesburg extends to both the structure and the significant collection housed therein.

6. Please acknowledge receipt of this letter and provide SAHRA with a response on the concerns raised within seven (7) days hereof and by close of business 27th of November 2024. This response must fully address all areas of concern, inclusive of a timebound programme of action towards rectification. Should SAHRA not receive a response by the stipulated dates, SAHRA shall proceed with further action in line with section 51 of the NHRA.

7. SAHRA will visit the Johannesburg Art Gallery in the coming new week to conduct a walk-through assessment of the state of the building and collection. The date will be communicated in due course.



SOUTH AFRICAN
HERITAGE
RESOURCES
AGENCY

AN AGENCY OF THE DEPARTMENT OF SPORTS, ARTS AND CULTURE



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111 Harrington Street
Cape Town

- 8. The safeguarding and protection of heritage resources is expected to be a primary function of heritage institutions such as JAG. We trust in your cooperation and urgent attention to this correspondence.

Yours faithfully,

**Chief Executive Officer
Adv L. Malgas**



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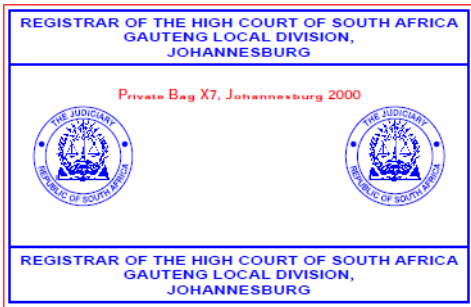
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SOUTH AFRICAN HERITAGE RESOURCES AGENCY

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

REPORT: SITE ASSESSMENT OF JOHANNESBURG ART GALLERY (JAG), JOHANNESBURG CBD, GAUTENG

DATE: 2 DECEMBER 2024

TIME: 10AM – 13PM





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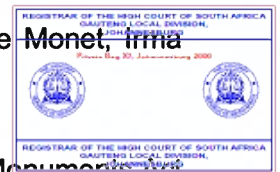


1. PURPOSE

- 1.1. The purpose of the site visit was to view the state of conservation of the heritage resources at the Johannesburg Art Gallery (JAG) in response to the recent media outcry about the poor management of the establishment and its contents.

2. BACKGROUND

- 2.1. The JAG houses some of South Africa's most prized and significant art. The first collection was established in the early 20th century. In the 1940s the gallery cast a wider net of inclusion where artworks by artists such as Gerard Sekoto were sourced. Today, the art collection has representations of important historical, contemporary and traditional South African art. It includes artworks by artist such as Auguste Robin, Pablo Piscasso, Claude Monet, Irma Stern, Alexis Prellar and Pierneef.



- 2.2. In 1993, the building was declared a National Monument under the National Monuments Act (no 28 of 1969). With the promulgation of the National Heritage Resources Act (NHRA) no 25 of 1999, this saw the building receive grade II or Provincial Heritage Site (PHS) status. and is currently under the jurisdiction of the Provincial Heritage Resources Authority Gauteng (PHRA-G).
- 2.3. South African Heritage Resources Agency (SAHRA) has jurisdiction over all sites with a Grade I or National Heritage Sites (NHS) status and heritage objects and collection as outlined in section 3 (1) and section 32 (1) of the National Heritage Resources Act, no, 25 of 1999.
- 2.4. On the 18th of November 2024 Currency and Daily Maverick respectively published articles on the poor state of the JAG building and vulnerable condition of the art collection. The articles claimed that the situation at the JAG was due to poor management. The claims alluded to negligence in the conservation of the building, the risk of damage and deterioration to the art collection as well as possible relocation of the art collection.
- 2.5. Gravely concerned over these claims, SAHRA on the 20th of November 2024 wrote to the managing authority of JAG, City of Johannesburg (CoJ), requesting a response on the claims in the media and to schedule an assessment of the building and collection.
- 2.6. It was not for the first time that there was an outcry over the concerning state of the JAG. In 2022 the SAHRA was alerted to the potential adverse impacts of the dilapidating state of the

building to the contents of building. SAHRA at the time ventured to engage JAG on these concerns.

- 2.7. Section 9 of the NHRA, and its associated regulations, instructs all state and state-owned entities with the responsibility to safeguard all heritage resources in their custody.
- 2.8. Additionally, the JAG building is a declared PHS, and therefore, per section 27 (20) of the NHRA the duty of care prescribed to JAG, and the City of Johannesburg extends to both the structure and the significant collection housed therein.
- 2.9. The letter was shared with PHRA-G to inform the heritage authority of SAHRA's intention to visit the site for an assessment, particularly as it relates to the renowned art collection.
- 2.10. CoJ and PHRA-G acknowledged receipt of the letter on the 25th of November 2024 at which point SAHRA proposed a date for the site visit.
- 2.11. The site visit and meeting scheduled for Monday the 2nd of December 2024.



3. WALK-THROUGH ASSESSMENT

- 3.1. The delegation met promptly at 10am to initiate a site walk-about to orientate colleagues on the layout of the JAG. From the South Entrance at Joubert Park the delegation made their way to exhibition hall nine, where a sit-down meeting would take place (figure 1).

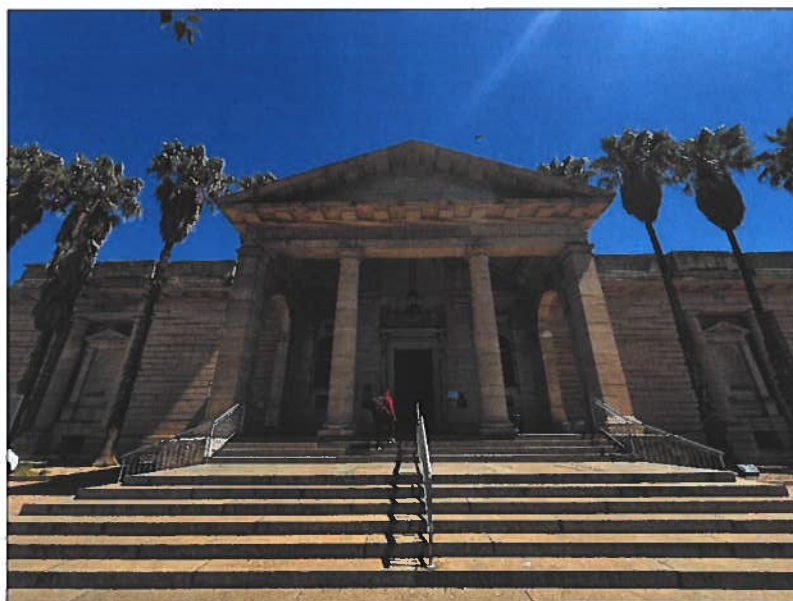


Figure 1: The Johannesburg Art Gallery, South Entrance.

3.2. In the site walk-about the delegation was taken to seven stores, namely Maritz, Main, Print, Furniture, Traditional, East and West stores. Here the delegation inspected the general condition of the building, including but not limited to damp, ventilation, maintenance, access and overall management of the building.

3.1. CONDITION OF THE STRUCTURE

The building was assessed on several aspects which are discussed in subsections below.

3.3.1. Damp and Water Proofing Problems

- i. Throughout the building there are visible issues of rising damp, leaking and water ingress. Blistering on walls, visible in figure 2, is consistent in passageways between storerooms and exhibition halls. Maintenance is required on damaged glass bricks, as moss and mould has started growing (figure 2).

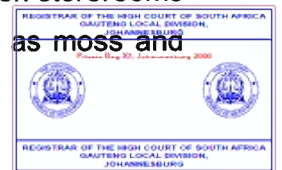


Figure 2: Blistering on masonry elements is evident, as water leaks in via gaps between glass bricks.

- ii. Figure 3 shows damp on lower parts of the masonry walls, indicating likely rising damp that must be addressed.



Figure 3: Visible damp on lower sections of walls.



- iii. Figures 4 and 5 show the damp in excess, whereas figure 6 shows the method to catch water that leaks through a door intel. While moving through the building, damp problems are very visible in public spaces, as shown in figure 7, visible damp occurs an area.



Figure 4: Blistering from water leaking has removed layers of plaster and paint.



Figure 5: Water ingress visible in a storeroom at the door lintel.



Figure 6: A temporary solution to catch incoming water, making use of buckets.



Figure 7: Continuous water ingress, visible over a large area in the movement spaces between exhibition halls.

- iv. Further interventions to prevent water flowing into lower spaces were seen in the sloping corridors. Evidence of damp is visible on installed prefabricated walls, as shown in figures 8 and 9.



Figure 8: Looking down a sloping passage towards a storage room, with a temporary solution to prevent access.



Figure 9: Visible water marking on a temporary dry wall.

- v. Damp problems are also visible on the exterior of the building, such as the South Entrance and internal courtyard (figures 10 and 11).



Figure 10: Visible damp at the South Entrance to the Johannesburg Art Gallery.



Figure 11: Visible damp on the exterior wall in the internal courtyard at the Johannesburg Art Gallery.

3.3.2. Structural Integrity and General Maintenance

- i. The structure does not show imminent structural failure. However, likely stemming from the reoccurring damp problems, some structural components look likely to fail. In figure 12, a glass block skylight is likely to fall inwards due to the failure of its support.



Figure 12: Imminent structural failure at a skylight.



Figure 13: Lifting and loose parquet floor blocks in an exhibition hall without any caution.

- ii. Seen in an exhibition hall, the floor covering, parquet flooring blocks, are not properly fixed and some have become loose. Furthermore, no caution warning is available in the space.
- iii. Evident in the third phase of building, referred to the Meyer Pienaar building or building from 1987, are problems around the sealing of fenestration (figure 14). Further problems at these glass facades, is damage from sunlight (figure 15).



Figure 14: Poorly sealed large window sections in the Meyer Pienaar section of the Johannesburg Art Gallery.



Figure 15: Sunlight damage on floor tiles in the Meyer Pienaar section of the Johannesburg Art Gallery.



3.2. CONDITION OF THE OBJECTS AND COLLECTIONS

3.2.1. Health and Safety observation in the storerooms. The following hazards was observed in the storerooms:

- i. Environmental – Cluttered and dust filled work areas, walkways between the objects should be clear with enough space as not to bump into the objects and to prevent tripping (figure 16).

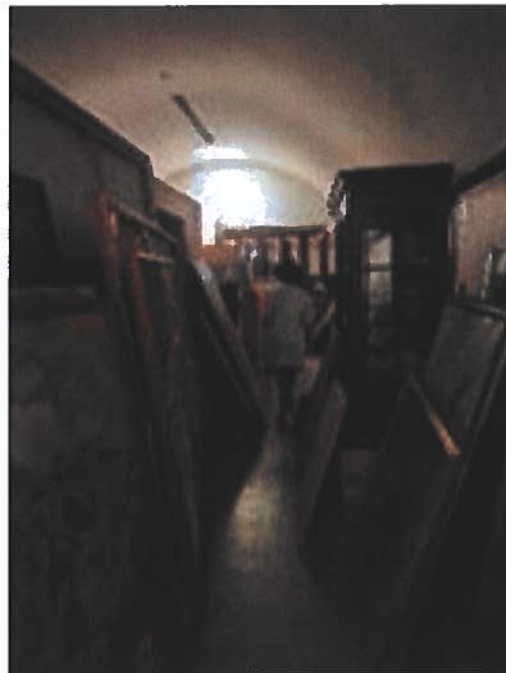


Figure 16: Evidence of a cluttered and dusty work areas of the storerooms.

- ii. Lighting – Inadequate lighting in the storerooms, with the East and West storeroom having no working lights (figure 17).
- iii. Ergonomic – Objects that are heavy, large or fragile was stored above shoulder level, which can cause physical issues and objects can be dropped (figure 18).



Figure 17: An example of inadequate lighting in several storerooms.



Figure 18: Ergonomic concerns visible in the various storerooms.

- iv. Fire – Each storeroom must contain a fire safety route map inside the storeroom. Each exit must be marked or indicated with glow in the dark sign. Storage material and cardboard boxes should be removed from walkways and storerooms as it is a fire risk (figure 19).



Figure 19: Storage materials clutter walkways in and between storerooms.

3.3.3. Storage Materials

- i. Wooden objects were stored on reclaimed wood pieces in the Maritz Storeroom, with some objects being unstable and moving as one steps on the wood (figure 20).



Figure 20: Salvaged wood is used to lift wooden objects from the floor.



- ii. It was observed that due to the limitations of space some of the art works are stored in a stacked formation, these included artworks in most of the storerooms such as the furniture and the West storerooms (figure 21).



Figure 21: Stacked formation of artworks.

- iii. Objects should be kept above floor level and not be placed against walls to prevent damage due to moisture coming from the walls and any insect or rodent activities on the ground (figures 22 and 23).



Figures 22 & 23: Artworks resting directly on the floor, leaning onto walls. General cleanliness was lacking, with insects often visible.



- iv. Paper based artwork was observed being stored out in the open, with acid free paper as a barrier between the prints (figure 24).



Figure 24: Paper-based artworks not stored correctly, instead, out in the open.

- v. A layer of dust was visible on some of the objects that were stored in the East storeroom (figures 25 and 26).



Figure 25: Excessive dust seen in a storeroom.



Figure 26: Dust and disorganization visible in a storeroom.



- VI. Heritage objects was observed being stored directly under pipes, with duct tape around them (figures 27 and 28).



Figure 27: Objects stored directly below piping, exposing them to potential risks.



Figure 28: Patched pipes with artwork stored below.

3.3.4. Climate Control

- i. Fluctuations in temperature and humidity observed throughout the storerooms. Furniture Storeroom (figures 29 and 30) had a high temperature and humidity which will cause

material separation in the paintings, cracking and swelling in the wooden pieces and weeping or flaking in ceramic and metal objects. Furniture storeroom had many sources of direct natural light coming in from the windows and doors.



Figure 29: Direct natural light, let through the glass door into a storeroom.



Figure 30: Natural light coming into a storeroom, onto furniture and objects.

- ii. The Main storeroom was the only storeroom with a functioning aircon as observed (figure 31). The aircon vent in the Main storeroom is blowing directly onto paintings which can damage the artwork and push dust onto the artwork (figure 32). Paintings should be moved to a new location, art pieces with a glass front can be placed in this section



Figure 31: The only functional air-conditioning unit in the main storeroom.



Figure 32: Art works in the main storeroom, positioned directly in front of the air conditioning unit.



3.3.5. Security and Access

- i. Access to the storerooms is gained through standard doors and locks, with the Main storeroom also having a metal gate as extra security.
- ii. There is visible front of house control where visitors are requested to fill out the register. This process is controlled by front of house security.

4. MEETING SUMMARY

4.1. After the walk-through assessment the delegation proceeded back to exhibition hall nine for a discussion on the concerns raised in the SAHRA letter, dated 20 November 2024.

4.2. The meeting was attended by SAHRA, PHRA-G and JAG together with managing authority from the City of Johannesburg.



4.3. SAHRA was represented by Ms. L. Mofutsanyana (HOU), Ms. L. Buchanan (BEU), Ms. G. Therion (NIU), Ms. H. Weldon (HPU) and Mr. P. Panan (HOU). PHRA-G represented was by Ms. T. Molokomme. The JAG was represented by Mr. K. Gule (Chief Gule), Ms. P. van Straaten (Collection Registrar), Ms. K. Ditshego (Conservator) and Ms. B. Zwane (Curator). CoJ was represented by Mr. V. Mshudulu (Director of Arts, Culture and Heritage) and Mr. V. Maumela (Director of Museum and Galleries).

4.4. The meeting was informed that Mr. Maumela is also a member of the PHRA-G and SAHRA Councils. However, attended the meeting in his capacity at the CoJ.

4.5. The chairperson, Ms. L. Mofutsanyana, opened the meeting and welcomed the delegation. The attendance register was circulated to all attendees and after introductions and adoption of the agenda (which was shared prior to the meeting) the discussion commenced.

4.6. The purpose of the meeting was outlined as per the letter.

4.7. It must be noted that concern was raised by the JAG managing authority and PHRA-G over SAHRA's response to media outcries. Concern was raised that the initiative by SAHRA may seem biased. It was clarified to the delegation that SAHRA has visited the JAG as per the obligations under section 9 of the NHRA. Furthermore, as it was not for the first time that SAHRA has been alerted of situation at JAG, it was pressing for SAHRA to understand the challenges and ensure that compliance is adhered to as per the provisions of the NHRA.

4.8. PHRA-G sought clarity on SAHRA's jurisdiction in the matter. It was clarified that SAHRA's primary interest was in the conservation and preservation of the art collection housed within



the building. The assessment of the building maintenance is pivotal as it has a direct implication the collection.

4.9. The JAG managing authority was given an opportunity to address the concerns expressed in the letter, and as outlined in the agenda. The accounts are summarized as follows:

- i. It was noted that the JAG and CoJ have not turned a blind eye to the risks that could possibility impact the collection. The City since 2017 has engaged over 50 building owners to identify an appropriate storage space. The search had to extend beyond Johannesburg as no building was found to be appropriate.
- ii. At the end of 2023 Ditsong Museums was found to be appropriate. The city and the museum are still negotiating the agreement. At the time of the meeting a City/gallery delegation was at the museum to assess the allocated space.
- iii. SAHRA was reassured that the City will only move collections identified to be at risk. The City will be leasing storage space from Ditsong Museum. The gallery will continue to be operational.
- iv. In 2017 CoJ commissioned an audit of the building because the east section of the building that was built in 1987 had been reportedly having recurring leaks, the commission was intercepted and it was suggested that rather a root cause analysis of the recurring issue be identified, in which it was noted that the section in question had a faulty roof design; as the roof was designed to interface with the building and the water reticulation system structures were the major causes of the recurring damp problems throughout the building .
- v. A suggested mitigation was to install a temporary roof structure in the meantime as a more permanent solution was being discussed.
- vi. In 2020/21, the CoJ set aside money, as the JAG had a conservation management plan (CMP) which had been registered with the PHRA-G, the CMP outlined the some of the intervention the JAG would implement in a multiyear intervention from 2021-2023 (over a three financial year projection), however, it was also discussed that there will be a prioritization of the most critical areas and those were identified as;
 - Redesign of the Meyer Pienaar roof structure; this was achieved throughout Covid19
 - Fire safety of the building, to make the building compliant with the operational requirements
 - Electricity safety in parts of the building





- vii. Due to Covid19, the budget for the remaining two financial year JAG outer-layers was reprioritized, moreover, budgeting for the JAG to proceed with the initial previously stated plans has been met with several constraints
- viii. During the discussion it was noted that an application had been made for work at the JAG. A permit was granted in 2022. The representative from PHRA-G confirmed that the permit had subsequently expired, and a new application was required.
- ix. It was further noted that there have been multiple engagements with the Friends of JAG in efforts of ironing out all grievances however there are challenges between the two entities which has resulted in a strained relationship.
- x. It was noted that the managing authority plans to conduct a public participation exercise on the comprehensive CMP.

4.10. Meeting was adjourned at 13.30



5. DISCUSSION

- 5.1. The Johannesburg Art Gallery is a declared Provincial Heritage Site, and therefore and structural works fall under the jurisdiction of the Provincial Heritage Resources Authority Gauteng (PHRA-G). This would require the relevant application submission for changes to the site to be made as per the requirements of the PHRA-G. However, it must be clearly understood by all parties that as works undertaken on the gallery structure may directly or indirectly impact on the collection house within the gallery, SAHRA **must** be consulted as per the section procedure provided in section 6 of this report.
- 5.2. Reference to the expired permit indicated that the work authorized was done under Section 34 of the National Heritage Resources Act (NHRA) and was summarized as "investigatory work".
- 5.3. SAHRA questions why a permit under Section 34 was applied for and granted when the site enjoys formal protection under Section 27 of the same Act. Furthermore, the type of work permitted requires more understanding. It was understood that the work to be done was as the very least remedial and not investigatory
- 5.4. In addition, it is not clear if any consideration was taken of the impact such works would have on the stored collection.
- 5.5. There is a clear indication that moisture is making its way into the building from the exterior. Damp problems appear to be the biggest difficulty experienced at the JAG. This would require a thorough damp proofing of the building. Much of the damp seen not only requires a suitable



intervention to prevent further water ingress but also work to fix the damage done by the excessive spread of the damp as well.

- 5.6. Due to its cellular structure wood is inclined to take on any moisture that appears due to climate changes on the floor, as such the wooden support pieces on the ground will take on moisture and then the wooden objects will in turn absorb moisture from the wooden base.
- 5.7. Urgent intervention is required in the management of the collection. Currently, the collection in the storage rooms is under high risk of damage and deterioration.
- 5.8. Based on the previous discussion, SAHRA is of the understanding that the current state of the storerooms is a result of previous interventions hence the stacking; however, standard practice must still be always observed. Failure to address these issues serves to further exacerbate the ongoing risk to the collection.
- 5.9. The development of standard operating procedures (SOP) for collection management was noted as being underway. At present there is no procedure to monitor the environment (temperature or humidity); fire suppression infrastructure and general housekeeping of the rooms, including lighting checks.
- 5.10. The development of the SOP must be fast tracked and prioritized as a short-term collection management plan for immediate interventions, e.g. stacking. This ensures that at the very least there is monitoring of the environment of the collection, access and storage, housekeeping and structural challenges while the long-term plans for permanent and successive interventions are considered.
- 5.11. A general guideline for how artworks should be stacked is included as Annexure A.



6. RECOMMENDATIONS

- 6.1. CoJ formally responds to SAHRA requests as per the correspondence dated 20 November 2024.
- 6.2. CoJ applies for new permits from PHRA-G for the proposed restorations on the building. SAHRA to be a commenting body on building restoration permits as oversight of the building as a repository for the collection.
- 6.3. CoJ applies for a SAHRA comment on the proposed relocation of the at-risk collections. The application must be submitted to SAHRA using the online processing system SAHRIS at least 90 days prior to the relocation. The application must include:



- i. Inventory and description of the heritage resources
- ii. Historical background of the heritage resources
- iii. Good quality images of the heritage resources
- iv. Reasons for the proposed actions
- v. Condition report of the heritage resources
- vi. List of stakeholders consulted or intended to be consulted (if consultation has already occurred, please include outcomes of the consultation)
- vii. An assessment report of Ditsong Museum Vault, including recommendation intervention measures to tailor the space specifically for mitigating the identified risk.
- viii. Evidence of the professional services considered for packing and transportation.
- ix. Copy of agreement with Ditsong Museum



- 6.4. CoJ shares the root cause analysis report and CMP of the building with SAHRA, SAHRIS private functions.
- 6.5. CoJ closely considers commissioning professional services for the condition assessment of the collection and development of a CMP.
- 6.6. JAG immediately adopts the following: -

i. Storage of material

- Objects on the reclaimed wood be removed and placed on a metal or plastic support. Alternatively, a stable inert barrier material must be placed between the wooden object and the wood frame.
- The objects must be restacked according to the general rules of stacking, with risers between the floor and the object and spacers between the artworks, that are leaning against each other.
- Due to the difficulty of cleaning beadwork and natural material objects, the traditional art pieces be moved into a storage that is enclosed, such as the glass cases that is in the East and West storerooms.
- For paper-based artworks stored in the open, place the paper art materials in acid free archival boxes to protect them from external threats such as dust, or water dripping on them.
- Dusty objects: These objects should be urgently cleaned and moved to a new location or covered with a protective barrier against the external elements.



- Object under the pipe: These objects should be moved to an area away from the pipe to prevent damage if the pipe breaks.

ii. *Climate Control*

- Stable climate conditions are required for all the storerooms, if possible, the temperature should be between 16 to 25 degrees Celsius and the RH (Relative Humidity) between 40% to 60%.
- Each storeroom must contain a temperature and relative humidity reader that should be checked weekly and a log kept of the readings.
- The windows located in the furniture storeroom should be covered with some form of barrier to block out as much of the sun as possible, this will protect the artwork from fading and help cool down the storeroom.

iii. *Security and Access*

- Due to the cultural importance and sensitivity of the objects stored in the Art Gallery, it is advised that better security should be added to the storerooms. This can be in the form of safety gates added to each access point or fire safe doors, if possible, which is a more secure option with the added benefit of extra fire protection.



iv. *Health and Safety*

- Disaster Kits acquired for every storeroom

7. WAY FORWARD

- 7.1. CoJ formally responds to SAHRA letter by 14th February 2025 (noting that two deadlines for the response have been missed). This response must include the following:
- 7.2. Update on the proposal for relocation of at-risk artworks to Ditsong Museum, with an application submitted 2 business days day after confirmation – ie: 19th February 2025.
- 7.3. Confirmation of permit application to PHRA-G.
- 7.4. Root Cause Analysis Report and CMP for building
- 7.5. A plan with clear timeframes for the implementation of the recommendations for the collection - the first progress updates for which must be submitted to SAHRA by the 30th of June 2025.
- 7.6. A plan with clear timelines to conduct the condition assessment and CMP for the collection.



SITE ASSESSMENT CONDUCTED BY:

Leomile Mofutsanyana

Acting Manager: HOU

Heidi Weldon

Senior Heritage Officer: HPU

Katlego Panana

Intern: HPU

Lauren Buchanan

Manager: BEU

Gerty Therion

Inventory Controller: NIU



REPORT REVIEWED BY:

Ben Mwasinga

Senior Manager: Heritage Conservation Management

8. ANNEXURE A: GENERAL RULES FOR STACKING OF ART PAINTINGS

- 8.1. Risers must be used to raise the artwork above the floor level, to protect the frames from being damaged in the stack.
- 8.2. Separators must be used between each artwork when stacked. This provides the most protection for each unwrapped artwork in the stack. For example, three materials that will work as separators when stacking artworks are 2 cm foam insulation board, foam core and fluted cardboard. In a case where separators are unavailable, stack the artworks front-to-front and back-to-back placing a separator between the artwork's faces.

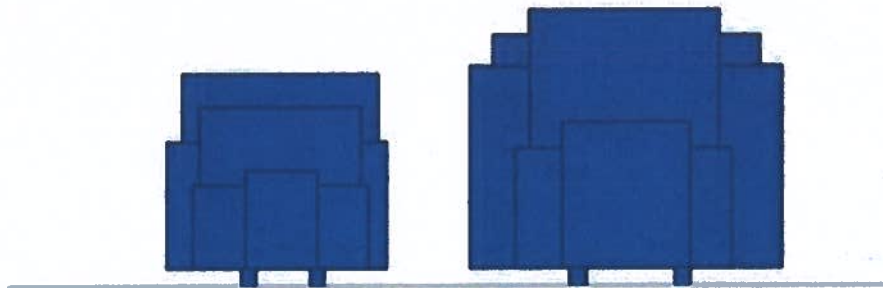


Diagram 1 & 2: Both diagrams show proper stacking technique. Each artwork is placed so it has at least two points of contact with the artwork that was stacked before it.

- 8.3. If no dividers are used when stacking and there are no backings on the artworks themselves, then the last three artworks in the stack at left and the last artwork added to the stack at right are improperly placed and will be pushing into the back of the artwork in front of each.

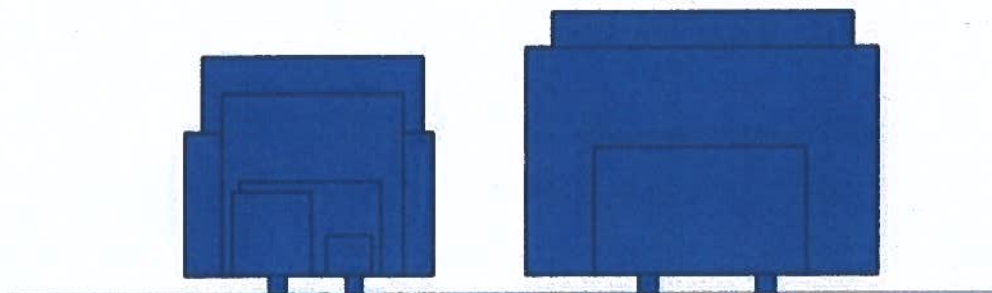


Diagram 3 (left): artworks should be stacked in a graduated order with the largest against the wall and the smallest being the last work added. Diagram 4 (right): If the first work placed is facing the wall and it is backed or has stretcher braces, it may have a smaller work stacked against it.

8.4. The weight of the artworks stacked against each other should always be considered, depending on the weight of the artwork, no more than 5 pieces should be stacked against each other.

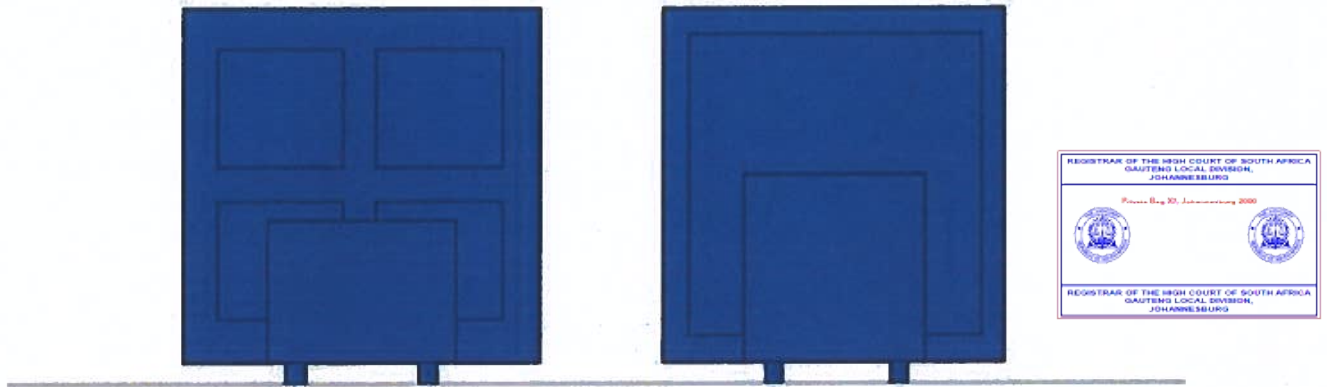


Diagram 5 (Left): If an oil on canvas has stretcher supports, a smaller artwork can be stacked against it when separators are not available. Diagram 6 (right): This is also true if an oil on canvas is backed with a cardboard or foam core.

8.5. If the artwork is not backed or has stretcher braces, each new work that is added to the stack, whether using sheet separators or not, should either match or exceed its predecessor in either height or width, not both. This way, it will span an unprotected canvas and have at least two points of contact at the top, or upper sides of its frame.

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

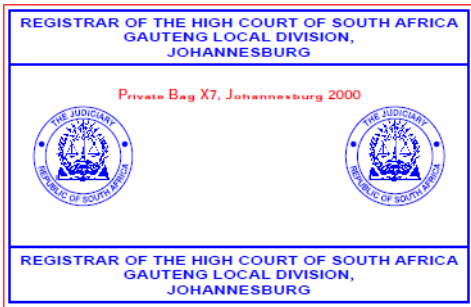
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:11:01 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

Enquiries: Keenan Africa
Tel: 214624502
Email: kafrika@sahra.org.za
CaseID: 20313
PermitID: 4126

Date: Wednesday, 26 June, 2024

PERMIT: Export (Temporary)

In terms of Section 32(19) of the National Heritage Resources Act (Act 25 of 1989)



Permit Holder: Ms Philippa van Straaten
Johannesburg Art Gallery (JAG)
King George Street
Joubert Park
Johannesburg
2044

Object: JAG600, JAG744, JAGP546, JAG340, JAG265, JAG1, JAG98, JAG168, JAG269, JAG99, JAG194, JAG31, JAG32, JAG33, JAG270, JAG365, JAG161, JAG106, JAG124, JAG350, JAG323, JAG362, JAG361, JAG360, JAGP639, JAG142, JAGP705, JAG26, JAGP790, JAG409, JAG447, JAGP756, JAGP757, JAG682, JAGP648, JAGP1225, JAGP1226, JAGP1245, JAGP1242, JAG733, JAGP1240, JAGP647, JAG917, JAG555, JAG108, JAG109, JAG275, JAG882, JAGP2138, JAGP2248-2250, JAG687, JAG676, JAG1993.6.2, JAG1992.09.21, JAG817, JAG1992-9-22, JAG905, JAG890, JAG448, JAG1996.5.13, JAGP2442, JAG1997.4.7, JAG2000.1.3, JAG20, JAG34, JAG536, JAG91, JAG541, JAG542, JAG167, JAG181, JAG182, JAG266, JAG268, JAG267, JAGP714, JAG351, JAG704, JAG1216, JAGS24, JAG44, JAGP857, JAGP859, JAGP646, JAG797, JAG272, JAG356, JAG402, JAG238, JAG107, JAG437, JAG185, JAG841, JAG568, JAG378, JAGP594, JAG444, JAG260, JAG404, JAGP1642, JAGP1643, JAGP1641, JAGP1640, JAG915, JAG793, JAG981, JAG544, JAG400, JAGP2441, JAG537, JAG806, JAG974, JAGP2148, JAGP2149, JAGP2016a, JAGP2016b, JAGP2016c, JAGP2016d, JAGS88, JAGP2053, JAG2067, JAGP2133, JAG2000-3-1, JAGP2140, JAGP2058, JAG2054, JAGP2056, JAG376, JAG375, JAG374, JAG1991-11-16, JAG327, JAG1996-11-6, JAG2001-4-2, JAG2003-8-2, JAG1996-1-1, JAG183, JAG973, JAGP2150, JAGP2151, JAGP2152, JAGP2062, JAGP2065, JAGP2142, JAG1991-7-16

This permit is an extension to permit 939.

All conditions issued under permit 939 remain valid except for the following changes:

1. The material may be loaned from the Johannesburg Art Gallery in Association with VIDJ, to the following institutions:
 - Busan Cultural Center, Busan, South Korea, 2024/06 - 2024/11
2. The SAHRA must be informed of the movement in terms of departure and arrival of the collection as it travels to the selected institution, and a report on the activities undertaken in terms of this permit must be lodged with SAHRA before 15 January 2025.
3. Copies of all papers or publications resulting from this permit must be lodged with SAHRA.





an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Date: Wednesday, 26 June, 2024

Enquiries: Keenan Africa
Tel: 214624502
Email: kafica@sahra.org.za
CaseID: 20313
PermitID: 4126

4. Terms of the Loan Agreement may not be changed after the permit is issued without SAHRA consent.



5. The SAHRA shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this permit.

6. The SAHRA must be informed of all conservation work and any damages that may occur, and a report thereof should be submitted to SAHRA.

7. The SAHRA must be notified in writing of the return of any material during the validity period of this permit.

8. Pending the outcome for the application of the two additional locations, the material shall be returned to South Africa at the end of the South Korea on or before the 28 September 2025 at the expense of the party referred to in the Loan Agreement.

9. The SAHRA must be notified in writing of the return of the material to South Africa and a report must be lodged with SAHRA before 31st October 2025.

10. The SAHRA reserves the right to cancel this permit by notice to the permit holder.

Permit Date: 01/07/2024 - 30/11/2024

Keenan Africa
Heritage Officer
South African Heritage Resources Agency



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Email: kafica@sahra.org.za
CaseID: 20313
PermitID: 4126

Date: Wednesday, 26 June, 2024

L. Mofutsanyana



Leomile Mofutsanyana
Heritage Officer/Manager (Acting)
South African Heritage Resources Agency

This permit may be suspended should an appeal against the decisions be received within 14 days from the date of the permit. The heritage authority may not be held responsible for any costs or losses incurred in the event of the suspension or retraction of this permit.

ADMIN:

Direct URL to case: <https://sahris.org.za/162554>

MBSNSM



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Enquiries: Keenan Africa
Tel: 214624502
Email: kafica@sahra.org.za
CaseID: 20313
PermitID: 939

Date: Friday, 24 November, 2023

PERMIT: Export (Temporary)

In terms of Section 32(19) of the National Heritage Resources Act (Act 25 of 1999)



This permit is only valid if accompanied by the attached **Inventory of Permitted Objects Issued Under SAHRA PermitID: 939**.

1. The material must be carefully packed and all packaging must be clearly marked with the accession numbers, the name of the institution, and the name and address of the permit holder.
2. The material must be hand carried or sent via a reputable professional courier service unless written instructions to the contrary have been received from the repository.
3. The material may not be loaned to any person or institution other than Gyeongju Arts Center in Gyeongju, South Korea, without the consent of SAHRA.
4. In accordance with the application compliant November 2023, should any appeal be lodged with SAHRA against the issuing of this permit within the fourteen-day appeal period, the permit will be suspended pending the outcome of the appeal.
5. This permit application includes the artworks that were on loan to Vidi and the G. Bellini Museum of Art and Territory, Sarnico, Italy excluding JAG1993-1J - Gerard Sekoto - *Mine Boy*, which will return to South Africa.
6. Eighty-three (83) of the one hundred and forty-five(145) objects, will be packed and crated in Johannesburg and leave for Gyeongju, and will also be stored until exhibition installation takes place in January 2024.
7. The noted remaining sixty-two (62) works which form part of this loan to the Gyeongju Arts Center, will travel from Sarnico to Gyeongju in November 2023, and be stored at the Center until exhibition installation takes place in January 2024.
8. Should an appeal be lodged against the issue of this permit, the objects must be returned to South Africa at the expense of the applicant or relevant third party.
9. The material shall be returned to South Africa on or before 30 June 2024 at the expense of the party referred to in the Loan Agreement.
10. The SAHRA must be notified in writing of the return of the material, and a report on the activities undertaken in terms of this permit must be lodged with SAHRA before 30 July 2024.
11. Copies of all papers or publications resulting from this permit must be lodged with SAHRA.
12. Terms of the Loan Agreement may not be changed after the permit is issued without the consent of SAHRA.

Additional Conditions

An assessment of the 82 works was conducted on 25 October 2023 at the Johannesburg Art Gallery (JAG). Based on the observations made during this assessment:



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CaseID: 20313
PermitID: 939

Date: Friday, 24 November, 2023

- There are chips on numerous frames, this may be due to ageing, weathering of the frames. If the frames are in particularly bad condition, then conservation work will be done by the hosting institution.
- All prints that are in the application will be framed at Gyeongju Arts Center
- JAG268 - John Everett Millais - *The Good Shepherd*. The back panel is loose but will be fixed.
- JAG267 - John Everett Millais - *The Importunate Friend*. The outer frame nails of the panel need to be fixed.
- JAG351 - John Singer Sargent - *The Brenva Glacier*. There is chips and loose pieces of the frame, these pieces will be shipped with the artwork and will be restored before being exhibited.
- JAG797 - Edvard Munch - *Two Figures*. The frame and the mounting will be replaced at Gyeongju Arts Center, as there is water damage to the frame.
- JAG238 - Antonio Mancini - *Portrait Study*. Will be reframed at Gyeongju Arts Center.
- JAG400 - Maurice Utrillo - *Military Hospital*. Will receive a new frame.
- JAGP2140 - Claes Oldenburg - *Arched Soft Screw as Building*. has a unique steel frame and will only be removed once at Gyeongju Arts Center.
- Conservation work was done on the 62 artworks that form part of this permit that were in Italy during their loan period in Sarnico, Italy. Those conditions are still noted.



Permit Date: 01/11/2023 - 30/06/2024

Keenan Africa
Heritage Officer
South African Heritage Resources Agency

Leomile Mofutsanyana
Heritage Officer/Manager (Acting)
South African Heritage Resources Agency

Additional Info:

This permit may be suspended should an appeal against the decisions be received within 14 days from the date of the permit. The heritage authority may not be held responsible for any costs or losses incurred in the event of the suspension or retraction of this permit.

ADMIN:

Direct URL to case: <https://sahris.org.za/162554>









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Inventory of Permitted Objects Issued Under SAHRIS PermitID: 939

The following Inventory of Permitted Objects applies to issued PermitID: 939 Temporary Export Permit for 145 artworks from JAG to Gyeongju Arts Center, Gyeongju, South Korea. This Inventory must accompany the issued permit.



 <p>Object ID: 65215 Link Object Code: JAG600 Artwork: Antonio Mancini – Lady Phillips</p>	 <p>Object ID: 65231 Link Object Code: JAG744 Artwork: Joseph Turner – Mallord William Hammerstein below Andernach</p>	 <p>Object ID: 76567 Link Object Code: JAGP546 Artwork: Joseph Turner - The Castle above the Meadows</p>
 <p>Object ID: 65224 Link Object Code: JAG340 Artwork: Dante Gabriel Rossetti – Regina Cordium</p>	 <p>Object ID: 65219 Link Object Code: JAG265 Artwork: John Everett Millais – Stitch! Stitch!</p>	 <p>Object ID: 65205 Link Object Code: JAG1 Artwork: Sir Lawrence Alma-Tadema - The Death of the First Born</p>

Handwritten signature/initials: MSNM



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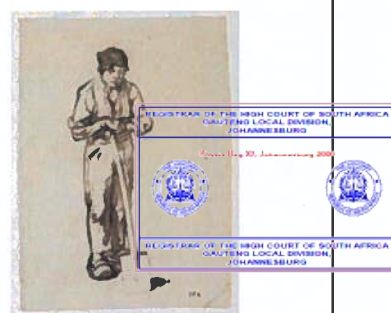
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Object ID: 65206 [Link](#)
Object Code: JAG98
Artwork: Jean-Baptiste-Camille Corot
- Landscape



Object ID: 65225 [Link](#)
Object Code: JAG168
Artwork: Henri-Joseph Harpignies - The
Ravine



Object ID: 65220 [Link](#)
Object Code: JAG269
Artwork: Jean-François Millet – A
Peasant



Object ID: 65207 [Link](#)
Object Code: JAG99
Artwork: Gustave Courbet- La Falaise
d'Etretat



Object ID: 65236 [Link](#)
Object Code: JAG194
Artwork: Johan Barthold Jongkind - The
Mouth of the Scheldt









Object ID: 65241 [Link](#)
Object Code: JAG31
Artwork: Eugène Louis Boudin - Le Port
de Trouville



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 <p>Object ID: 65242 Link Object Code: JAG32 Artwork: Eugène Louis Boudin - LesRegates d'Argenteuil</p>	 <p>Object ID: 65243 Link Object Code: JAG33 Artwork: Eugène Louis Boudin – La Jetee de Trouville</p>	 <p>Object ID: 65240 Link Object Code: JAG270 Artwork: Claude Monet – Les Printemps</p>
 <p>Object ID: 65244 Link Object Code: JAG365 Artwork: Alfred Sisley - A bord de l'eau a Veneux</p>	 <p>Object ID: 76579 Link Object Code: JAG161 Artwork: Jean-Baptiste Armand Guillaumin - La Seine au Pont de Sully</p>	 <p>Object ID: 65209 Link Object Code: JAG106 Artwork: Edgar Degas – Hilaire Deux Danseuses</p>



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Object ID: 65239 [Link](#)
Object Code: JAG124
Artwork: Henri Fantin-Latour –
Bouquet



Object ID: 65233 [Link](#)
Object Code: JAG350
Artwork: John Singer Sargent – Santa
Maria della Salute, Venice



Object ID: 65223 [Link](#)
Object Code: JAG323
Artwork: Lucien Pissarro - Matin, Soleil,
Riec



Object ID: 65237 [Link](#)
Object Code: JAG362
Artwork: Signac, Paul - Boats at
Lumalo



Object ID: 65238 [Link](#)
Object Code: JAG361
Artwork: Paul Signac - La Rochelle



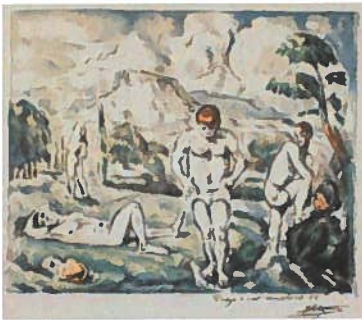
Object ID: 65208 [Link](#)
Object Code: JAG360
Artwork: Henri Eugène Augustin Le
Sidaner - La Fenêtre sur la Riviere

Handwritten signature: M. B. van der Merwe



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Object ID: 76568 [Link](#)
Object Code: JAGP639
Artwork: Paul Cézanne – Les Baigneurs/The Bathers



Object ID: 65212 [Link](#)
Object Code: JAG142
Artwork: Vincent Van Gogh – Portrait of an Old Man



Object ID: 76569 [Link](#)
Object Code: JAGP705
Artwork: Pierre Bonnard - The Bath



Object ID: 65246 [Link](#)
Object Code: JAG26
Artwork: Pierre Bonnard - Sunset in Spring



Object ID: 76570 [Link](#)
Object Code: JAGP790
Artwork: Edouard Vuillard – Patisserie





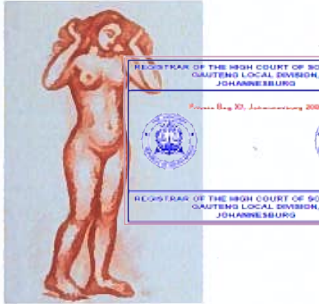



Object ID: 65248 [Link](#)
Object Code: JAG409
Artwork: Edouard Vuillard - Lamp in an Interior

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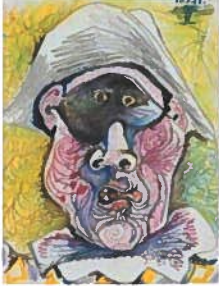

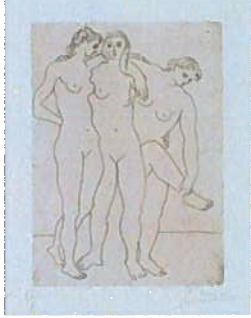
 <p>Object ID: 65218 Link Object Code: JAG447 Artwork: Auguste Rodin - Nude Study</p>	 <p>Object ID: 76571 Link Object Code: JAGP756 Artwork: Aristide Maillol – Femme Nue de Dos</p>	 <p>Object ID: 76572 Link Object Code: JAGP757 Artwork: Aristide Maillol - Femme Nue Debout Deface</p>
 <p>Object ID: 65229 Link Object Code: JAG682 Artwork: Aristide Maillol - Head of a woman in profile</p>	 <p>Object ID: 76573 Link Object Code: JAGP648 Artwork: Henri Matisse - Femme et Fleurs</p>	 <p>Object ID: 76574 Link Object Code: JAGP1225 Artwork: Henri Matisse – Danseuse</p>

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 <p>Object ID: 76580 Link Object Code: JAGP1226 Artwork: Henri Matisse – Femme Assise</p>	 <p>Object ID: 76581 Link Object Code: JAGP1245 Artwork: Pablo Picasso – Buste Moderne Style</p>	 <p>Object ID: 76582 Link Object Code: JAGP1242 Artwork: Picasso Picasso – Femme au Collier</p>
 <p>Object ID: 65230 Link Object Code: JAG733 Artwork: Pablo Picasso – Tête d'arlequin II</p>	 <p>Object ID: 76583 Link Object Code: JAGP1240 Artwork: Pablo Picasso - Tete de Femme</p>	 <p>Object ID: 76584 Link Object Code: JAGP647 Artwork: Pablo Picasso – Trois Baigneurs III</p>



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 <p>Object ID: 65235 Link Object Code: JAG917 Artwork: Ossip Zadkine – Trois femmes nues</p>	 <p>Object ID: 65226 Link Object Code: JAG555 Artwork: Amedeo Modigliani - Portrait de Mme. van Muyden</p>	 <p>Object ID: 65210 Link Object Code: JAGP108 Artwork: Andre Derain – Dahlias (Flower Study)</p>
 <p>Object ID: 65211 Link Object Code: JAG109 Artwork: Andre Derain - Portrait d'une Jeune Fille Rousse</p>	 <p>Object ID: 65222 Link Object Code: JAG275 Artwork: Henry Spencer Moore - Standing Figures</p>	 <p>Object ID: 65234 Link Object Code: JAG882 Artwork: Francis Bacon - Study of Portrait of a man</p>

Handwritten signature/initials: M.B. SWSM



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Object ID: 76586 [Link](#)
Object Code: JAGP2138
Artwork: Roy Lichtenstein - Blonde



Object ID: 76587 [Link](#)
Object Code: JAGP2248-2250
Artwork: Andy Warhol - Joseph Beuys



Object ID: 65258 [Link](#)
Object Code: JAG687
Artwork: Maggie Laubser - Portrait of Kalie



Object ID: 65255 [Link](#)
Object Code: JAG676
Artwork: Maud Summer - Portrait of the artist



Object ID: 65256 [Link](#)
Object Code: JAG1993.6.2
Artwork: George Pemba - I'm Sorry Madam



Object ID: 65257 [Link](#)
Object Code: JAG1992.09.21
Artwork: George Pemba - Kwa Stemele

Handwritten signature: AB 31/04

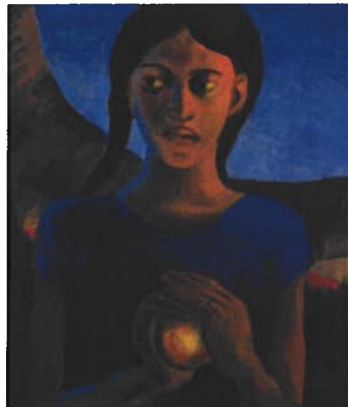


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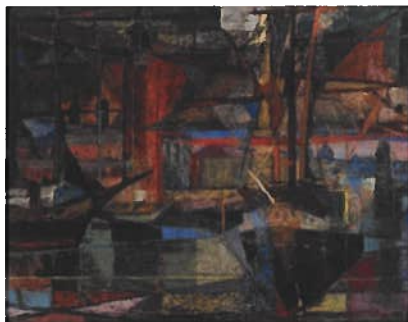
Object ID: 65263 [Link](#)
Object Code: JAG817
Artwork: Irma Stern – Chrysanthemums



Object ID: 65835 [Link](#)
Object Code: JAG1992-9-22
Artwork: Gerard Sekoto - Girl with Orange



Object ID: 65264 [Link](#)
Object Code: JAG905
Artwork: Armando Baldinelli - Little Harbour



Object ID: 65262 [Link](#)
Object Code: JAG890
Artwork: Maud Summer - Eyston Red Venice



Object ID: 65266 [Link](#)
Object Code: JAG448
Artwork: Alexis Preller - Hieratic Women









Object ID: 65254 [Link](#)
Object Code: JAG1996.5.13
Artwork: Selby Mvusi - Measure of the city

Handwritten signature: M. B. S. NEMU



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 <p>Object ID: 76589 Link Object Code: JAGP2442 Artwork: William Kentridge - Casspirs Full of Love</p>	 <p>Object ID: 65221 Link Object Code: JAG1997.4.7 Artwork: William Kentridge -Reeds</p>	 <p>Object ID: 65267 Link Object Code: JAG2000.1.3 Artwork: William Kentridge - Drawing from Stereoscope [Soho in flooding room]</p>
 <p>Object ID: 78756 Link Object Code: JAG20 Artwork: Giovanni Boldini - Portrait of Mr Lionel Phillips</p>	 <p>Object ID: 78961 Link Object Code: JAG34 Artwork: Esias Boursse - A Simple Meal</p>	 <p>Object ID: 78962 Link Object Code: JAG536 Artwork: Hendrick Cornelis van Vliet - Interior of the Church of St Bavo's, Haarlem</p>

Handwritten signature: M. B. Rensom



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 <p>Object ID: 78963 Link Object Code: JAG91 Artwork: Pieter Claesz - Still life with a crab</p>	 <p>Object ID: 78964 Link Object Code: JAG541 Artwork: Van Der Baren Seghers - Flowers in a vase</p>	 <p>Object ID: 78965 Link Object Code: JAG542 Artwork: Hendrick Martensz Sorgh - A young man in his study</p>
 <p>Object ID: 78966 Link Object Code: JAG167 Artwork: Gertrit Arentsz van Deurs - Zoo de ouden zongen, zoo pijpen de jongen</p>	 <p>Object ID: 78967 Link Object Code: JAG181 Artwork: William Holman Hunt - Design for a Monk Succored by a Christian</p>	 <p>Object ID: 78968 Link Object Code: JAG182 Artwork: William Holman Hunt - A Ballad for Oriana</p>

MP Bonen



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Object ID: 78969 [Link](#)
Object Code: JAG266
Artwork: John Everett Millais – Cuckoo!



Object ID: 78970 [Link](#)
Object Code: JAG268
Artwork: John Everett Millais - The Good Shepherd



Object ID: 78971 [Link](#)
Object Code: JAG267
Artwork: John Everett Millais - The Importunate Friend



Object ID: 78972 [Link](#)
Object Code: JAGP714
Artwork: Edgar Hilaire Degas - Mary Cassatt au Louvre: Musee des Antiques



Object ID: 78973 [Link](#)
Object Code: JAG351
Artwork: John Singer Sargent - The Brenva Glacier



Object ID: 78974 [Link](#)
Object Code: JAG704
Artwork: Pierre Bonnard - Les Boulevards

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Object ID: 78975 [Link](#)
Object Code: JAG1216
Artwork: Jean-Edouard Vuillard -
Maternité (Maternity)



Object ID: 80219 [Link](#)
Object Code: JAGS24
Artwork: Francois Auguste Rene Rodin -
Eve



Object ID: 78978 [Link](#)
Object Code: JAG44
Artwork: John Brett - Mount's Bay,
Cornwall



Object ID: 78979 [Link](#)
Object Code: JAGP857
Artwork: Henri Toulouse-Lautrec
(Henri Marie Raymond de Toulouse-
Lautrec-Monfa) - Elles, Femme Qui se
Peigne (Woman Combing her Hair)



Object ID: 80214 [Link](#)
Object Code: JAGP859
Artwork: Henri Toulouse-Lautrec (Henri
Marie Raymond de Toulouse-Lautrec-
Monfa) - Femme en Corset (Woman in
corset)




Object ID: 80215 [Link](#)
Object Code: JAGP646
Artwork: Eugène Henri Paul Gauguin -
Manha No arua Ino

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 <p>Object ID: 78981 Link Object Code: JAG797 Artwork: Edvard Munch – Two Figures</p>	 <p>Object ID: 80216 Link Object Code: JAG272 Artwork: Albert Joseph Moore - A Wardrobe (Venus at Her Bath)</p>	 <p>Object ID: 80217 Link Object Code: JAG356 Artwork: Walter Richard Sickert - The Pork-Pie Hat</p>
 <p>Object ID: 78980 Link Object Code: JAG402 Artwork: Felix Vallotton - Nature Morte aux Figues</p>	 <p>Object ID: 78985 Link Object Code: JAG238 Artwork: Antonio Mancini - Portrait Study</p>	 <p>Object ID: 78986 Link Object Code: JAG107 Artwork: Ferdinand Victor Eugène Delacroix - Study of Lion with Serpent</p>

Handwritten signature and initials.



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 <p>Object ID: 80222 Link Object Code: JAG437 Artwork: Narcisse Virgilio (Virgile) Diaz de la Peña - Famille Grecque dans les Bois (Greek Family in the Forest/ Woods)</p>	 <p>Object ID: 80223 Link Object Code: JAG185 Artwork: Jozef Israels - Vrijage</p>	 <p>Object ID: 80224 Link Object Code: JAG841 Artwork: Jozef Israels - Beach scene</p>
 <p>Object ID: 80225 Link Object Code: JAG568 Artwork: Berthe Marie Pauline Morisot - Scene de Campagne (Country Scene)</p>	 <p>Object ID: 80226 Link Object Code: JAG378 Artwork: Alfred Émile Léopold Stevens - La Dame avec Cerises (Woman with Cherries)</p>	 <p>Object ID: 80228 Link Object Code: JAGP594 Artwork: James Abbott McNeill Whistler RBA - The Lime Burner</p>



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Object ID: 80229 [Link](#)
Object Code: JAG444
Artwork: Albert Gleizes - Portrait of a Woman



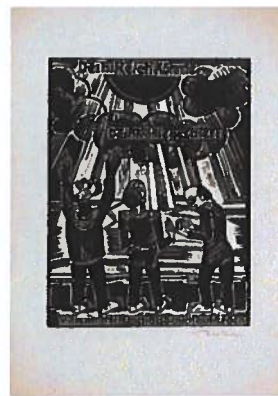
Object ID: 80210 [Link](#)
Object Code: JAG260
Artwork: Jean Dominique Antony Metzinger - Paysage



Object ID: 80230 [Link](#)
Object Code: JAG404
Artwork: Maurice de Viaminck - Les Inondations (Floods)



Object ID: 80233 [Link](#)
Object Code: JAGP1642
Artwork: Hermann Max Pechstein - Geheiligt werde Dein Name (Hallowed be Thy Name)



Object ID: 80234 [Link](#)
Object Code: JAGP1643
Artwork: Hermann Max Pechstein - Dein Reich komme Dein Wille geschehe Wie im Himmel (Thy Kingdom Come Thy Will be Done on Earth as it is in Heaven)



Object ID: 80232 [Link](#)
Object Code: JAGP1641
Artwork: Hermann Max Pechstein - Vater Unser Der Du Bist im Himmel (Our Father Who Art in Heaven)



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<p>Object ID: 80231 Link Object Code: JAGP1640 Artwork: Hermann Max Pechstein - Das Vater Unser (The Our Father)</p>	<p>Object ID: 80227 Link Object Code: JAG915 Artwork: Maurice Denis - Portrait of Madame Denis asleep</p>	<p>Object ID: 80241 Link Object Code: JAG793 Artwork: Roger Eliot Fry - Portrait of Vanessa Bell</p>
<p>Object ID: 80242 Link Object Code: JAG981 Artwork: Duncan James Corrowr Grant - Mary St John Hutchinson</p>	<p>Object ID: 80243 Link Object Code: JAG544 Artwork: Constant Permeke - Najaar Autumn</p>	<p>Object ID: 80213 Link Object Code: JAG400 Artwork: Maurice Utrillo - Military Hospital</p>





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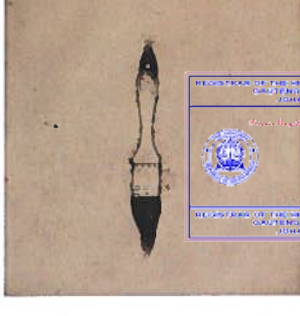



<p>Object ID: 80245 Link Object Code: JAGP2441 Artwork: Roy Lichtenstein - Crak!</p>	<p>Object ID: 80246 Link Object Code: JAG537 Artwork: Graham Vivian Sutherland OM - Pembrokeshire Mountains</p>	<p>Object ID: 80247 Link Object Code: JAG806 Artwork: Kenneth Noland – Broken Ring</p>
<p>Object ID: 80248 Link Object Code: JAG974 Artwork: Fernando Botero – Reclining Lady</p>	<p>Object ID: 80249 Link Object Code: JAGP2148 Artwork: Sir Peter Thomas Blake - Side Show- Fat Boy</p>	<p>Object ID: 80250 Link Object Code: JAGP2149 Artwork: Sir Peter Thomas Blake – Side Show- Bearded Lady</p>

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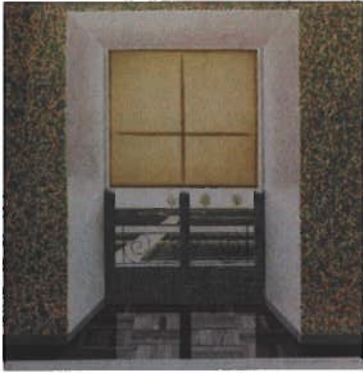





 <p>Object ID: 80254 Link Object Code: JAGP2016a Artwork: Jim Dine – Four German Brushes</p>	 <p>Object ID: 80255 Link Object Code: JAGP2016b Artwork: Jim Dine – Four German Brushes</p>	 <p>Object ID: 80256 Link Object Code: JAGP2016c Artwork: Jim Dine – Four German Brushes</p>
 <p>Object ID: 80257 Link Object Code: JAGP2016d Artwork: Jim Dine – Four German Brushes</p>	 <p>Object ID: 80259 Link Object Code: JAGS88 Artwork: Richard William Hamilton - Guggenheim- Frosted Grape Heather</p>	 <p>Object ID: 80260 Link Object Code: JAGP2053 Artwork: Richard William Hamilton - I'm Dreaming of a Black Christmas</p>

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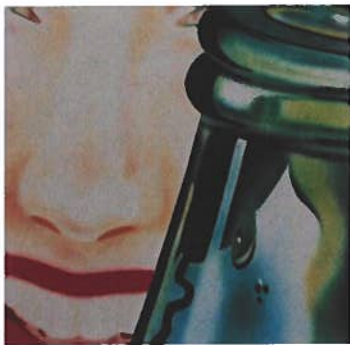
		
<p>Object ID: 80264 Link Object Code: JAG2067 Artwork: David Hockney - Contrejour in the French Style</p>	<p>Object ID: 80265 Link Object Code: JAGP2133 Artwork: Jasper Johns - Number 5 (after Untitled 1975)</p>	<p>Object ID: 80266 Link Object Code: JAGP2000-3-1 Artwork: Ronald Brooks Kitaj – A Life Red</p>
		
<p>Object ID: 80267 Link Object Code: JAGP2140 Artwork: Claes Oldenburg - Arched Soft Screw as Building</p>	<p>Object ID: 80244 Link Object Code: JAGP2058 Artwork: Milton Ernest "Robert" Rauschenberg - Poster for Peace</p>	<p>Object ID: 80270 Link Object Code: JAGP2054 Artwork: James Albert Rosenquist - Rainbow</p>

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Object ID: 80271 [Link](#)
Object Code: JAGP2056
Artwork: James Albert Rosenquist - Hey! Let's Go For a Ride



Object ID: 78983 [Link](#)
Object Code: JAG376
Artwork: Irma Stern – Green Apples



Object ID: 80212 [Link](#)
Object Code: JAG375
Artwork: Irma Stern – Bahutu Musicians



Object ID: 80272 [Link](#)
Object Code: JAG374
Artwork: Irma Stern – Portrait of a Young Girl



Object ID: 80273 [Link](#)
Object Code: JAG1991-11-16
Artwork: Alexis Preller – Mapogga Woman (no. 2)



Object ID: 80274 [Link](#)
Object Code: JAG327
Artwork: Alexis Preller - Fisherman of Bel Ombre

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SNSM



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Object ID: 80276 [Link](#)
Object Code: JAG1996-11-6
Artwork: Selbourne (Selby) Charlton
Sobizwa Mvusi – Magogo Singing



Object ID: 80277 [Link](#)
Object Code: JAG2001-4-2
Artwork: Gladys Nomfanekiso
Mgudlandlu - Two Girls Running Through
a Forest



Object ID: 78982 [Link](#)
Object Code: JAG2003-8-2
Artwork: Gladys Nomfanekiso
Mgudlandlu – Study of Birds



Object ID: 80278 [Link](#)
Object Code: JAG1996-1-1
Artwork: Gladys Nomfanekiso
Mgudlandlu – Three Men in Blue



Object ID: 80279 [Link](#)
Object Code: JAG183
Artwork: William Holman Hunt - A Study
for Oriana



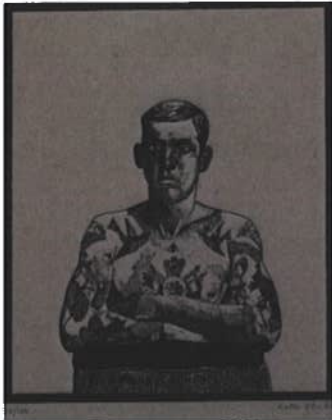
Object ID: 80280 [Link](#)
Object Code: JAG973
Artwork: Vanessa Bell - Mixed flowers

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ENSU



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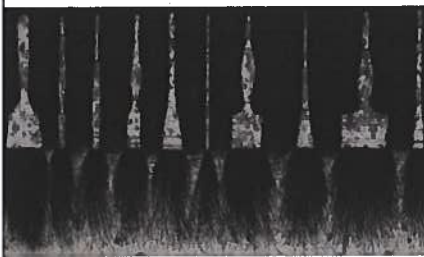
Object ID: 80251 [Link](#)
Object Code: JAGP2150
Artwork: Sir Peter Thomas Blake - Side Show- Tattooed man



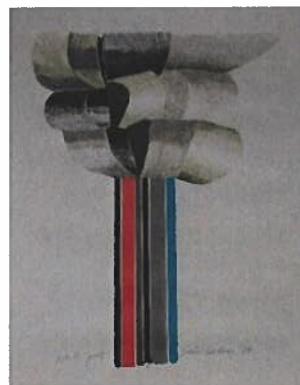
Object ID: 80252 [Link](#)
Object Code: JAGP2151
Artwork: Sir Peter Thomas Blake - Side Show- Giant



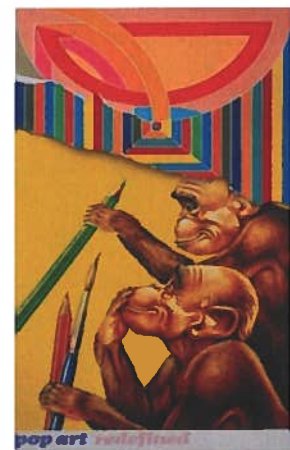
Object ID: 80253 [Link](#)
Object Code: JAGP2152
Artwork: Sir Peter Thomas Blake - Side Show- Midget (sic)



Object ID: 80258 [Link](#)
Object Code: JAGP2062
Artwork: Jim Dine - Five Paintbrushes (6th State)



Object ID: 80261 [Link](#)
Object Code: JAGP2065
Artwork: David Hockney - Tree



Object ID: 80269 [Link](#)
Object Code: JAGP2142
Artwork: Eduardo Luigi Paolozzi, Sir - Pop Art Redefined

Handwritten signature/initials: WAB SNUU



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Object ID: 80281 [Link](#)
Object Code: JAG1991-7-16
Artwork: Alexis Preller – Malay Sandals



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

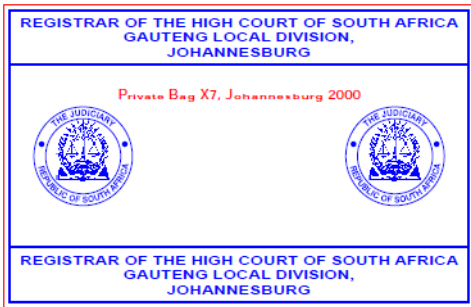
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:11:11 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

FA21

18/5/2026-7:11:11 AM

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY



PART A

MUSEUM LOAN POLICY OF THE CITY

DRAFT FEBRUARY 2019

1. PREAMBLE

The City has a long tradition of providing a museum service to its citizens albeit within the context of the changing social, economic and political context in the City and South Africa in general. All the City's museums and primarily Museum Africa, Roodepoort Museum, The Johannesburg Art Gallery and the James Hall Museum of Transport have extensive collections that are consistently loaned by other museums, nationally and internationally. This serves as an opportunity to strengthen relationships with other heritage institutions. This policy statement is a guiding document on the management of loans by and from all museums and libraries in the City.

2. LEGISLATIVE FRAMEWORK

This policy is compiled in line with the provisions of the National Heritage Resources Act, (Act 11 of 1999) and international agreements. The Act places a specific obligation on local authorities to identify and manage heritage resources which are of local significance and other heritage assets which are worthy of conservation.



The Standard GRAP 103 prescribe the accounting treatment for heritage assets and related disclosure requirements.

The MMC: Community Development ("hereafter the MMC") has the delegated authority to approve:

The decision to loan and borrow works of art and cultural objects or material to other museums nationally and internationally, subject to such terms and conditions to protect the interests of the City.

In addition, the following conventions are now part of South African law in terms of section 231 of the Constitution.

The Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) 61

The Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague (Netherlands) in 1954 in the wake of massive destruction of cultural heritage during the Second World War, is the first international treaty with a world-wide vocation focusing exclusively on the protection of cultural heritage in the event of armed conflict.

It covers immovable and movable cultural heritage, including monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections of all kinds regardless of their origin or ownership.

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995) 63

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is a complement to the UNESCO 1970 Convention. Perhaps the most important clause in the Convention is the principle that anyone with a stolen item in his/her possession must in all cases restore it.



UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO)

The United Nations Educational, Scientific and Cultural Organization (UNESCO) declares that museums, as centers for conservation, study and reflection on heritage and culture, can no longer stand aloof from the major issues of our time. Museums are defined as "non-profit-making, permanent institutions in the service of society and its development, and open to the public, which acquire, conserve, research, communicate and exhibit, for purposes of study, education and enjoyment, material evidence of people and their environment". They bear out a relationship with the past that attaches value to tangible traces left by our ancestors, and aim to protect them and even make them essential to the functioning of human society. Side by side with the monumental heritage, such collections now constitute the major part of what is universally known as the cultural heritage.

3. POLICY STATEMENT

This policy applies to the temporary movement of heritage assets from the City, i.e. the loaning of assets both internally (between City museums and properties) and

externally (outside institutions such as other museums or cultural institutions). It also applies to incoming loans from external institutions.

Lending and borrowing objects and specimens for exhibition, research, and educational purposes is an integral part of any museum's mission to make their collections accessible to the widest possible audience. Loans can be understood as an aspect of collections care.

Museum loans are important in facilitating research, education and heritage promotions through exhibitions and studies of the objects.

Loans also provide opportunities for exhibition's wider audience and also often compliments series of objects from the same era, same artists, or of the same heritage value to be exhibited contractually to relevant audiences around the world.



4. DEFINITIONS AND INTERPRETATION

- i. **MMC:** Member of Mayoral Committee
- ii. **Museums:** are dynamic and accountable public institutions which both shape and manifest the consciousness, identities and understanding of communities and individuals in relation to their natural, historical and cultural environments through collection, documentation, conservation, research and education programmes that are responsive to the needs of society.
- iii. **Act:** this refers to the South African Heritage Resources Act 11 of 1999
Loans: Loans are temporary transfers of objects from one institution to another in which there is no transfer of ownership. The City sends and receives loans for the purposes of exhibition, research (including destructive sampling, conservation, or study), or education.
- iv. **Arts:** widely refer to all forms of music, dance, theatre, performance art, visual art, craft, film, video, "traditional" and community art, musical theatre and literature.
- v. **Heritage:** according to the White Paper is the sum total of wildlife and scenic parks, sites of scientific and historical importance, national monuments,

historic buildings, works of art, literature and music, oral traditions and museum collections and their documentation which provides the basis for a shared culture and creativity in the arts.

- vi. **Collections:** is the term used for all material holdings of the Museum and libraries.
- vii. **Heritage assets:** according to GRAP 103 are assets that have a cultural, environmental, historical, natural, scientific, technological or artistic significance and are held indefinitely for the benefit of present and future generations.
- viii. **Provenance:** is the chronology of the ownership, custody or location of a historical object.
- ix. **Director:** the head of Arts, Culture and Heritage in the City tasked with the management of all heritage facilities and cultural institutions and their associated collections.
- x. **Chief curator:** Head of Cultural institution – responsible for all operational functions.
- xi. **Curator:** a person with specialist knowledge tasked with the protection and promotion of a particular collections and required as part of their duty to curate exhibitions
- xii. **Curatorial Designee:** a person acting as an understudy and / or acting as a trainee curator with specialist knowledge of the collection.
- xiii. **Collection Manager:** an official tasked with compliance of heritage collections to partitions of GRAF103 and also to coordinate the preservation and conservation of the heritage objects.
- xiv. **Conservator:** an official responsible for the conservation of heritage objects and also tasked with the compilation of condition reports for varies loan collections.
- xv. **Librarian:** A specialist responsible for the heritage collection of books, journals under the known libraries of the City.
- xvi. **Municipal Entities:** Are business entities established by the City of Joburg.
- xvii. **A loan:** is the temporary physical transfer of material without transfer of ownership.



5. PURPOSE

The objectives of this policy are to:

1. Provide appropriate conditions and controls under which other Organisations/museums/libraries/institutions may borrow heritage material for the purposes of exhibition, research, education and operational use from the City of Joburg
2. Provide appropriate conditions and controls under which the City may borrow heritage material from external organisations/museums/institutions, and
3. Enable the display of objects from the City's collections and other collections to the widest possible audiences.



6. STATEMENT OF BASIC PRINCIPLES

1. Loans are undertaken by the City as a matter of professional courtesy.
 2. Loans are made on behalf of the City by a curator/ curatorial designee / Specialist librarian subject to approval by the delegated authority-MMC
 3. Loans are made for non-commercial purposes.
 4. Responsibility for the care and custody of material loaned by the City must be accepted in writing by the borrowing institution through its authorized representative. Exceptions to this requirement can be made only by the Director on the advice of a curator /curatorial designee/ specialist librarian.
 5. In the case of incoming loans, only the Director / a curator/ / curatorial designee/ specialist librarian can accept material on behalf of the City, subject to prior approval by the Group Assurance Department.
 6. The MMC: Community development in terms of her delegation has the final authority to approve loans or exceptions to this policy.
-

These agreements may originate or be accompanied by documents from the lending institution. However, if the terms and conditions of the incoming loan agreement places a greater burden of risk on the City than the standard Joburg Museums Incoming Loan Agreement, the Chief Curator or relevant Curator/ specialist librarian must consult with Group Assurance prior to accepting the agreement.

7.2.3. No permanent loans will be accepted, unless, in the case of extremely important objects, and an exception is authorized by the MMC. The City will not knowingly accept incoming loans of objects acquired or collected illegally or not in compliance with all applicable international and national laws and regulations.

7.2.4. All borrowed objects must be reviewed by the lending institution for physical condition prior to shipping to the City and the City must be provided with a written approval from the lending institution for packing, travel, handling, and climate change.



7.3 INCOMING LOAN PROCEDURES

7.3.1 The individual responsible for originating the loan request will contact the lending institution/individual and agree upon Conditions of Loan, including the specified period of time, insurance value indemnities etc.

7.3.2 Upon receiving the loan, the borrowing department will inventory, inspect, assign temporary loan numbers (where appropriate), process according to standard integrated pest management policies, photograph (where appropriate), and make written notations of the findings. Condition Reports must be requested for reference and insurance purposes.

7.3.3. Any inconsistencies in the loan inventory or any change in condition of the borrowed objects during the loan period must be immediately reported to the lending party, and when appropriate, notify Risk Management and prepare a full condition report.

7.3.4. Loans will be returned by the date agreed upon, and to the lending party identified on the loan agreement at the stated address unless an authorized agent of the lender has given notice of change of ownership or location.

7.3.5. All borrowed objects will be subject to the same level of care, security, and

handling as objects in the City's permanent collections.

7.3.6. Curators/specialist librarians will not transfer possession or alter in any way objects that the City has received on loan without the express written approval of the lending institution or they will not ship or start to ship items on loan prior to MMC Approving such a loan.

7.4. SPECIAL CONSIDERATIONS

7.4.1. As required by lending institutions, the City will provide insurance on incoming loans for exhibit and research purposes once the loan has left the possession of the lending institution (providing wall-to-wall coverage).

7.4.2. Coverage will be through the City's Group Assurance department



(a). Should the value of the incoming loan object be in any currency other than the Rand, the cover shall be with respect to the exchange rate value for the day on which the cover resumes.

(b). Group Assurance will be informed in writing of an incoming loan consisting of an object, or group of objects, with a value exceeding R1million

(c). A Certificate of Insurance may be provided by the Office of Group Assurance to a lender, if requested.

7.4.3. All incoming loans should have an established and proven provenance. If the provenance of a borrowed object is challenged, the City will seek and follow the advice of the South African Heritage Resources Agency (SAHRA)/

7.4.4. Objects brought in by visitors, with the approval of the appropriate curator/specialist librarian, may be left temporarily in the custody of the curator or collections manager to identify, study, or examine either as a public service or as a possible gift, purchase, or loan.

7.4.5. Objects left in the temporary custody of the City must be documented as a temporary, short-term loan, with the owner being issued a Temporary Custody Form as receipt. Only the appropriate curator or collections manager has the authority to accept an item to be left in temporary custody of a collecting department.

7.4.6. The Temporary Custody Form shall provide the owner full claim against the City in the event of a loss, damage, and/or theft of the object in question.

8. OUTGOING LOANS

8.1. RESPONSIBLE PARTIES

8.1.1. The authority to approve an outgoing loan rests with the MMC in conjunction with the appropriate curator/ specialist librarian.

8.1.2. The collections manager, in consultation with the curator/ specialist librarian, is responsible for communicating with the requesting organization preparing and maintaining all loan paperwork, as well as monitoring the transaction over the loan period.

8.1.3 The authority to recommend recall of the loan prior to the noted end date rests with the appropriate curator or Chief Curator

8.1.4 If unusual restrictions are required for a requested loan, the curator, in consultation with the Chief Curator, will approve or negotiate these conditions, and will be responsible for enforcing them.



8.2. OUTGOING LOAN CRITERIA

8.2.1. The City lends objects to qualified institutions or non-profit organizations for scholarly research and exhibition, subject to policies and practices within each collection.

8.2.2. The City does not grant loans of its collections to private or corporate establishments, except for educational, non-profit purposes, and for events or projects directly related to the promotion of City and its museums and provided the objects in such loans are displayed under approved environmental and security conditions.

8.2.3 Objects requested for loan must be physically capable of withstanding packing, travel, extra handling, and climate change. Any objects which do not comply with this standard should not be approved for loan, unless special conditions are agreed upon in the loan contract which protects the object.

8.2.4. Outgoing loans will be for a one year period unless otherwise specified. The loan may be renewed with the written approval of the curator prior to the return date. If approval to renew a one- year loan is granted, the borrower will be required to cover the cost of transportation for a Curator or Curatorial Designee to inspect the condition of the loan against the latest condition report.

8.2.5. The City must ensure that an approved Facilities Report be completed, or on file, prior to the approval of an outgoing loan.

8.2.6 The borrowing institution will not transfer possession, repair, clean, alter, or restore objects it has received on loan without express written approval of the appropriate curator. Exceptions to the requirement for written approval to clean or alter may vary by collection.

8.2.7 Loans promoting the City in public buildings (airport, government offices, various private sector offices) are permitted, providing the objects in such loans are displayed under approved environmental and security conditions. Facilities Reports must be completed for these outgoing loans.

8.2.8 Objects requested for loan by internal City departments or Municipal Entities ("ME") require approval of the appropriate curator. Loans will be made to the department or ME and not to an individual. The Group Assurance must be made aware of these internal movements.

8.2.9. The Borrower accepts the responsibility to pay, promptly and upon demand, all agreed expenses relating to;

- (a)- Insurance,
- (b)- packing,
- (c) - customs,
- (d) - transport (including -
- (e) - the expenses of any official who may be required to travel with the loan
- (f) - exhibition and custody arising from the loan agreement.



8.2.10. The Borrower agrees to provide or pay for insurance and provide an indemnity, acceptable to the Lender. The insurance and indemnity shall be "nail to nail", i.e. covering the loan from the time when it is removed from its location prior to its shipment to the Borrower, and until returned directly to the location specified in the Certificate of Insurance or Indemnity

8.11. The City requires that the borrower insure objects loaned for exhibition once the loan has left the possession of the City (providing wall-to-wall coverage) and may request a Certificate of Insurance as proof of such.

8.2.12. The Borrower and the Lender shall mutually agree to the transport arrangements. The Lender reserves the right to specify the transport programme to be employed and to object to a specific contractor without stating his reasons. The vehicles and other equipment used for handling should be suitable for the specialized work involved, and where necessary they are to be fitted with approved security devices.



8.13. Objects on loan from the City may not be reproduced or replicated in any manner without the written permission of the curator.

8.2.14. Failure to adhere to the terms of previous loans will be deemed adequate cause for denying loan requests. In such instances, alternative measures to ensure compliance, such as requiring the borrower to post a performance bond, may be considered.

8.3. OUTGOING LOAN PROCEDURES

8.3.1. The borrowing institution must contact the departmental curator and make a written request, indicating:

- a) The nature of the objects requested (catalogue numbers, specimen types, etc.)
- b) The purpose of the loan;
- c) The proposed start and end date of the loan;
- d) Any special conditions of the requested use;
- e) The location of the proposed activity;

8.3.2 The curator and collections manager will review the loan request, determining potential legal, ethical, or professional financial reasons why it should or should not be approved.

8.3.3. The borrowing institution must agree and adhere to the Conditions of Loan, established by the lending department.

8.3.4. The collections manager will prepare all paperwork, which must include:

- a) Outgoing Loan Agreement
- b) Condition Report (with current photographs)
- c) Import/Export permit if required
- d) Invoice for loan fees (where applicable)



8.3.5. Objects will be packed and shipped by qualified individuals and a shipping or transportation mode agreed upon by both the City and the borrower, to the physical location indicated on the loan agreement.

8.3.6. If the loan has not been returned by the date indicated on the loan agreement, the curator or collections manager will contact the borrowing institution to initiate return.

8.3.7. Upon the return of borrowed material, the collections manager will unpack, inventory, assess condition, and process per the City's Collections Management policy prior to reintegrating the objects into the collections.

8.3.8. The curator will close out the loan agreement upon the return of all objects.

8.4. SPECIAL CONSIDERATIONS

8.4.1. If a borrowing institution is unable to provide adequate insurance for the requested objects, a request for exception, along with an explanation for the reason insurance cannot be obtained, must be made in writing to the curator. The curator will consult with Group Risk and Assurance for approval to waive the insurance requirements. Once the loan waiver is approved, the City will assume the responsibility for insurance of the loan but still subject to an

indemnity by the borrowing institution in favour of the City.

8.4.2. Objects may not be moved or re-loaned without permission from the City, and it is the responsibility of the borrower to immediately report any damage to or change in the condition of the object to the City's museum.

8.4.3 Requests for the loan of objects held under trust or repository agreements will be approved only after careful review of the original terms of the agreement.

8.4.4. The lending museum of the City must be credited in all publications, advertisements and exhibitions associated with the loaned object, including photographs and reproductions, media statements and coverage and must receive at least 10 copies of any publication. The object(s) should be identified by its catalog or accession number.



9. LENGTH OF LOANS

Loans are granted for periods of up to one (1) year and may be renewed via written request, for a period of one year certain objects (given their fragile nature) may only be lent for shorter periods of time. The City Museums reserves the right to recall loaned objects on short notice if necessary.

Renewals will be granted subject to physical inspection of the loan by a curator and a conservator of the City the City may insist on the return of the loan prior to granting an extension for new condition report to be generated.

10. LOAN APPROVAL

Requests are reviewed internally by the curators/specialist librarians, collections manager and/or conservator. The loan request is reviewed for Legal implications by Legal

Financial Implications by Community Development: Finance and approval by the Director of Arts, Culture. Final approval for the outgoing loan is given by the MMC.

PART B



Courier

11. COURIER:

1. International external museum loans are subject to accompaniment by a courier /escort, for which the Lender reserves the right of nomination.
2. Courier/ escorts should be experienced museum officials familiar with the modern packing, storage, handling and transport methods employed.
3. The courier/ escort will personally witness and oversee packing and unpacking, loading and unloading of the loan, and any transfer between different forms of transport, as well as oversee condition reports of all objects.
4. City employees who act as couriers/ escorts must apply for prior approval for travel in terms of the Travel and Subsistence Policy of the City and may be granted special leave to fulfil their duties as couriers.
5. No international loan may be facilitated without a courier escorts

ANNEXURE

1. GUIDING STATEMENT OF COURIERS

1.1. Introduction

With the development of technology and the ability to control temperature, humidity and movement in confined spaces, works of art are now able to travel far more frequently and safely than in the past. This has led to an increasing number of major exhibitions which display works of art from around the world. These exhibitions are of key importance for art historical research in that they gather items for critical assessment of works that may never have been displayed together before. But the serious researcher is not the only audience. Major loan exhibitions are often "block-busters", with people queuing to see them. It is of tremendous importance for the Johannesburg Art Gallery to have its artworks on display at these shows. Audiences become aware of the quality of the collection that in turn brings acknowledgement to the City of Johannesburg as a cultural capital. Organisers of future exhibitions may consider Johannesburg as a venue in a world-wide tour. The public may consider coming to South Africa to visit the Johannesburg Art Gallery and other museums.



1.2. Who is a Courier?

A courier, in the context of museums and art galleries, is a qualified museum official who escorts shipments of works of great value between their home and the borrowing institution/s. The courier ensures the safety of the artworks by overseeing its condition, packing and crating.

The courier is usually an employee of the lending institution because s/he will be familiar with the work of art. Occasionally the borrowing institution sends its own representative to accompany the shipment. Sometimes the borrowers and the lenders each send a courier who then accompany the works of art together.

The courier must have museum training and must also be knowledgeable in transportation and shipping matters. The courier must be able to recognise, assess and identify the condition of the work of art. Couriers are usually, therefore, the head, registrar, conservator, curator or the exhibitions officer of the lending institution.

1.3. Functions and duties of the courier

- The function of a courier is to safeguard the property of the museum. To this end the courier must have an understanding of the construction, materials, techniques and condition of the work of art.
- The courier must be aware of the packing design so that s/he understands what the crate can and cannot withstand, as well as matters pertaining to the transportation of it.
- The courier must remain with the crate at all times, supervising its handling and ensuring its security.

- The courier must be familiar with customs procedures and documents, as well as import and export regulations, to ensure that the necessary documentation is completed on time.
- The courier must check the display and security arrangements at the borrowing institution. The handling, care and environmental conditions must be of the highest standards.
- The courier must supervise the unpacking of the work of art and check its condition. S/he must complete documentation which is of vital importance for insurance purposes.

1.4. Consequences

If the courier lacks an understanding of what is involved and is not a museum professional, or if there is no courier present, problems may occur which may have serious consequences.

- Insurers will not honour insurance policies and in future may not insure the collection during transportation. The institution may have no basis for further insurance claims.
- The professional reputation of the institution may be harmed and future promotion of the institution as a venue for international exhibitions may be hindered.
- International lenders will not be prepared to lend their valuable works of art to an institution which does not properly care for and transport its own collection. It is the courier who will reflect the responsibility of the institution in caring for its works of art.



1.5. Conclusion

The responsibility of the courier is enormous. The appointed courier should therefore be a qualified and experienced museum professional. Furthermore, considering the opportunity the courier has to promote the Council's museums, it is critical that a suitable member of staff of the museums undertake these trips.

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

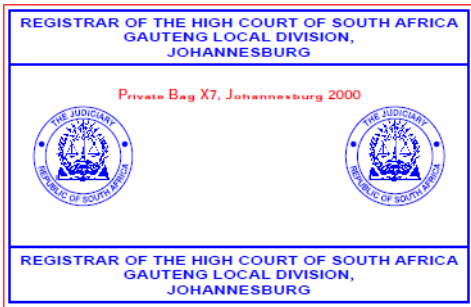
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

Memorandum

To: Cllr Tebogo Nkonkou
MMC Community Development

CC: Cllr Belinda Echeozonjoku
DA Joburg Caucus Leader
Cllr Nicole Rahn
DA Joburg Chief Whip

From: Cllr Lyrics Mazibuko
DA Community Development Shadow MMC

Date: 25/06/2025

Re: JAG Art Works Loan Policy



Dear Cllr Nkonkou

With reference to art works from JAG being loaned out.

I would like to bring to your attention the issue of artworks that were loaned out from JAG.

Multiple oversight visits have been conducted at JAG in order to ascertain the condition of the gallery as well as the conditions of the artworks. Many artworks have also been loaned out internationally. It is very pertinent to know exactly the conditions and agreements of that were used in the loan agreement of the artworks.

It has been stated that the Loan Policy was passed in Council during the 2019/2020 FY. However, that information is nowhere to be found in the 2019/2020 Council Meeting minutes. Either the loan policy was never passed in Council, or the item was not recorded in the Council Meeting minutes.

The policy states that the policy was compiled in line with the provisions of the National Heritage Resources Act, (Act 11 of 1999) and international agreements. Furthermore, it states "the decision to loan and borrow works of art and cultural objects or material to other museums nationally and internationally, subject to such terms and conditions to protect the interests of the City" is an authority that is delegated with MMC Community Development.

It is understood that according to the policy, loans are made on behalf of the City by a curator/ curatorial designee/Specialist librarian subject to approval by the delegated authority-MMC. However, please provide clarity on what grounds were the artworks loaned out because as previously stated, there is no mention of this policy in the meeting minutes. So, on what authority were the artworks loaned out?

Thank you.

Yours Sincerely

Cllr L Mazibuko

[Electronically signed]



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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

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HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

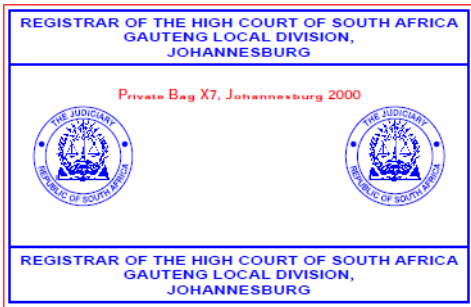
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,NONTOBeko NTOMBELA NO ,PFUNZO
SIDOGI NO**

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

The power of Monet and Andy Warhol...It set a record for 300,000 people on a national tour

SHIN Iksoo soo@mk.co.kr

Input : 2025-07-31 11:28:54

Johannesburg Art Gallery's special exhibition art tour course has achieved a milestone in four cities over the past two years, exceeding 300,000 in Monet to Andy Warhol. Return to South Africa for a special exhibition of the G20 in November



visitors lined up to see the exhibition. [Picture = Gaudium Associates]

The masterpiece exhibition "From Monet to Andy War Hall," which attracted 200,000 visitors from Gyeongju, Busan, and Jeju, exceeded 100,000 visitors at the Sejong Center for the Performing Arts, achieving a milestone of more than 300,000 cumulative visitors.

The exhibition, co-hosted by Gaudium Associates, a cultural content company, with the Sejong Center for the Performing Arts, will conclude on the 31st the four-city tour of Gyeongju-Busan-Jeju-Seoul over the past two years.

The Johannesburg Art Gallery's 143 masterpieces exhibited in this exhibition will return to their home countries immediately after the end of the exhibition for entries in a special exhibition commemorating the South African G20 summit to be held in November.



The exhibition debuted at the Gyeongju Arts Center in December 2024. It is hard to find a precedent in the history of Korean commercial exhibitions that it has been successful in the box office, attracting more than 300,000 visitors nationwide. The exhibition, which led to the Gyeongju Arts Center, the Busan Cultural Center, the Jeju Museum of Modern and Contemporary Art, and the Sejong Center for the Performing Arts, was well received by visiting four national and public art museums across the country for 18 months without interruption. In particular, it is evaluated that it remains an example of directly providing the region with opportunities to enjoy high-quality culture, which is concentrated only in Seoul.

His achievements over the past two years are also remarkable. First of all, the expert dream teams who participated in the "From Monet to Andy War Hall" exhibition attract attention. A representative figure who has contributed to understanding the flow of 400 years of Western art and expanding the base of awareness is exhibition commentator Kim Chan-yong, who is considered the "domestic docent No. 1."

Kim, who was in charge of commentating on the audio docent, which was provided free of charge to everyone as well as visitors during the exhibition, was an official commentator and even a docent for the Seoul exhibition, attracting more than 100

visitors per episode. In addition, Yang Jung-moo, a professor at the Korea National University of Arts, and Park Woo-chan, an art critic, wrote explanations for the exhibition and Milanonna, a million YouTuber, served as the ambassador for the Seoul exhibition.

Gaudium Associates, a cultural content company, also presented a variety of events, including free work commentary and experience coloring pages at the exhibition, which was held to mark the 10th anniversary of its foundation. "The Johannesburg Art Gallery masterpieces that have been with us for nearly two years will soon leave us," said Kim Dae-sung, CEO of Gaudium Associates. "The exhibition, which allowed us to see the flow of Western art history over 400 years in one place through 143 works, remains a cultural milestone that resonated greatly in our society."



The exhibition "From Monet to Andy War Hall" will continue at the Sejong Center for the Performing Arts until the 31st and end. For those who want to taste the essence of this holiday season's "Art Tour," run and try it.

Shin Ik-soo, travel journalist

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**IN THE HIGH COURT OF SOUTH AFRICA
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CASE NO: 2026-111053

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HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

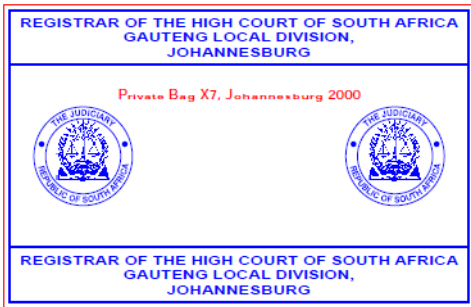
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**THE PRESIDENT OF THE REPUBLIC OF
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CITY OF JOHANNESBURG,CITY
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SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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Local Division,Johannesburg**

THE ACTING CHAIRPERSON OF THE ART GALLERY COMMITTEE

Johannesburg Art Gallery
Mr Joseph Gaylard:
By email: coelacanth@iafrica.com

And to: Molemo Moiloa:
By email: moiloa.molemo@gmail.com

And to: Melissa Goba
By email: melissagoba15@gmail.com

And to: Pfunzo Sidogi
By email: sidogip@tut.ac.za

And to: Nontobeko Ntombela
By email: nontobekon@gmail.com

And to: Mayor of the City of Johannesburg
Mr Dada Morero
By email: selloenockm@joburg.org.za

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Your reference	Our reference	Date
	A Thakor / M Ilsley / L Doubell / J Venter / G Moodley/K Leseyane 4009947	11 September 2025

Dear Sirs

ENQUIRY ON THE ART GALLERY COMMITTEE'S PLAN FOR THE JAG ARTWORKS RETURNING FROM SOUTH KOREA

1. We act for the Joburg Heritage Foundation and Friends of the Johannesburg Art Gallery (collectively, "our clients").
2. We write to you in relation to the approximately 145 artworks donated to the Johannesburg Art Gallery ("JAG") or acquired by the Art Gallery Committee ("the Committee") on behalf of the JAG which our clients understand have been on exhibition in South Korea under a loan initially applied for, for the period of November 2023 – June 2024, extended to July 2024 - October 2024, and extended again for the period October 2024 – September 2025.
3. According to the press reports attached as "A", the artworks are to return to South Africa in time for the G20 summit to be held in November 2025.
4. The Deed of Donation that established the JAG provides that artworks housed at the JAG may only be removed from the JAG with the express consent of the members of the Art Gallery Committee.

2025 09 11 WW To Art Gallery Committee.Docx

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Druce E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Hofeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlal L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal A Paige AS Parry GR Penfold SE Phajane 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 BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni 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 N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

5. The relevant provisions in the Deed of Donation state that:

The 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 the Art Gallery Committee. (our emphasis)

6. Our clients request that the Committee provide full transparency and clarity regarding:

6.1 whether they gave their consent for the original and extended loan of the collection to South Korea as required by the Deed of Donation, and if so, copies of the documents in which such consent is recorded;

6.2 the decision-making process that led to this overseas loan;

6.3 how long the collection has been on tour outside South Africa; and

6.4 what oversight and accountability measures were implemented to ensure the Committee fulfilled its fiduciary duty to protect the relevant artworks. The Committee's accountability for the safety and stewardship of the JAG collection is a matter of significant public interest and constitutional responsibility.



7. The returning art collection should logically return to its home at the JAG. However, the Lutyens building housing the JAG is not in a suitable condition to house the art collection due to damp ingress, poor lighting, climate control problems and security issues. In November 2024, the South African Heritage Resources Authority, conducted a site inspection of the JAG and recorded in its report attached as "B" that:

"This was not the first time there was an outcry over the concerning state of the JAG. In 2022 the SAHRA was alerted to the potential adverse impacts of the dilapidating state of the building to the contents of the building. SAHRA at the time sought to engage the JAG on these concerns."

8. Furthermore, in a letter dated 8 September 2024, the City's Acting Director: Group Legal and Contracts: Amohelang Makae, indicated to our clients that:

"as the City, we are alive to the risks that some of the collection items face, and it is for this reason that we have been working on alternative storage for the affected collection items."

9. This acknowledgement by the City underscores the urgent need for the Art Gallery Committee to fulfil its responsibility to ensure the safe housing of the returning artworks.

10. Since receipt of the letter from Ms Makae, the Joburg Development Agency approved, on or about August 2025, the appointment of heritage architects to conduct investigations and advise the City on renovations to the JAG building. The heritage architects have applied to SAHRA and are awaiting permission to conduct exploratory work to assess the JAG building's condition. This exploratory work is due to begin as soon as SAHRA grants the necessary permissions required under South Africa's heritage laws. Once the plans are approved, construction work will commence at the JAG. It is advisable for the artworks not to be housed at the JAG for the duration of the construction process to avoid potential damage from dust, heavy machinery, mishaps or theft.

11. In the foregoing, the JAG building is not suitable to receive the artworks, which begs the question on how the Art Gallery Committee intends to fulfil its legal responsibility under the Deed of Donation and Constitution to ensure the collection's proper care and preservation.

Our clients in the public interest request that the Committee provide full accountability and transparency by clarifying the following:

- 11.1 on what date the collection is expected to return to South Africa;
 - 11.2 where the artworks will be housed upon their return from South Korea;
 - 11.3 what the Committee's plan is to conserve and preserve the returning artworks;
 - 11.4 who has been entrusted with the responsibility of ensuring the safe passage of the artworks from South Korea to South Africa; and
 - 11.5 how the Committee is overseeing this process to fulfil its duty of care.
12. Our clients request a direct response from all members of the Committee, by virtue of the fiduciary duties vested in each of them under the Deed of Donation to protect and preserve the artworks, within 10 business days hereof and no later than **24 September 2025**.
13. All our clients' rights are reserved.



Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Email: asmita.thakor@webberwentzel.com

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

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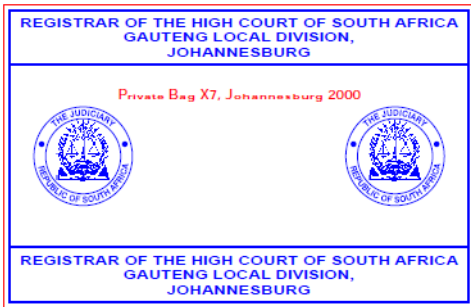
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Your reference

Our reference

Date

A Thakor / M Ilsley / J Venter / L Doubell / 17 September 2025
G Moodley / S Tlhaole
4009947

Dear Ms Lloyd

URGENT CALL FOR PRESERVATION and STORAGE OF JAG ARTWORKS COLLECTION RETURNED FROM SOUTH KOREA



1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") ("our clients").
2. JHF and FoJAG are long-established, respected non-profit organisations dedicated to preserving Johannesburg's cultural and artistic heritage. FoJAG has, for the past year, been engaging with the City of Johannesburg to ensure that the JAG's artworks are conserved, restored, and made accessible to the public in accordance with the governing Deed of Donation that established the JAG. JHF is committed to the sustainable restoration of the JAG building and is currently supporting the Johannesburg Development Agency and its heritage architects in an advisory capacity.
3. In acting in the interests of the JAG institution as a whole, our clients do so entirely in the public interest and to ensure that the JAG and its invaluable collection is preserved for future generations and to safeguard the implicated constitutional rights and values.
4. We write this letter to you concerning the JAG's approximately 145 artworks that have returned from South Korea through the agency of your company. According to the Deed, the consent of the members of the Art Gallery Committee is required to give you a directive for the release of the artworks. The City has only a custodial role in relation to the collection and no decision-making powers that are independent of the Art Gallery Committee, especially in circumstances where it has breached its duties under the Deed.
5. The artworks cannot return to the JAG because the building is not suitable to house the artworks. We refer you to the reasons why the building is unsuitable in our letter to the members of the Art Gallery Committee dated 11 September 2025, which is attached hereto as "A".

2025 09 17 WW To Adele Lloyd(23292319.1).Docx

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazell G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgalle MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlal L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane M Phillippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjettan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R TlHAVANI G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warmingtton J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

WEBBER WENTZEL

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Page 2

6. Our clients are waiting on a response from the Art Gallery Committee, due on 24 September 2025, regarding its plans to store the 145 pieces.
7. Our clients request that you preserve and retain the artworks and that you do not, under any circumstances, release the artworks to the City until a response is received from the members of the Art Gallery Committee. To act otherwise would be contrary to the Deed and unlawful.
8. The 145 artworks, as you would know, are priceless and form part of South Africa's cultural heritage. Our clients are prepared to urgently approach the court to ensure the preservation of the returning collection, should it become necessary. **We therefore request your written undertaking by 16H00 on 18 September 2025** that you will safeguard the collection and not release the artworks to the City of Johannesburg or any of its officials until the Art Gallery Committee has communicated its decision regarding the preservation and storage of the 145 artworks.
9. Our clients' rights remain reserved.

Yours faithfully



WEBBER WENTZEL

Asmita Thakor

Partner

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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

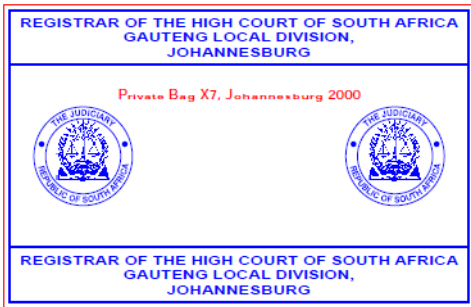
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

South African Heritage Resources Authority

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Your reference

Our reference

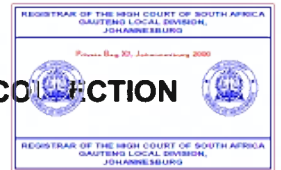
Date

A Thakor / M Ilesley / J Venter / L Doubell /
G Moodley / S Tlhaole
4009947

20 September 2025

Dear Adv Malgas

**URGENT CALL FOR PRESERVATION AND STORAGE OF JAG ARTWORKS COLLECTION
RETURNED FROM SOUTH KOREA**



1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") ("our clients").
2. We address this letter to you concerning the urgent and immediate need to protect and preserve the 145 artworks that have returned from South Korea. These 145 artworks are highly valuable, the most prized and of immense heritage value to South Africa.
3. Our clients have reason to believe that the loans of the 145 artworks to South Korea was unauthorised and unlawful and not sanctioned by the Art Gallery Committee. The Deed of Donation that established the JAG provides that artworks housed at the JAG may only be removed from the JAG with the express consent of the members of the Art Gallery Committee.
4. The JAG, as would have become clear during the oversight visits conducted by SAHRA, is beset with serious governance issues. The members of the Art Gallery Committee are not fulfilling their oversight role in preserving and protecting the artworks. Instead, officials of the City and, in particular, the Department of Community Development, which ought only to play a custodial role, have usurped the Art Gallery Committee's power and are running the JAG to the exclusion of the members of the Art Gallery Committee.
5. These governance issues have compromised the JAG and resulted in its failure to operate in accordance with high ethical and museum standards.
6. Our clients are of the view that the 145 artworks cannot be placed in the custody of the City of Johannesburg or the members of the Art Gallery Committee as both structures have been derelict in their duties in preserving and protecting the artworks. For this reason, our clients propose that SAHRA, as an organ of state, ought to step in to protect our national heritage by assuming custody over the returning 145 artworks.

2025 09 20 WW To SAHRA.Docx

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane 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 BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Thivani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warmington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

7. The returning artworks are intended to return to the JAG. However, the Lutyens building that houses the JAG is, according to your report dated 2 December 2024, not suitable to house the artworks. Furthermore, the three relocation sites announced by the Office of the Executive Mayor of the City to accommodate the artworks whilst renovation works commence are also unsuitable to house the returning artworks.
8. The Mayor announced in a press release dated 17 September 2025 attached as "A", that the City would relocate the artworks inside the JAG to three locations, namely:
 - 8.1 the Johannesburg City Library;
 - 8.2 Museum Africa; and
 - 8.3 the Brixton Multipurpose Centre (Art Gallery Space).
9. Technically, the three relocation sites have not yet been approved by SAHRA. It is mandatory that the sites be approved. At the Presidential Working Group meeting on 17 September 2025, your office indicated that the City of Johannesburg should expedite submission of its approval request, as the processing of the application could take up to 90 days.
10. In these circumstances, our clients respectfully recommend that the returning artworks be stored temporarily at the Standard Bank Art Gallery. The benefits of housing the artworks at the Standard Bank Art Gallery are that the public of Johannesburg will have easy access to the artworks and will have use and enjoyment of the artworks in fulfilment of the Deed of Donation. Importantly, the Standard Bank Art Gallery meets museum standards and has adequate security measures to preserve the collection.
11. Once the artworks are secure at Standard Bank, SAHRA can work constructively with all the interested and affected role-players to find a permanent solution concerning where the returning artworks should be housed with due regard to also addressing the governance problems facing JAG.
12. We look forward to engaging with you on an urgent basis regarding the contents of this letter. In particular, we seek your response to the following two requests:
 - 12.1 whether SAHRA is willing to play a custodial role and assume custody of the returning artworks, thereby removing them from the control of the City of Johannesburg until such time as a permanent solution can be found to address the governance issues facing the JAG; and
 - 12.2 whether SAHRA supports the temporary relocation of the artworks to the Standard Bank Art Gallery as proposed.
13. Kindly furnish us with an expedited response by 17h00 on Saturday, 20 September 2025.



14. Our clients' rights remain reserved.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

Letter sent electronically. Signed version to be provided upon request.



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

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Plaintiff / Applicant / Appellant

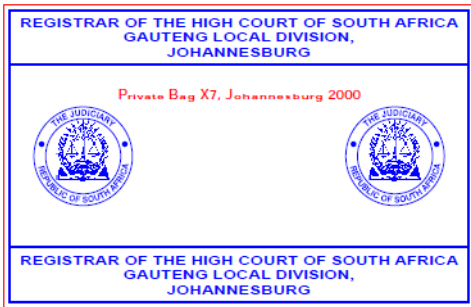
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**THE PRESIDENT OF THE REPUBLIC OF
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AUTHORITY,KHWEZI GULE NO
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,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

South African Revenue Services
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Your reference

Our reference

Date

A Thakor / M Ilesley / J Venter / L Doubell / 21 September 2025
G Moodley / S Tlhaole
4009947

EXTREMELY URGENT AND CONFIDENTIAL



COMPLAINT AND URGENT REQUEST FOR CUSTOMS DETENTION, EXPERT EXAMINATION AND SAFE CUSTODIAL ARRANGEMENTS IN RESPECT OF 145 JOHANNESBURG ART GALLERY ARTWORKS RETURNING FROM SOUTH KOREA – MAWB 157 0519 7393

Dear Mr Beyers Theron

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") (collectively "our clients").
2. Our clients hereby lodge a formal complaint with SARS Customs concerning the 145 Artworks ("Artworks") of the Johannesburg Art Gallery ("JAG") that have returned from South Korea. We attach the Air waybills with reference no MAWB 157 0519 7393 marked

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane 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 BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Thavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

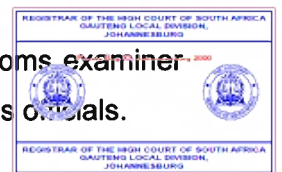
"A". The returning Artworks are extremely valuable (estimated value R600 million) and form part of the national estate of South Africa.

3. We understand that the Artworks were released by your Customs officials on 19 September 2025. We further understand that:

3.1 the consignment was released on the condition that the consignment is delivered, in the crates, to the JAG;

3.2 a further condition of the release is that the goods cannot be unpacked until such time as a physical customs examination is carried out by the appointed customs official; and

3.3 the crates can only be opened under the supervision of the customs examiner and a representative of the freight company appointed by the City's officials.



4. We respectfully request confirmation that these conditions remain in force.

5. In light of new material risks (set out below), our clients respectfully request SARS to detain the goods and to suspend any movement or opening of the crates until an expert-assisted, customs-supervised examination can occur and the High Court has ruled on our clients' preservation relief. SARS has ample statutory power to detain the Artworks and secure them pending investigation and compliance verification, and specifically in terms of sections: 4(8A) (a); (8A) (c) (i); and (8A) (b) (i) read with section 107 (2)(a) of the Customs and Excise Act 91 of 1964.

5.1 SARS officials may detain goods where there is reasonable cause to believe forfeiture/contravention risks exist and may lock and seal goods or premises to prevent likely contraventions.

5.2 The South African Heritage Resources Agency ("SAHRA") regulates heritage objects, including export permits and norms and standards for conservation. SARS incorporates these restrictions into its prohibited & restricted goods regime.

5.3 SARS can formally place a hold while compliance and authenticity are verified. This creates a lawful, chain-of-custody environment for the sensitive expert work described below.

6. The Artworks were donated under a Deed of Donation that established the JAG, and the collection was added to by donations made by the Anglo-American Centenary Trust and

FoJAG. The beneficiaries of the artworks and owners are the inhabitants of Johannesburg for whose benefit and enjoyment the JAG was established, and the donations were made.

7. According to the Deed of Donation, only the members of the Art Gallery Committee are authorised to give a directive for the release of the Artworks. The City of Johannesburg (the "City") **only has custodial powers, with no unilateral decision-making** role in relation to the Artworks. The relevant provisions in the Deed of Donation state that:

"The 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 the Art Gallery Committee." (our emphasis)



8. Our clients understand that contrary to the Deed of Donation, the Art Gallery Committee's consent was not obtained for the removal of the Artworks from the JAG.
9. Our clients are further concerned, based on credible information they have received, that the City officials have abused the unlawful loans policy as a pathway to facilitate falsification of precious Artworks. The loans policy has never been formally adopted by the Council and has no legal standing as a legal basis for the transfer of the Artworks. The loans policy unlawfully devolves power away from the hands of the Art Gallery Committee and places the power in the hands of the MMC for Community Development and, by further ostensible delegation, in the hands of the Chief Curator of the JAG.
10. We are instructed that the Director for Arts, Culture and Heritage in the City, Mr Vuyisile Mshudulu, together with the Chief Curator, Khwezi Gule and the registrar Phillipa van Staden facilitated the unlawful loan to South Korea without authorisation from the Art Gallery Committee. Ms van Staden recently resigned from JAG.
11. There are also concerns that loaned Artworks were stolen and replaced with falsified Artworks. In 2024, the Directorate for Priority Crime Investigation (the "HAWKS") commenced an investigation on the irregular loans and interviewed our clients due to their direct interest in the matter. Our clients were interviewed by Captain Edward du Plessis (082 049 8419) and Colonel Johan Jooste (082 373 9196). The investigation to our client's knowledge was blocked due to instructions from higher up within the SAPS hierarchy.

12. Our clients appeal to SARS not to release the consignment until the works have been thoroughly inspected by an appropriate expert.
13. Dr Gerard de Kamper of the University of Pretoria is a country specialist in assessing artworks. He was appointed by the South African Heritage Resources Agency ("**SAHRA**") to inspect the 145 artworks when they were dispatched. Our clients request SARS to properly inspect the returning artworks assisted by an expert, and to consider approaching SAHRA and de Kamper to assist with this.
14. We further emphasise that the 145 Artworks cannot be safely and lawfully returned to the Lutyens building housing the JAG as it is not in a suitable condition to house the art collection due to damp ingress, poor lighting, climate control problems, security issues and the threats posed by rain. In this regard, it is anticipated based on the most forecasts published by the South African Weather Service, that the rain season will begin in Johannesburg over the next week. There is a strong probability of wet days through late September, marking the start of the summer rainfall pattern, elevating humidity and water-ingress risks to crates and canvases if housed in compromised premises.
15. In November 2024, the SAHRA conducted a site inspection of the JAG and recorded in its report attached as "B" that:

"This was not the first time there was an outcry over the concerning state of the JAG. In 2022 the SAHRA was alerted to the potential adverse impacts of the dilapidating state of the building to the contents of the building. SAHRA at the time sought to engage the JAG on these concerns."
16. Furthermore, in a letter dated 8 September 2024, the City's Acting Director: Group Legal and Contracts: Amohelang Makae, indicated to our clients that:

"as the City, we are alive to the risks that some of the collection items face, and it is for this reason that we have been working on alternative storage for the affected collection items."
17. During August 2025, the Joburg Development Agency, appointed heritage architects to conduct investigations and advise the City on renovations to the JAG building. Once approvals are obtained, construction work will commence at JAG. It is not advisable for the artworks to be housed at JAG for the duration of the construction process so as to avoid potential damage from rain, dust, heavy machinery, mishaps or theft.
18. On 17 September 2025, the Mayor announced in a press release that the City would relocate the artworks inside the JAG to three locations, namely:



- 18.1 the Johannesburg City Library;
 - 18.2 Museum Africa; and
 - 18.3 the Brixton Multipurpose Centre (Art Gallery Space).
19. The three relocation sites have not yet been approved by the SAHRA. It is mandatory that the sites be approved under the heritage laws, which application takes the SAHRA at least 90 days to process.
20. The 145 Artworks are priceless and form part of South Africa's cultural heritage. The residents of the City also have a right under section 25(1) of the Constitution not to be arbitrarily deprived of their property rights in the Artworks outside of a law of general application, and a right under section 16(1) of the Constitution to enjoy the benefit of the artistic creativity in the Artworks and the information they impart. SARS is bound by section 7(2) of the Constitution to respect, protect, promote and fulfil these rights in the Bill of Rights and to guard against irreparable harm to the Artworks that would arise from their release and removal to the JAG.
21. The Artworks can, in the circumstances, not lawfully be placed in the JAG or the relocation sites identified by the Mayor of Joburg.
22. Our clients have instructed us to approach the High Court in the public interest on an urgent basis to seek an order to preserve and protect the 145 Artworks. In elaboration of the preservation order, we will ask the court to direct that the SAHRA play a custodial role and assume custody of the returning artwork, thereby, removing them from the control of the City officials until such time as a permanent solution can be found to address the governance issues facing the JAG and further direct that the returning artworks be temporarily relocated and housed at the Standard Bank Art Gallery. We intend to file our urgent application in the week of 21 September 2025 and to have the matter enrolled for hearing as expeditiously as possible.



23. Given the above risks and the imminent High Court litigation, we request that SARS:

- 23.1 secure the Artworks under customs control and place a hold on the declaration and suspend any delivery, unpacking or release of the crates;
- 23.2 remove the consignment to the State Warehouse, pending expert examination;
- 23.3 await the decision by the High Court or SAHRA's confirmation of compliant storage before allowing the Artworks to be moved further from the State Warehouse; and
- 23.4 ensure that the returning artworks are examined by a qualified expert or a SAHRA heritage inspector, for authenticity, in the presence of our clients and representatives of the SAHRA and the City.



24. We kindly request SARS to treat this complaint with the utmost urgency, given the risk to Johannesburg's cultural heritage and the potential for criminal conduct. We shall be pleased to receive your response by **17H00 on Tuesday, 23 September 2025**.

25. Our clients have other confidential information that they are willing and able to reveal at your earliest convenience.

26. Our clients' rights remain reserved.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

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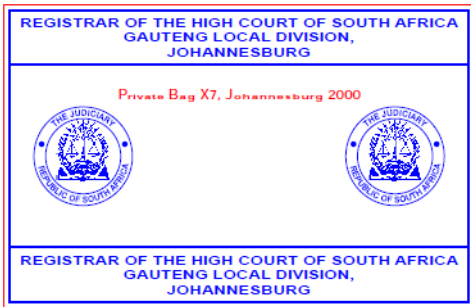
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Defendant / Respondent

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

WEBBER WENTZEL

in alliance with > **Linklaters**

SOUTH AFRICAN REVENUE SERVICES

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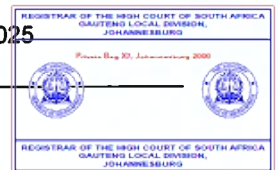
Your reference

Our reference

Date

A Thakor / M Ilsley / J Venter / L Doubell
 4009947

23 September 2025



Dear Ms Enslin

RE: URGENT APPEAL TO SARS TO ASSIST IN THE PRESERVATION OF 145 ARTWORKS RETURNED FROM SOUTH KOREA

1. We write to express our sincere gratitude for the constructive meeting held this morning.
2. We have taken instructions from our client in relation to the matters discussed and are pleased to provide the following responses:

2.1 Power of attorneys

We attach hereto our clients' duly executed powers of attorneys, properly witnessed and authenticated, authorising our firm to act on their behalf in all matters relating to the customs clearance, detention, examination, and safe custodial arrangements of the returning art collection.

2.2 Storage costs funding

FoJAG confirms that it is, in principle, amenable to funding the storage costs of the collection at the State Warehouse or other appropriate SARS-approved facility. This commitment is subject to receiving a detailed quote for such storage arrangements.

2.3 Expert assessment funding

FoJAG further confirms that it is, in principle, amenable to funding the costs associated with engaging Professor De Kampher to conduct the expert assessment of the art collection when the crates are opened under proper customs supervision.

2025 09 23 WW To SARS(23311642.1) (Fnal)(23311801.1).Docx

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Druce E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjetan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warmington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

WEBBER WENTZEL

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2.4 Relocation site of returning collection

We confirm that our clients are urgently arranging a meeting with Johannesburg heritage architects to assess the current state of the Johannesburg City Library and its suitability as a relocation site to ensure they meet SAHRA's requirements for taking control of the returning collection. This critical assessment meeting has been scheduled for either Thursday or Friday of this week, with the specific date to be confirmed by close of business tomorrow.

3. We trust that these responses address the immediate requirements discussed in today's meeting. Our clients remain committed to ensuring the proper preservation and protection of these invaluable cultural assets whilst complying with all customs and heritage legislation requirements.
4. Our clients' rights remain reserved.

Yours sincerely



WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

Letter sent electronically. A signed copy will be provided on request.

POWER OF ATTORNEY

1. I, **Eben Keun**, in my capacity as Managing Agent of the Friends of Johannesburg Art Gallery ("**FoJAG**"), a non-profit company with registration number 1976/000034/08, hereby nominate, constitute and appoint **Asmita Thakor** and/or any partner, senior associate, associate or candidate attorney of **WEBBER WENTZEL** and any appointed counsel with full power and authority on behalf of FoJAG to:

1.1 institute, represent and appear on behalf of FoJAG in any legal proceedings before any Court, tribunal or forum in the Republic of South Africa;

1.2 represent FoJAG in all matters concerning the Johannesburg Art Gallery ("**JAG**"), including but not limited to matters relating to the artworks that have returned from South Korea;



1.3 act on behalf of FoJAG in relation to the formal complaint lodged with SARS Customs concerning the artworks of the Johannesburg Art Gallery that have returned from South Korea;

1.4 engage with the South African Heritage Resources Agency (SAHRA), the South African Revenue Services (SARS), the City of Johannesburg, and any other relevant authorities or parties in connection with the preservation, protection, and proper management of the JAG collection; and

1.5 generally act in all matters relating to the JAG collection, its conservation, management, and protection from unlawful removal, damage, or misappropriation.

2. I confirm that anything done by **Asmita Thakor** and/or any Partner, senior associate, associate, candidate attorney of **WEBBER WENTZEL** and appointed counsel in furtherance of the above purposes, shall be regarded, for all intents and purposes, as having been done by FoJAG. FoJAG undertakes to ratify any action lawfully taken in terms of this power of attorney.

3. This power of attorney shall be valid and operate until the mandate between **FoJAG** and **WEBBER WENTZEL** is terminated.

Signed at Johannesburg on 23 September 2025

For and on behalf of Friends of the Johannesburg Art Gallery (FoJAG):


EKENSM

Authorised Representative: 

Name: Ebenhaezer Keun

Capacity: Managing Agent - Friends of JAG

Witness 1:  Tammy Greer (Sep 23, 2025 15:00:57 GMT+2)

Witness 2: 



POWER OF ATTORNEY

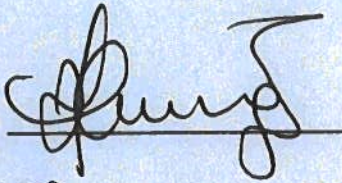
1. I, **David Fleming**, in my capacity as Chairperson of the Johannesburg Heritage Foundation ("JHF"), a non-profit company with registration number 001-346 NPO, hereby nominate, constitute and appoint **Asmita Thakor** and/or any partner, senior associate, associate or candidate attorney of **WEBBER WENTZEL** and any appointed counsel with full power and authority on behalf of JHF to:
 - 1.1 institute, represent and appear on behalf of JHF in any legal proceedings before any Court, tribunal or forum in the Republic of South Africa;
 - 1.2 represent JHF in all matters concerning the Johannesburg Art Gallery ("JAG"), including but not limited to matters relating to the artworks that have returned from South Korea;
 - 1.3 act on behalf of JHF in relation to the formal complaint lodged with SARS Customs concerning the artworks of the Johannesburg Art Gallery that have returned from South Korea;
 - 1.4 engage with the South African Heritage Resources Agency (SAHRA), the South African Revenue Services (SARS), the City of Johannesburg, and any other relevant authorities or parties in connection with the preservation, protection, and proper management of the JAG collection; and
 - 1.5 generally act in all matters relating to the JAG collection, its conservation, management, and protection from unlawful removal, damage, or misappropriation.
2. I confirm that anything done by **Asmita Thakor** and/or any Partner, senior associate, associate, candidate attorney of **WEBBER WENTZEL** and appointed counsel in furtherance of the above purposes, shall be regarded, for all intents and purposes, as having been done by JHF. JHF undertakes to ratify any action lawfully taken in terms of this power of attorney.
3. This power of attorney shall be valid and operate until the mandate between JHF and **WEBBER WENTZEL** is terminated.

Signed at Johannesburg on 23/09/2025

For and on behalf of Friends of the Johannesburg Heritage Foundation (JHF):






 ENSM

Authorised Representative: 

Name: DAVID FLEMING

Capacity: CHAIRPERSON

Witness 1: GJ BOUTELJE 

Witness 2: D BOUTELJE 



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

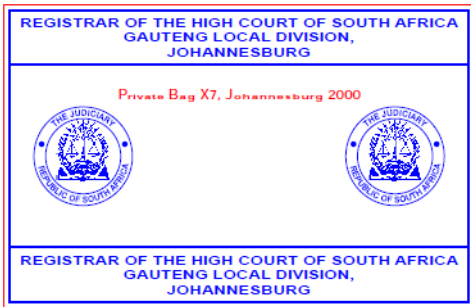
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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**Registrar of High Court , Gauteng
Local Division, Johannesburg**

WEBBER WENTZEL

in alliance with > **Linklaters**

Mr Deon Lambert
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 The MARC Tower 1
 129 Rivonia Road Sandton
 Johannesburg
By email: dlambert@ensafrica.com

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 PO Box 61771, Marshalltown
 Johannesburg, 2107, South Africa
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T +27 (0) 11 530 5000
F +27 (0) 11 530 5111
www.webberwentzel.com

Your reference
 D Lambert / P Reyburn

Our reference
 A Thakor / M Ilsey / J Venter / L Doubell
 4009947

Date
 23 September 2025



Dear Mr Lambert

RE: THE CITY OF JOHANNESBURG // FRIENDS OF THE JOHANNESBURG ART GALLERY

1. We act for the Johannesburg Heritage Foundation and the Friends of the Johannesburg Art Gallery (collectively, "**our clients**").
2. We are instructed to write to you regarding approximately 145 artworks from the Johannesburg Art Gallery ("**the JAG**") that were loaned to South Korea in November 2023, with the loan extended until September 2025 ("**the collection**"). We are instructed that the collection recently returned to South Africa.
3. Our clients require clarity from your client, the City of Johannesburg, on the following matters:
 - 3.1 Whether the Art Gallery Committee ("**the Committee**") was consulted and gave its consent prior to the loan of the collection, in compliance with the JAG's Deed of Donation, which provides that:

"The Municipal Council shall do... no act... with reference to... the removal, whether temporary or permanent, from the said Art Gallery of the said pictures and other works of art... before and until the said Municipal Council shall have consulted with and received the advice and consent of the Art Gallery Committee".
 - 3.2 Whether the Committee has been consulted regarding the return of the artworks from South Korea.

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Els S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw CF Mackenzie M Mahlangu V Mannar CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlali L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane 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 BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni 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 N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

WEBBER WENTZEL

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Page 2

4. We are further instructed that heritage architects have been appointed to assess the necessary renovations to the JAG, and construction work is anticipated in the coming months. Accordingly, the collection cannot safely be returned to the JAG during this period.
5. In light of the above, our clients require urgent clarity on:
 - 5.1 where the collection will be housed upon its return to South Africa, given that the JAG building is currently unsuitable due to damp ingress, poor lighting, climate-control deficiencies, and security risks;
 - 5.2 the storage and housing arrangements secured by the City for the collection upon its return;
 - 5.3 what steps will be taken by the City to conserve and preserve the collection at the alternative location;
 - 5.4 whether the public will have access to the collection once it is relocated and
 - 5.5 who shall bear the responsibility for the safe transport of the artworks to the identified storage site.
6. Given the urgency of this matter, we are instructed to request a response to this letter by close of business on 23 September 2025.
7. Our clients' rights remain fully reserved.



Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

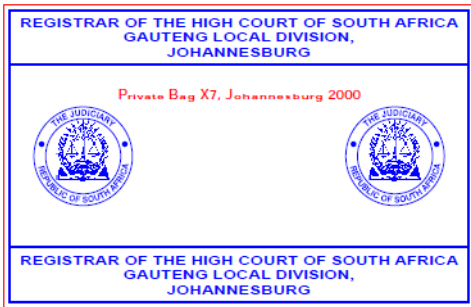
and

**THE PRESIDENT OF THE REPUBLIC OF
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MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
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AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBeko NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

Matthew Ilsley

From: Pippa Reyburn <preyburn@ensafrica.com>
Sent: Tuesday, September 23, 2025 5:25 PM
To: Jos Venter; zzExt-Deon Lambert; Amma Sarfo-Adomah; Lihle Bululu
Cc: Asmita Thakor; Matthew Ilsley; Lize-Mari Doubell
Subject: RE: Johannesburg Art Gallery // Friends of the Johannesburg Art Gallery [WW-WS_JHB.FID2805892]

Dear Jos and Asmita,

We acknowledge receipt of your letter and note your request for a response by close of business today.

We are instructed by our client that there was a constructive meeting today between City officials, representatives of the Friends of the JAG and representatives of the Johannesburg Heritage Foundation, at which some of the questions listed in your letter, and a number of other matters relating to the Johannesburg Art Gallery and the artworks in the JAG collection, were discussed.



We are instructed further that in-principle agreement was reached on the next steps in regard to some of the items under discussion (and reflected in your letter), and a potential way forward was discussed on the other items pursuant to which our client has undertaken to engage with the relevant stakeholders and revert on the next steps.

Due to time constraints our client has not yet prepared a detailed minute of the meeting and its outcomes, but we understand that the officials will document the items under discussion, the outcomes and next steps, and once we are in receipt thereof we will communicate those matters to you.

Regards
Pippa

Pippa Reyburn
Executive
Public Law
+27 83 680 2064
+27 11 269 7600
preyburn@ensafrica.com

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From: Jos Venter <Jos.Venter@webberwentzel.com>
Sent: Tuesday, September 23, 2025 8:45 AM
To: Deon Lambert <d Lambert@ensafrica.com>; Pippa Reyburn <preyburn@ensafrica.com>; Amma Sarfo-Adomah <asarfo-adomah@ensafrica.com>; Lihle Bululu <lbululu@ensafrica.com>
Cc: Asmita Thakor <asmita.thakor@webberwentzel.com>; Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Lize-

Mari Doubell <Lize-Mari.Doubell@webberwentzel.com>

Subject: Johannesburg Art Gallery // Friends of the Johannesburg Art Gallery [WW-WS_JHB.FID2805892]

Importance: High

CAUTION: This email originates from outside ENS. Do not click links or open attachments unless you recognise the sender and know the content is safe. If in doubt please contact IT@ensafrica.com.

Dear Mr Lambert

Please find attached for your urgent attention our letter dated 23 September 2025.

Kind regards,

Jos Venter

Associate | [Webber Wentzel](#)

T: +27214317017 | E: jos.venter@webberwentzel.com

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**IN THE HIGH COURT OF SOUTH AFRICA
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CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

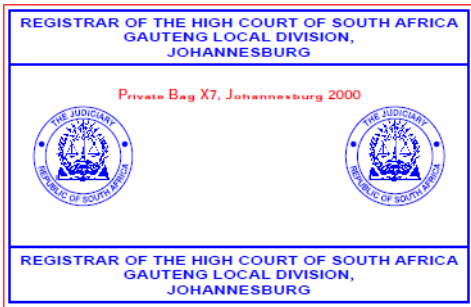
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,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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FA31



JOHANNESBURG
HERITAGE FOUNDATION

#FRIENDSOFFIAG

REJAG

ReJAG Proposal: Overview

17 • 02 • 2026



The Friends of Johannesburg Art Gallery

The Friends of JAG (FoJ) and partners are here to support the City of Johannesburg (CoJ) in caring for the JAG Collection and ensuring it benefits the people of Johannesburg, including future generations.

Founded in 1976 at the mayor's request, FoJ has evolved into a forward-thinking NPC led by a board of four prominent women in the arts and cultural sectors: Kholisa Thomas, Makgati Molebatsi, Nchimunya Erlank-Hamukoma, and Marianne Fassler.

For nearly five decades, FoJ has channelled public, corporate, and philanthropic funding into JAG, acquiring significant works by artists including Picasso and Calder, paying for catalogues and publications, fixing drains, replacing light bulbs, and hiring additional tour guides and workshop facilitators.

Additionally, FoJ has successfully project managed special projects, exhibitions, award winning campaigns, fundraisers and digitisation processes, including the digitisation of the FUBA document archive and the addition of 500 works to Google Arts & Culture, in partnership with the curatorial team.

Our collaborations are well documented in the publication:

Constructure: 100 Years of the JAG building...



ReJAG

Why JAG Matters Now

- Johannesburg Art Gallery (JAG) is a strategic civic asset under municipal custodianship, with symbolic and educational value.
- One of the most significant public art collections on the African continent: JAG houses irreplaceable and priceless cultural heritage.
- Anchor for inner-city revitalisation located within a priority urban regeneration zone.
- A catalyst for youth participation, creative entrepreneurship and skills development.
- Strategic asset within the Gauteng City Region and national Cultural & Creative Industries (CCI) ecosystem.
- Driver of education, tourism & economic empowerment.
- Platform for exhibitions, research, design and digital innovation.




ENSM

Why a Multi-Stakeholder Partnership makes practical sense

01

Fulfils core purpose of JAG

The 1913 Deed of Donation initiated an external oversight body through the Art Gallery Committee, establishing JAG as a public trust with dual governance.

02

JAG's challenges are structural, not isolated

Infrastructure, conservation backlog, skills gaps, funding constraints, and public confidence, no single actor can resolve these alone.

03

Unlocks funding and reduces risk

Distributes expertise, resources and risk that enables technical depth, financial leverage and institutional resilience, complementing the City's existing structures.

04

A civic commons

An open, shared space shaped through collective stewardship, collaboration, and public engagement, guided by a clear scope and measurable outcomes.

05

Contributes to sustainability

Enables mentorship and capacity development while establishing diversified funding streams.

06

Aligns with the 2030 SDGs

Reflects international best practice in cultural heritage management and institutional sustainability.



ReJAG

The ReJAG Proposition

- Transition from crisis response to structured regeneration.
- Protect and conserve the collection.
- Restore public and institutional confidence through a multi-stakeholder partnership.
- Align JAG with the Gauteng City Region's economic and creative development strategy.
- Includes a reimagining seminar, an audit, temporary relocation and digitisation to ensure public access and a solid future vision.
- Please find the full plan [here](#) and [here](#)



ReJAG

Proof of Collaboration: The *Homecoming* exhibition

- The hosting of the exhibition of works returning from international loans was a mutually negotiated arrangement between the City, corporate citizen (SB), and civil society partners, which is scheduled to open to the public in March 2026, following an initial preview that took place during the G20.
- Builds public and institutional confidence.
- Establishes precedent for structured cooperation and proves alignment is possible.
- Demonstrates workable common ground towards an ongoing and structured collaboration.
- Potential for joint visibility and shared responsibility for coordinated fundraising and technical support.
- Provides framework for the agreement, that preserves municipal custodianship, legal draft submitted to the City.
- Legal draft agreement [here](#)



ReJAG

The Death of the Firstborn: Restoration masterclass within the Homecoming exhibition

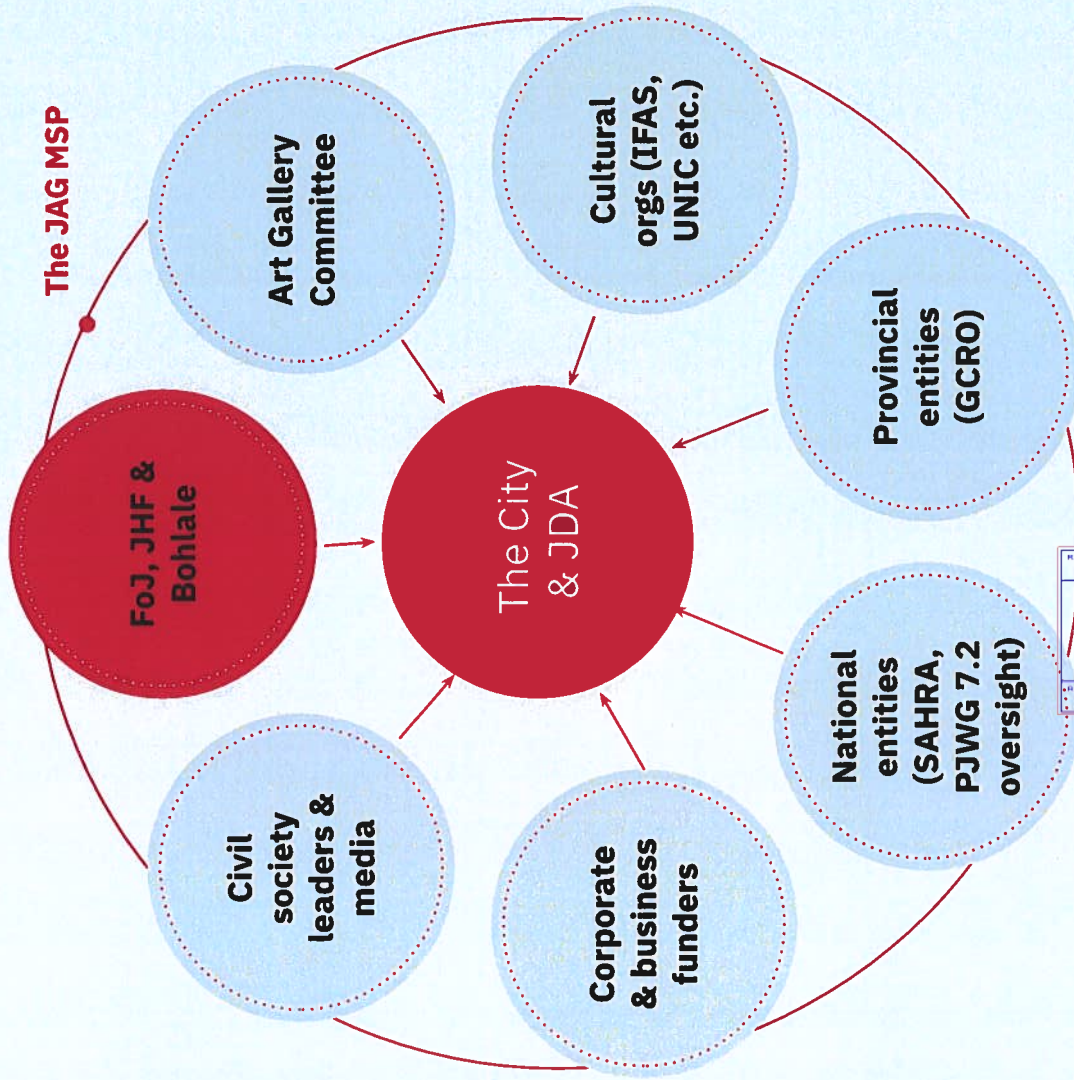
- Propose collaborative restoration project undertaken as part of the activation of the *Homecoming* exhibition.
- International conservation expertise leveraged in support of the City.
- Skills transfer and local capacity-building are embedded in the process.
- Visible act of joint stewardship and heritage diplomacy.



[Handwritten signature]
 2020

ReJAG

What the City Gains: Multi-stakeholder Partnership (MSP)



ReJAG

Process & next steps



[Signature]
SNGM

ReJAG

Thank you!

For queries please contact:

friendsofjag.org, david@joburgheritage.org, david@bohlale.org



COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
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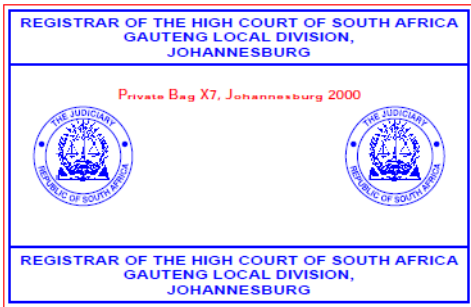
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SIDOGI NO**

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Annexure 16 and More

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Executive Mayor Dada Morero
 City of Johannesburg Metropolitan Municipality
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CC:

Johannesburg Development Agency
 c/o: Thuthuka Ntuli (Senior Development Manager)
 Sizwe Dlamini (Project Manager)

By email: ntuli@jda.org.za / Sdlamini@jda.org.za



Your reference

Our reference

Date

A Thakor / M Ilsey / S Tlhaole
 4009947

10 April 2025

Dear Mayor Morero

OFFER OF FINANCIAL SUPPORT TO COVER THE RELOCATION COSTS FOR THE JOHANNESBURG ART GALLERY

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FOJ") (collectively, "our clients").
2. Our clients were invited to, and participated in, the Joint Stakeholder Planning ("JSP") session hosted by the Johannesburg Development Agency ("JDA") on 27 March 2025.
3. During the JSP session, the JDA advised that while the relocation of the Johannesburg Art Gallery's ("JAG") art collection remained a priority, the primary focus for the current year was on planning and undertaking the professional work necessary for the refurbishment of the Luytens Building. The JDA also indicated that a multi-year budget would be applied to the broader project. In the same session, Lamela Consulting, the consulting firm appointed by the JDA to implement the refurbishment, conceded that the relocation process had not yet been thoroughly discussed.
4. Furthermore, we note from the document distributed to stakeholders at the JSP that the art relocation process is to be guided by the Art Gallery Committee ("AGC"), JAG's internal curators, and the South African Heritage Resource Agency ("SAHRA"). The document also invited stakeholders to submit proposals to your Office offering donations or other forms of participation in the relocation process. A copy of the document distributed at the JSP is attached marked "A" for ease of reference.
5. We are instructed to formally convey our clients' willingness to participate in this process.

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp TB Ball DC Bayman AP Blair K Blom N 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 W Drue GP Duncan CP du Toit TC Dye SK Edmundson LF Egypt KH Elser JC Els S Farrren K Fazel G Fitzmaurice JB Forman L Franca M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green JM Harvey JS Henning KR Hillis CM Hoffeld PM Holloway SJ Hutton 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 V Mannar G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohantall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Palge AS Parry 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 S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira P Singh S Sithole J Smit C Smith MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson AWR Westwood RH Wilson KD Wolmarans



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Page 2

6. Our clients' offer of assistance entails the submission of a comprehensive Relocation Plan designed to secure and preserve the art collection at an alternative location. This plan includes upgraded storage, inventory management, and digitisation of the collection.
7. Significantly, our clients have secured the requisite funding to implement each phase of the Relocation Plan. Should you accept this offer, our clients are in a position to execute the plan at no cost whatsoever to the City. The offer presents you with a unique opportunity to execute the relocation of the JAG art collection without burdening the City's already constrained fiscus. Our clients are also prepared to work in close collaboration with the AGC, JAG's Chief Curator and SAHRA to ensure full compliance with the oversight obligations set out in the deed of donation.
8. This is a generous offer made in the public interest, with the objective of safeguarding South Africa's cultural heritage and ensuring the continued preservation of the art collection.
9. Our clients' offer is open for your consideration for a period of three business days. Should we not receive a response by close of business on Tuesday, 15 April 2025, your failure to respond will be taken as a deemed refusal.
10. We look forward to your response.



Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Direct fax: +27 11 530 6875

Email: asmita.thakor@webberwentzel.com

Letter sent electronically. A signed copy will be provided on request.

MPB
ENBU

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

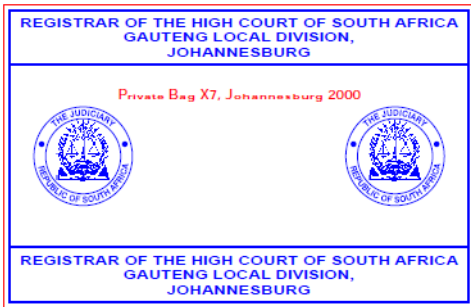
and

**THE PRESIDENT OF THE REPUBLIC OF
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JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

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Tel +27(0) 11 407 7354

www.joburg.org.za

MEDIA RELEASE

For Immediate Release

Date: 13 May 2025

City of Johannesburg announces temporary relocation plan for Johannesburg Art Gallery collection

The City of Johannesburg is pleased to announce a strategic plan for the temporary relocation of the Johannesburg Art Gallery (JAG) collection. This initiative is part of the City's commitment to ensuring the preservation, safety, and future accessibility of one of South Africa's most valuable cultural assets, while its historic building undergoes essential restoration.



Introduction

Recognising the importance of safeguarding the JAG collection, the City has resolved to temporarily move the collection to a suitable and secure facility. This move is designed to be meticulous and responsive to the collection's value and sensitivity, adhering to international standards of arts and heritage conservation. The process will involve a carefully coordinated logistical operation to ensure the safety, integrity, and security of all collection items throughout the relocation.

Scope of the Relocation

The relocation encompasses verification, classification, detailed consignment listing, and packaging of collection items. A specialised art handling guide will underpin all activities to ensure compliance with museum standards. Additional services such as fumigation, valuation, insurance, digitisation, and environmental control will be integrated into the project to address the collection's unique needs.

Key steps include:

- Verification of collection items to confirm presence and condition
- Classification into consignments based on risk, fragility, and size
- Development of detailed condition reports before and after transport
- Fumigation to eliminate pests and ensure safe transit
- Valuation to establish accurate collection worth
- Customised packaging and crating using specialised materials
- Upgrading storage facilities to meet museum standards
- Secured transportation by reputable art logistics providers

- Comprehensive insurance coverage for transit and storage
- Digitisation of the collection to enhance accessibility and conservation

Temporary Facilities

The City has identified potential facilities for the collection's interim storage, including Ditsong Museum, Museum Africa, and several commercial galleries such as Anglo American Office—Main Street, FNB Gallery, Absa Gallery, and Standard Bank Gallery.

Each site will undergo thorough condition assessments and necessary refurbishments to meet international museum standards, including climate control, fire safety, security, and adequate space for staff and conservation activities.

Regulatory and Compliance Measures

The relocation process will be conducted in strict accordance with South African heritage legislation. Notifications will be submitted to the South African Heritage Resources Agency (SAHRA) and the PHRA-G, and all collection items will be registered on the South African Heritage Resources Information System (SARIS) Procurement and Stakeholder Engagement.



The Johannesburg Development Agency (JDA) has been appointed to oversee all procurement activities, ensuring transparency and compliance with municipal policies.

Regular updates will be provided to stakeholders, including community members, cultural partners, and heritage professionals, throughout the process.

Continuity of Programming

While the collection is in temporary storage, the JAG remains committed to its public programming. Exhibitions, educational initiatives, and outreach activities will continue at alternative City facilities and through partnerships locally and internationally, ensuring ongoing community engagement.

Conclusion

The City of Johannesburg is dedicated to safeguarding the JAG collection through a comprehensive, well-managed relocation process that prioritises conservation, security, and minimal disruption. All necessary measures are being implemented to ensure the collection's protection and to facilitate a successful return to the restored JAG building.

ENDS

This press release is issued by the City of Johannesburg and the Johannesburg Development Agency to inform the public and stakeholders about the upcoming relocation of the Johannesburg Art Gallery collection.

For enquiries, kindly send email to mediaqueries@joburg.org.za

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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

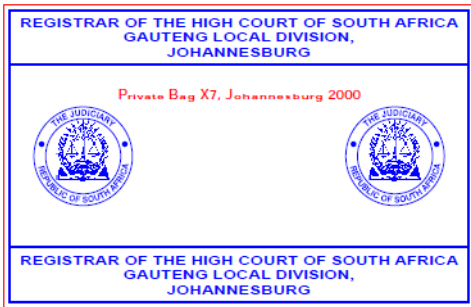
and

**THE PRESIDENT OF THE REPUBLIC OF
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JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
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,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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Matthew Ilsley

From: Asmita Thakor
Sent: Friday, June 6, 2025 3:48 PM
To: KHWEZI GULE
Cc: Matthew Ilsley; Khumbudzo Vincent Maumela; Vuyisile Mshudulu
Subject: RE: allegations about removal of art works from JAG

Dear Mr Gule

Thank you for your response, you have not addressed the question posed in my email. Please would you provide a direct response.

Asmita Thakor Partner | Webber Wentz
| el

T:+27115305875 | M:+27824592327 | asmita.thakor@webberwentzel.com | www.webberwentzel.com



From: KHWEZI GULE <KhweziG@joburg.org.za>
Sent: 06 June 2025 15:11
To: Asmita Thakor <asmita.thakor@webberwentzel.com>
Cc: Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Khumbudzo Vincent Maumela <KhumbudzoVincentM@joburg.org.za>; Vuyisile Mshudulu <VuyisileMsh@joburg.org.za>
Subject: RE: allegations about removal of art works from JAG

Dear Ms Thakor

I hope you are well. Firstly, allow me to bring to your attention the fact that the JAG hosts temporary exhibitions from time to time which inevitably involves the transportation of artworks in and out of the gallery. Please also take note that from time to time JAG assists other Arts, Culture and Heritage facilities with conservation of their collections which might be something as simple as framing. These functions are part of the day-to-day operations of JAG and there is nothing sinister or out of the ordinary about the movement of such objects in and out of JAG. In addition to that, all movements of artworks in and out of JAG are documented for the sake of our own internal record-keeping and management. Finally I would like to encourage your clients to reflect and appreciate the distinction between expressing concerns over preservation of heritage and interfering with routine operational tasks of the JAG.

Thank you.

Kind Regards,

Khwezi Gule

Chief Curator JAG: Arts, Culture and Heritage

Johannesburg Art Gallery

Corner King George and Klein Street, Joubert Park

Email: khwezig@joburg.org.za | Tel: 011 061 7808 | Cell: 082 815 1011



www.joburg.org.za

@CityofJoburgZA

CityofJohannesburg

From: Asmita Thakor <asmita.thakor@webberwentzel.com>
Sent: Thursday, 05 June 2025 18:01
To: KHWEZI GULE <KhweziG@joburg.org.za>
Cc: Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>
Subject: allegations about removal of art works from JAG



Dear Mr Kwezi Gule

We act for the Friends of the Joburg Art Gallery and the Joburg Heritage Foundation.

Our clients have received information in the past few days, that art works, which are the property of the JAG, have been packaged and removed from the JAG. These are undoubtedly serious allegations.

Our clients have instructed us to write to you as chief curator of JAG, tasked with preserving the collection, to please clarify if art works have indeed been removed from the JAG to your knowledge and if so for what purpose.

We look forward to your response.

Thank you.

Asmita Thakor

Partner | [Webber Wentzel](http://www.webberwentzel.com)

T: +27115305875 | M: +27824592327 | E: asmita.thakor@webberwentzel.com

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HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

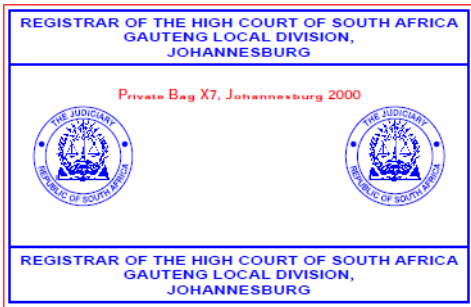
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Matthew Ilsley

From: Amma Sarfo-Adomah <asarfo-adomah@ensafrica.com>
Sent: Wednesday, September 17, 2025 12:22 PM
To: Asmita Thakor; Matthew Ilsley
Cc: zzExt-Deon Lambert; zzExt-Pippa Reyburn; Lihle Bululu
Subject: Re: Johannesburg Art Gallery
Attachments: WW_17.09.25.pdf

Dear Asmita and Matthew

Thank you for your email.

Please find the attached correspondence for your attention.

Kind regards



Amma Sarfo-Adomah
Associate
Public Law
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+27 11 269 7600
asarfo-adomah@ensafrica.com

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From: Asmita Thakor <asmita.thakor@webberwentzel.com>
Sent: 19 August 2025 12:28 PM
To: Deon Lambert <d Lambert@ensafrica.com>; Pippa Reyburn <preyburn@ensafrica.com>
Cc: Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Amma Sarfo-Adomah <asarfo-adomah@ensafrica.com>; Lihle Bululu <lbululu@ensafrica.com>
Subject: RE: Johannesburg Art Gallery- new instructions to you from the City's Acting Head of Legal

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Dear Deon and Pippa

Our request for a meeting concerning the JAG refers.

Please provide an indication of when you will be ready to meet.

thanks

Asmit Thakor Partner | Webber Wentz

a | el

T:+27115305875 | M:+27824592327 | asmita.thakor@webberwentzel.com | www.webberwentzel.com

From: Deon Lambert <dlambert@ensafrica.com>

Sent: 12 August 2025 15:44

To: Asmita Thakor <asmita.thakor@webberwentzel.com>; zzExt-Pippa Reyburn <preyburn@ensafrica.com>

Cc: Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>; Amma Sarfo-Adomah <asarfo-adomah@ensafrica.com>; Lihle Bululu <lbululu@ensafrica.com>

Subject: RE: Johannesburg Art Gallery- new instructions to you from the City's Acting Head of Legal [WW-WS_JHB.FID2532679]

Hi Asmita

Tx for reaching out.

Once we have a handle on the matter and had a further meeting with the CoJ, we will come back to you.



Deon Lambert
Executive
Dispute Resolution
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+27 11 269 7600
dlambert@ensafrica.com

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From: Asmita Thakor <asmita.thakor@webberwentzel.com>

Sent: 08 August 2025 1:35 PM

To: Pippa Reyburn <preyburn@ensafrica.com>; Deon Lambert <dlambert@ensafrica.com>

Cc: Matthew Ilsley <Matthew.Ilsley@webberwentzel.com>

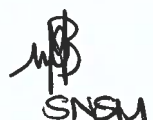
Subject: Johannesburg Art Gallery- new instructions to you from the City's Acting Head of Legal [WW-WS_JHB.FID2532679]

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Dear Pippa Reyburn and Deon Lambert,

We write to advise that we act for the Friends of the Joburg Art Gallery and the Joburg Heritage Foundation regarding matters concerning the Joburg Art Gallery.

After several engagements with the City's Mayor and the previous City Manager, and the Department of Community Development, our clients were invited to attend a meeting with the Acting City Manager and City's Acting Head of Legal,



Segala Malahlela, on Monday, 4 August 2025. At this meeting, our clients were informed of your imminent appointment as legal counsel for the City.

In my telephone conversation with Deon yesterday afternoon, he confirmed your appointment as attorneys for the City. Our clients, in their capacity as civil society organisations, have offered their expertise and financial assistance to the City in relation to the relocation of artworks before any renovations can commence.

On our understanding, an agreement in principle has been reached whereby the City has accepted our clients' offer of assistance. We are now at the stage where a Partnership or Collaboration Agreement is to be drafted between the attorneys of ENS and Webber Wentzel.

Whilst we understand that you have just been instructed and require time to familiarise yourself with the facts of the matter, we would appreciate a brief call with you early next week to discuss whether your instructions align with what has been communicated to our clients by the City.

Kindly indicate if you are available for a call on Tuesday afternoon. We look forward to hearing from you.

thank you.

Asmita Thakor

Partner | [Webber Wentzel](#)

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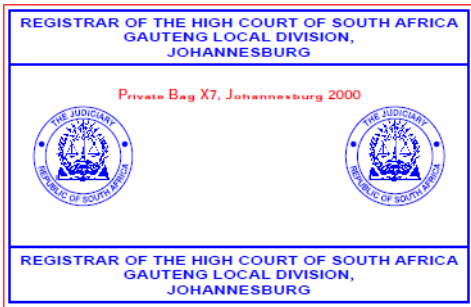
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WEBBER WENTZEL ATTORNEYS

90 Rivonia Road
Sandhurst
Sandton
2196

Email: asmita.thakor@webberwentzel.com /
Matthew.lisley@webberwentzel.com

D Lambert / P Reyburn our ref
WW-WS_JHB.FID2532679 your ref
17 September 2025 date



Dear Asmita and Matthew

RE: THE CITY OF JOHANNESBURG / FRIENDS OF THE JOHANNESBURG ART GALLERY

1. As you are aware, we act for the City of Johannesburg (“COJ” / “our client”) regarding its engagements with the Friends of the Johannesburg Art Gallery (“Friends”/ “your client”) relating to the proposed temporary relocation of artworks constituting the collection of the Johannesburg Art Gallery (“JAG”) and matters associated therewith, including the revitalisation of the JAG.
2. In this regard, we refer to your emails dated 8 August 2025 and 19 August 2025, regarding the possible acceptance by the COJ of an offer of assistance from your client, and/or the possible conclusion of a collaboration or partnership agreement by the COJ and your client.
3. The background facts of this matter are well known to the parties and, as such, need not be repeated here. We confirm, however, that we have considered certain correspondence exchanged between our client, yourselves and the Friends, provided to us by the COJ, including the draft Memorandum of Understanding (“MOU”) submitted to the COJ by the Friends during January 2025, and the proposal, dated 3 June 2025, to assist the COJ with the temporary relocation of the artworks, revitalisation of the JAG and digitisation of the artworks (“Proposal”).
4. Pursuant to engagements with our client regarding its rights and obligations in respect of the JAG and the art collection housed therein, the status of the Friends and other stakeholders relative to the COJ,

and matters relating thereto, we are instructed to communicate to you that while the COJ welcomes good faith offers to support its efforts to temporarily secure the art collection in an alternative venue pending refurbishment of the JAG, it intends to retain responsibility for management and oversight of that process, and for the appointment of such service providers, as are required in order to implement its relocation project.

5. To that end, the COJ has advised that the types or categories of support which would assist the COJ to complete its relocation project (the substance of which is much the same as the Proposal), and which it could accept without triggering procurement or other onerous procedural or regulatory requirements, are as follows:
 - 5.1. a donation of funds to the COJ, for the purpose of furthering the relocation, revitalisation and digitisation project, which funds would be ring-fenced and used solely for that purpose;
 - 5.2. a donation of funds for purposes of compensating service providers appointed by the COJ, in accordance with its statutory procurement obligations, to complete specified tasks relating to the relocation, revitalisation and digitisation project, which funds would be paid directly to the appointed service providers by the Friends; and/or
 - 5.3. a donation of the equipment required to digitise the artworks, which equipment would be utilised by the COJ's internal team for that purpose.
6. In all instances of financial support or donations in-kind, as described above, the COJ will require verification of the source of the funds utilised for these purposes, to ensure that the COJ will be able to adhere to the stringent financial obligations applicable to it. The precise terms and conditions of any support from the Friends will have to be finalised by negotiation and reflected in a contract which is consistent with the COJ's statutory duties and applicable COJ policies.
7. We are available to discuss the terms of any donation agreement which your client is willing to consider, with your offices, and look forward to advancing the collaboration between the COJ and the Friends in this manner.
8. We trust that you find the above in order.



Yours Faithfully

Edward Nathan Sonnenbergs Inc.

D Lambert | P Reyburn

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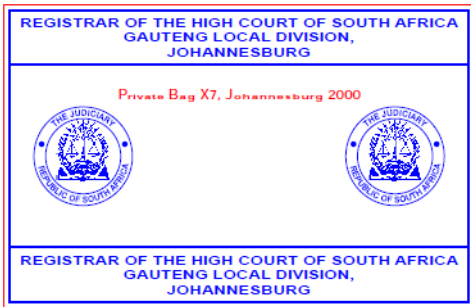
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MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

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Annexure 16 and More

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CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY



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FOR IMMEDIATE RELEASE

Date: 17 September 2025

RELOCATION PLAN FOR THE JOHANNESBURG ART GALLERY COLLECTION

The Johannesburg Art Gallery (JAG) remains one of the most significant cultural institutions in the City, housing a collection of both national and international importance. As custodians of this treasured heritage, the City of Johannesburg is committed to safeguarding the collection while advancing the restoration of the gallery itself for the benefit of future generations.



In line with the City's financial regulations under the Generally Recognised Accounting Practice (GRAP) and the Municipal Finance Management Act (MFMA), the JAG collection will be retained within the municipal boundaries of Johannesburg. This ensures compliance with legislation while preserving the City's custodianship of its cultural assets.

Following a thorough assessment process, three sites have been identified as suitable relocation facilities:

- Johannesburg City Library (JCL)
- Museum Africa
- Brixton Multipurpose Centre (Art Gallery Space)

All identified sites, including Ditsong Museum, which was also considered, were evaluated against strict criteria such as structural integrity, space and capacity, lighting, environmental control, security, heritage compatibility, logistics costs, and storage expenses.

Planning and Next Steps

To date, the City has completed the technical assessments of the identified sites, concluded insurance and compliance consultations, and initiated procurement processes for conservation materials and specialist equipment. Engagements with professional art logistics service providers are at an advanced stage, and site preparation is underway at Museum Africa and Brixton MPC. Over the next few weeks, final security clearances, approvals from the South African Heritage Resources Agency (SAHRA), and consignment list planning will be concluded, paving the way for the physical relocation of artworks to commence in October 2025.

Museum Africa will serve as the central hub for storage, enhancing the long-term security of the collection. The facility was selected because it offers more space than Ditsong Museum, is City-owned, and is already insured under the City's policies. Compliance work is currently underway, and the site provides opportunities for seamless staff deployment.

Johannesburg City Library (JCL), home to books, catalogues, and archival records, will also accommodate artworks. This ensures that portions of the collection remain accessible to the public, even

while the JAG building is closed. The City is also exploring options for displaying sculptural and resilient pieces at JCL.

Brixton Multipurpose Centre (MPC), which includes a new Art Gallery space, will provide an additional storage option once construction is completed on 20 October 2025. The site may also accommodate some JAG staff, ensuring operational continuity.

The relocation process will adhere to museum-standard protocols, including verification, classification, consignment listing, and professional packaging of all artworks. Key steps will include:

- Notification of Group Risk and Insurance
- Notification of the South African Heritage Resources Agency (SAHRA)
- Final approval of space planning proposals by SAHRA
- Final inspection of the designated sites
- Security assessment and sign-off by law enforcement agencies

The City is currently finalising contracts with the appointed Space Planner, who will procure necessary conservation materials and equipment such as preservation vacuums, diatomaceous earth (DE) powder, silica gel, brushes, and packaging supplies to ensure the safe handling of artworks. Engagements with art logistics companies are at an advanced stage, and final details will be communicated during the first week of October 2025.



The City of Johannesburg remains committed to transparency, collaboration, and sustainability throughout this process. Regular updates will be provided, and the City invites partners, stakeholders, and members of the public to continue engaging as we work together to reimagine JAG not only as a gallery but as a vibrant, inclusive cultural space for all. The partnership guidelines will be released in the coming weeks to ensure uniformity and consistency, as well as identify areas of collaboration to ensure that the interests of the council and art collection/artists remain protected at all material times.

We also continue to work closely with law enforcement agencies and security departments to guarantee the safe relocation and storage of the collection.

The City extends its sincere gratitude to all partners, stakeholders, and residents for their continued support and shared commitment to Johannesburg's creative and cultural future.

ENDS

ISSUED BY THE OFFICE OF THE EXECUTIVE MAYOR

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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

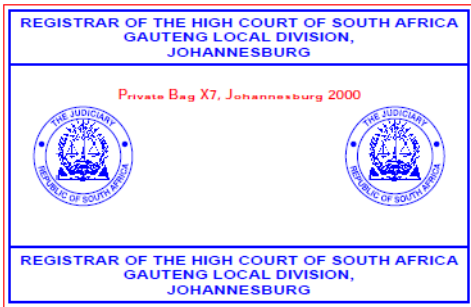
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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City of Johannesburg
Johannesburg Development Agency
Department of Community Development

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The Bus Factory Marshalltown Fax +27(0) 11 688 7899/63
Newtown 2107 E-mail: info@jda.org.za
Johannesburg, 2000

www.jda.org.za
www.joburg.org.za

Attention: David Fleminger
Johannesburg Heritage Foundation
21 Rockridge Road
Parktown
2193

And

Attention: Eben Keun
Friends of Joburg Art Gallery
Klein Street
Rouxville,
Sandton
2192



30 September 2025

Dear Sirs,

G20 SUMMIT: INVITATION AS A PANELIST IN THE SUMMIT AND STATEMENT OF INTENT FOR 145 SOUTH KOREA CONSIGNMENT

1. Following our discussions held on 23 September 2025 we would like to formally enter into discussions with for a joint statement for G20 Exhibition.
2. The one hundred and forty-five (145) art pieces from South Korea should be returned for exhibition for the G20, and received at the Standard Bank Art Gallery, all matters permitting.
3. The City of Johannesburg (the City) proposes a joint statement to be released in collaboration with the Johannesburg Heritage Foundation (JHF) and the Friends of JAG (FOJ):

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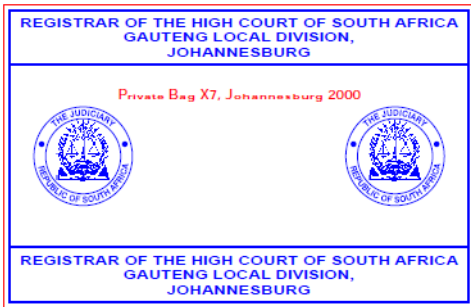
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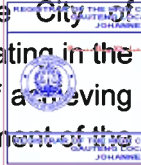
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**Registrar of High Court , Gauteng
Local Division,Johannesburg**

13 October 2025

The CEO, Joburg Development Agency
Attention: Mr Themba Mathibe

Proposed partnership between JDA, JHF and FoJAG — Johannesburg Art Gallery (JAG)

1. We refer to our engagement on 23 September 2025 and your letter to us, dated 30 September 2025.
2. We remain fully committed to working collaboratively with the City of Johannesburg and the JDA and are, in principle, amenable to participating in the proposed partnership arrangement with the City with the objective of achieving our common interests – the protection, preservation and public enjoyment of the JAG and its art collection.
 
3. To realise that objective, it is essential that any partnership arrangement, and every action or decision arising from it, strictly complies with the Deed of Donation that established JAG, and that it employs appropriate legal mechanisms to protect and advance the implicated constitutional rights and values, including legality, accountability and transparency.
4. As you are aware, the Art Gallery Committee (AGC) established under the Deed of Donation has a controlling and oversight function over a range of matters relating to the JAG and its art collection. In particular, the Deed requires AGC consent before the City undertakes any of the following:
 - a. the purchase, exchange, acquisition, or disposal of JAG's artworks;
 - b. the removal (whether temporary or permanent) of artworks from JAG; and
 - c. the repair or restoration of JAG's artworks.
5. Accordingly, any partnership or project that contemplates:
 - a. the preservation and protection of the 145 artworks returning from South Korea, including the identification of suitable and secure storage; and

The Friends of the Johannesburg Art Gallery NPC

Reg.No. 1976/000034/08 • 21 Keyes Avenue, Rosebank, Johannesburg, 2196

PO Box 961, Johannesburg, 2000

www.friendsofjag.org • friend@friendsofjag.org

Directors: Martha Bothner, Nchimunya Hamukoma, Makgati Molebatsi, Kholisa Thomas

- b. the temporary relocation of the remaining artworks currently housed at JAG.

must comply with the Deed and must either (a) include the AGC as a participating body in the partnership's governance and decision-making, or (b) establish a formal process for obtaining AGC consent, or, where necessary, appropriate judicial relief, before any such actions are implemented.

6. It follows that any decision taken by the City or any partnership structure concerning JAG's artworks, without the consent of the AGC as required by the Deed, would be unlawful, inconsistent with the Deed, and vulnerable to judicial challenge.
7. For the avoidance of doubt, mere consultation with the AGC will not satisfy the Deed. The AGC must be actively engaged in all decision-making processes concerning the preservation, movement or relocation of artworks, and must approve those decisions. Meaningful engagement and approval by the AGC is required.
8. We have previously written to the AGC, through our attorneys, seeking information about steps being taken to preserve and protect the artworks. We have, regrettably, received no response. This lack of diligence underscores our concern about the AGC's present capacity to discharge its obligations under the Deed and, in our view, the urgent need to reconstitute the AGC so that it can effectively fulfil its mandate in the public interest.
9. Furthermore, we understand the proposed partnership to have both short- and long-term objectives, as follows:



a. Short-term goal:

The three parties will collaborate to prepare and mount an exhibition aligned to the G20 Summit. The 145 artworks returning from South Korea would form the core of the exhibition. The parties would jointly approach the Standard Bank Art Gallery to host the exhibition and to temporarily store the artworks while JAG undergoes restoration.

b. Long-term goals:

In the longer term, the City will consult with JHF and FoJAG on:

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- (i) the relocation of all artworks housed at JAG (not only the 145 returning works);
- (ii) the inventory, logistics and suitable alternative venues for temporary storage;
- (iii) the proposal to relocate the JAG library to the Joburg Central Library;
- (iv) the reconstitution of the AGC;
- (v) the digitisation of the collection;
- (vi) hosting a seminar to help develop a sustainable future for JAG; and
- (vii) compiling and validating a single, verified inventory of JAG artworks.



10. We fully support these short- and long-term objectives and wish to collaborate constructively toward achieving them. However, for the partnership to be sustainable, credible and legally sound, all processes, structures and decisions must strictly comply with the Deed, applicable law and the Constitution. This necessarily requires the prompt reconstitution of the AGC with members willing and able to discharge their duties in accordance with the Deed and the constitutional imperatives at play.

11. We also agree that any proposed site at which the 145 returning artworks, and any other JAG artworks, are to be stored and/or exhibited must be inspected and approved for such purposes by the South African Heritage Resources Agency ("SAHRA") before use.

12. We propose that these issues form part of the agenda for the meeting scheduled for this afternoon, **13 October 2025**, at **13H00** to ensure that our collaboration proceeds on a lawful and transparent basis and in the best interests of the JAG.

13. All our rights are reserved.

Sincerely

David Fleminger for Johannesburg Heritage Foundation
Eben Keun for Friends of the Johannesburg Art Gallery

The Friends of the Johannesburg Art Gallery NPC

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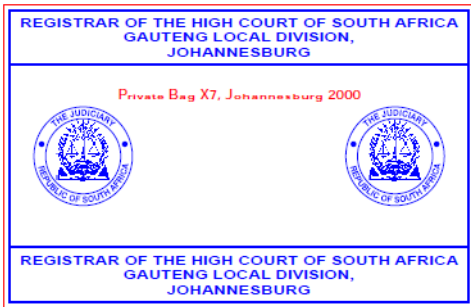
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5 December 2025

ATTN: Themba Mathibe, CEO, JDA

JHF/FOJ Feedback Following Site Visit to MuseumAfrica – Monday, 1 December 2025

The Johannesburg Heritage Foundation (JHF) and the Friends of JAG (FOJ) appreciate the invitation to attend a site visit at MuseumAfrica (MA) as it relates to the newly constructed upper-level storage area intended for the relocation and restoration of the Johannesburg Art Gallery (JAG) collection.

We have now consulted with qualified architects, art specialists, museum technicians, storage specialists, engineers, etc. and list their comments below. Photographs highlighting areas of concern can be found at the end of the document.



In summary, in our opinion, the MuseumAfrica space is not currently suitable to store the JAG collection and, as such, we cannot support the relocation to this facility.

Unfortunately, it is apparent that the work at MuseumAfrica was conceived and executed prematurely, without explicit input from relevant experts and, as such, has several fundamental flaws. In our opinion, it appears that the work was rushed through in order to give the city an opportunity to present their 'solution' in time for the G20 summit. However, at this stage, it is not fit-for-purpose as a facility to house the vulnerable and valuable JAG collection.

As an overview, the interior of the shell is well constructed. However, a general feeling of the unreadiness of the space was felt and a detailed assessment – including overall security, main building structure, potential water ingress, and other risks – should be conducted by an independent structural engineer and an art logistics expert. It is also unclear whether SAHRA and PHRAG have given their approval at time of writing.

Specific areas of concern are listed as follows:

Climate Control and Water Ingress

- The location of the storage area at the top of the MA building is essentially an attic space, subject to high heat coming through the steel roof above. Johannesburg experiences significant temperature fluctuations both daily and seasonally – a phenomenon exacerbated by the urban heat island effect and climate change.

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These variations pose substantial risks to art storage, as they can cause irreversible damage to sensitive materials.

- There are visible gaps in the outer roof sheeting, through which daylight is visible. These holes will allow water ingress into the structure and need to be properly repaired.
- There is evidence that the MA roof's drainage system is blocked, with grass and plants growing in the gutters.
- The shell's suspended ceiling panels present a significant concern:
 - They are not secure and can be easily lifted, allowing unauthorized access to the storage area.
 - They will not provide adequate insulation, compromising both humidity and temperature control systems.
 - Existing moisture marks on the panels indicate previous or ongoing leaks, which require investigation and remediation to ensure artworks are not put at risk.
- The HVAC system is not yet complete so it cannot be assessed, but the system will need to include an interface to control the temperature, humidity, and air quality to protect artworks from deterioration. Obviously, no artwork can be relocated to MA until this system is fully operational. It is further recommended to run the HVAC system for 2 to 4 weeks before any relocation to track and fine-tune the relative humidity and temperature levels to ensure optimal conditions upon the artworks arrival.
- Our questions on fire compliance and first line of response were not answered in any detail, with the only response being 'all concerns will be met since final authority rests with the Chief in the City Fire Department'.
- The Fire Alarm System in MA is said to be decommissioned. Furthermore, the sprinkler system installed on this section of the museum is not suitable for water-sensitive artworks. Fire rated doors and walls are evident.



Security and Electrical

- The overall concern to secure the facility remains unmet. The choice to locate the storage on the upper level leaves the space vulnerable to illegal entry into the shell

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through the roof and/or the outer wall of the building (facing the highway overpass), both of which consist of a relatively thin sheet of metal that is easy to breach. The suggestion to provide a layer of ClearVu fencing above the ceiling boards, to protect the shell from penetration from above, has not been carried through. We were informed that a ClearVu fence has been installed to stop intruders coming in from the highway side but we did not get to go and inspect that section.

- External security around the perimeter of the building and general access to MA may not be sufficient to protect the valuable JAG art collection and several previous break-ins to MA have already been noted.
- The number of access points into the storage area seems excessive, with many doors leading to adjacent corridors, including an ablution area and a fire escape. Whilst these doors have closers on them, it's not clear how they will be protected. Ideally, there should be a single point of access with strict security (and definitely no more than two doors). At the moment, what would prevent someone from taking an artwork out through a side door which lacks access control?
- As of now there is no sight of security equipment, so a judgment is not possible, but as a minimum, we would hope to see:
 - Biometric Access control – essential for tracking of people moving in and out of the space.
 - Alarms – does the alarm system extend beyond the shell, and are there beams and other devices present in and around the shell and throughout MA to detect intrusion?
 - CCTV – critical in the adjacent corridors and on each entry/exit door
- No emergency Backup Power has been planned for currently. Electrical outlets in the floor are not flush and therefore present a tripping hazard. Floor outlets have also been covered with concrete making them inaccessible. These points either need to be removed or made available for use, as outlets are essential for plugging in restoration equipment, etc. The installation of power skirting against the walls of the shell is recommended.
- A complete and accurate database of works should be compiled prior to relocation from the JAG, with full condition reports completed at JAG and rechecked upon arrival at Museum Africa. This is to ensure that the fine art logistics company



contracted to supervise the relocation will not be held liable for any prior neglect or losses unrelated to their involvement.

Access and Storage Racks

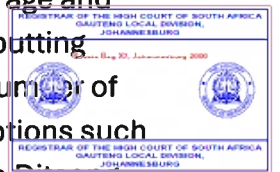
- We were not shown all the storage systems to be installed, including how works will be packed or arranged. E.g. no information was provided regarding the print storage system or the type and specification of drawers to be used. Details on the open versus closed storage of works were not adequately addressed.
- There is no straightforward route for moving artworks into the allocated storage in Museum Africa.
 - The current path requires transporting works up the ramp and around the museum, navigating pillars that obstruct movement.
 - The entire process of moving art from JAG exposes the artworks to many risks at multiple points.
 - The main entrance to the shell should be enlarged to accommodate the movement of larger works.
- The art storage racks we inspected were unassembled, following a temporary display for the mayoral visit. Nevertheless, we noted the following:
 - The mesh used is a thin-gauge fencing product. No amount of stretching or tensioning it will make it strong.
 - The mesh is what the art is mounted to and should be of a gauge of material that doesn't need to be tensioned to lay flat, it should be inherently strong. This includes not just the metal rods, but the junction welds.
 - Ideally, the racks should all be powdercoated in order to be inert and not coated with paint that may contain VOCs.



Timelines and Next Steps

- We asked to receive timelines for the completion of the installation, and requested another opportunity to assess the space before the collection is moved in. There was no clear response apart from 'all concerns will be met since approvals of the readiness of the space rests with SAHRA, PHRAG etc.'

- We regret to note a general and persistent attitude of hostility from Mr Vuyisile Mshudulu, which is an obstacle to collaborative and constructive engagement on the JAG matter.
- We remain open to re-visiting the proposed partnership agreement based on the premise of qualitative representation as opposed to merely being an external stakeholder with no standing.
- While the relocation of the JAG library to the Johannesburg City Library is entirely appropriate, given all the points of concern raised above, we would respectfully entreat the City to recognise the limitations of Museum Africa as a storage and restoration space for the JAG collection. It seems unwise to continue putting scarce resources into this facility, and the Brixton Centre presents a number of similar issues. As such, we would suggest reconsidering alternative options such as the previously proposed solution to rather move the art works to the Ditsong Museum in Tshwane, a dependable and trusted national museum, where a single facility can be equipped to store, restore and digitise the collection in a safe and appropriate environment. Even though Ditsong lies outside the borders of Johannesburg, this seems like a much more effective plan of action – and legal guarantees can be put in place to ensure that the collection would return to JAG once repairs on the building are complete. Thereafter, the province will have ongoing access to a world-class art restoration facility. Mayor Morero is on record in his November 2024 interview with Ferial Haffajee of the Daily Maverick, stating, “We are on the verge of signing an agreement with Ditsong that will guide the relocation and storage of the works”. Surely, the time has arrived to relook this important decision.
- We have also become aware of the possible availability of a large unused space at the SABC which could be upgraded into an arts storage facility. As SABC is a national key point, this will require a partnership with various government departments and agencies along with funding from the private sector to make such a facility feasible. We are willing to explore this scenario with the city and our funders, based on a suitable partnership agreement being signed.



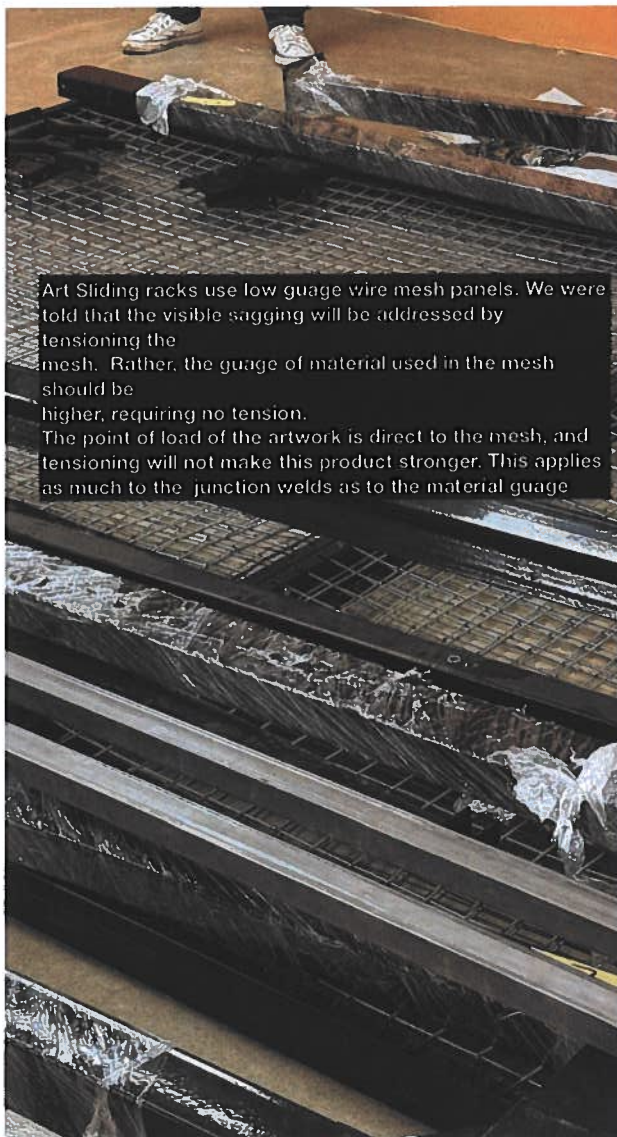
We trust that you find this feedback informative and look forward to further engagements on this vital issue. We maintain that the artworks need to be moved from the JAG building as a matter of urgency due to ongoing water leaks and persistent, heavy rains. However, we cannot support MuseumAfrica as a suitable facility for this relocation given its current condition.

For any further information, please contact:

David Fleminger
JHF Chair
083 455 7311

Eben Keun
Friends of JAG
082 441 5033

Photos follow below:



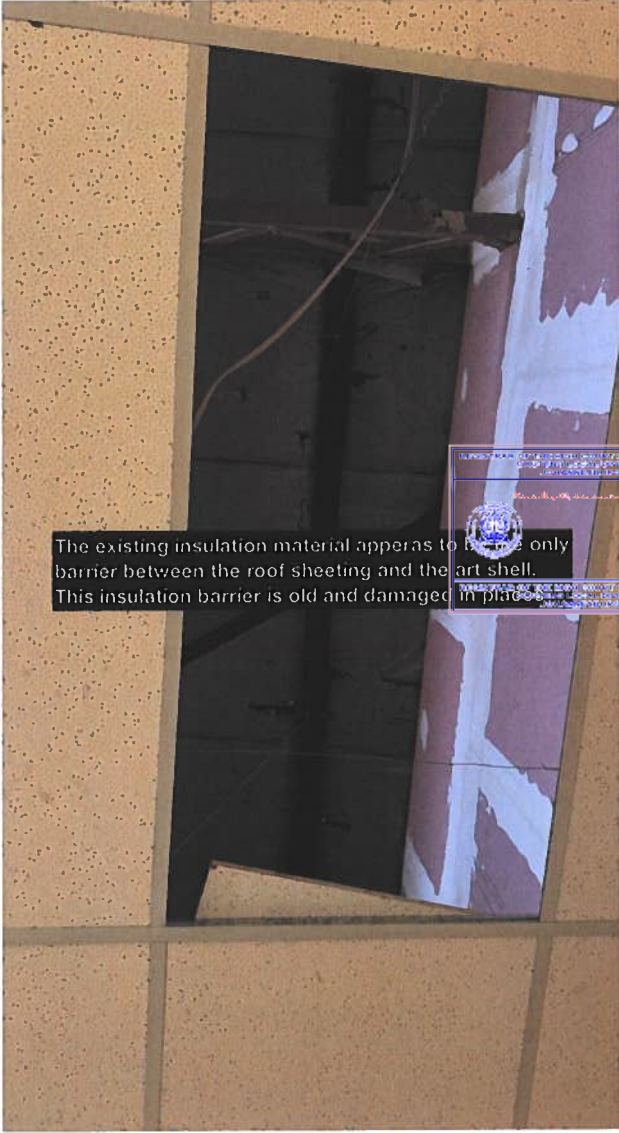
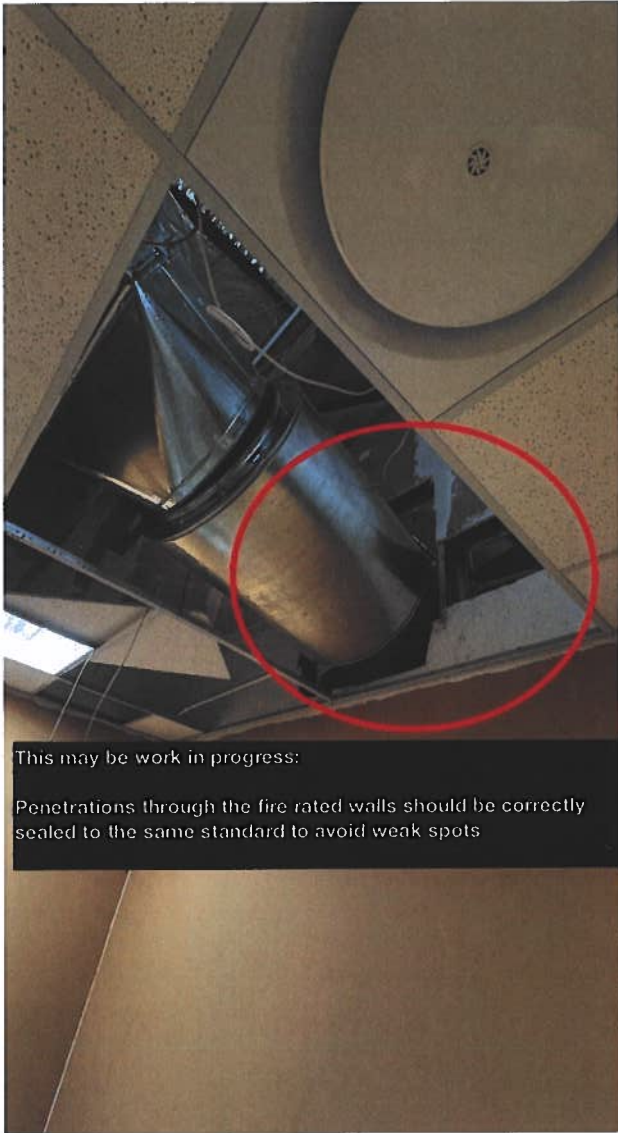
Art Sliding racks use low gauge wire mesh panels. We were told that the visible sagging will be addressed by tensioning the mesh. Rather, the gauge of material used in the mesh should be higher, requiring no tension. The point of load of the artwork is direct to the mesh, and tensioning will not make this product stronger. This applies as much to the junction welds as to the material gauge

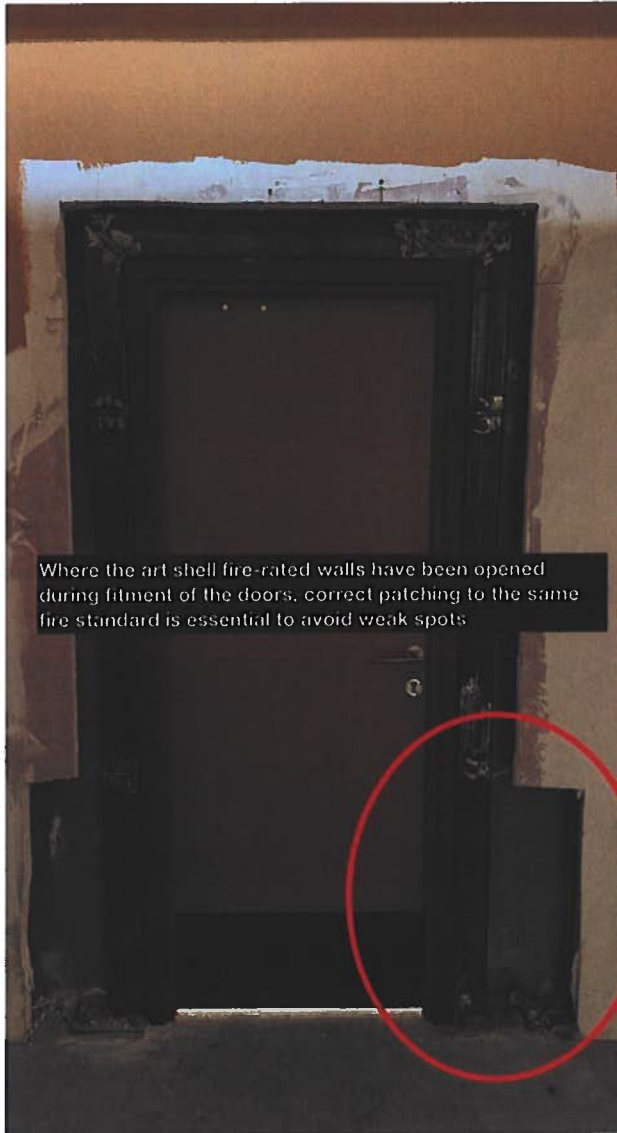


Art Sliding racks use standard commercial grade sliding door equipment (Hillaldam type). Smoothness of travel should be checked once installed to minimize vibration to the artworks when being opened

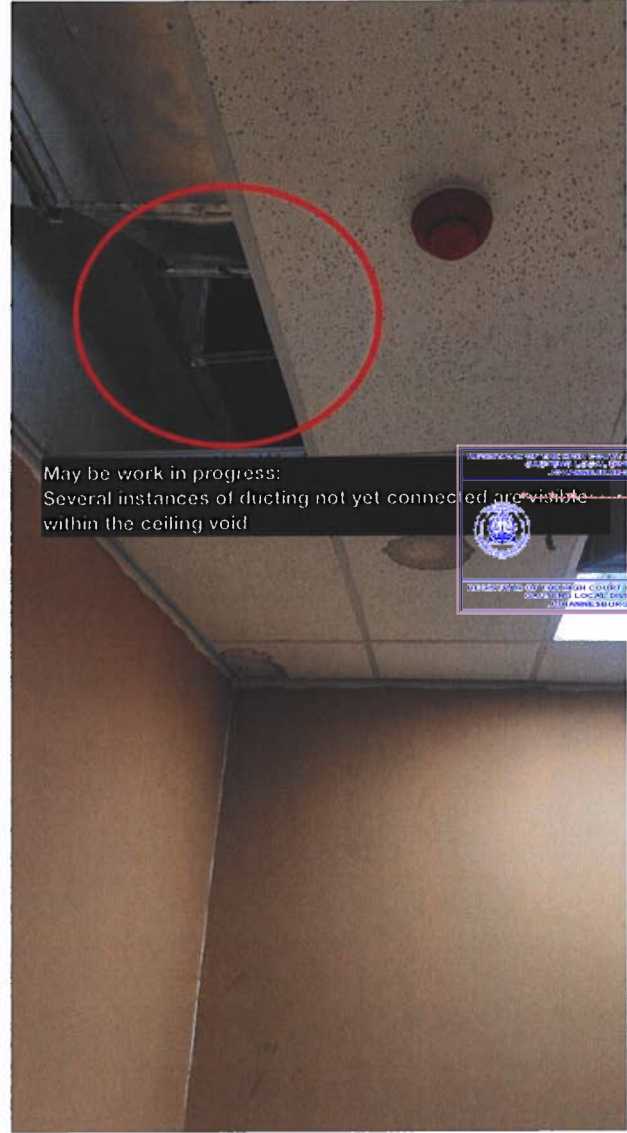
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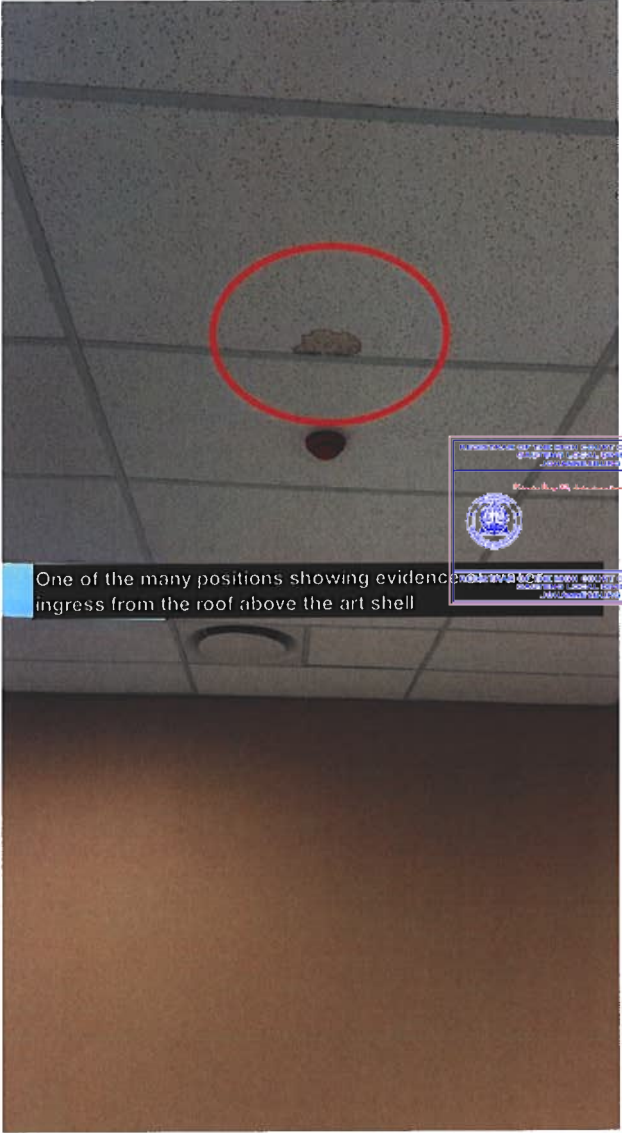
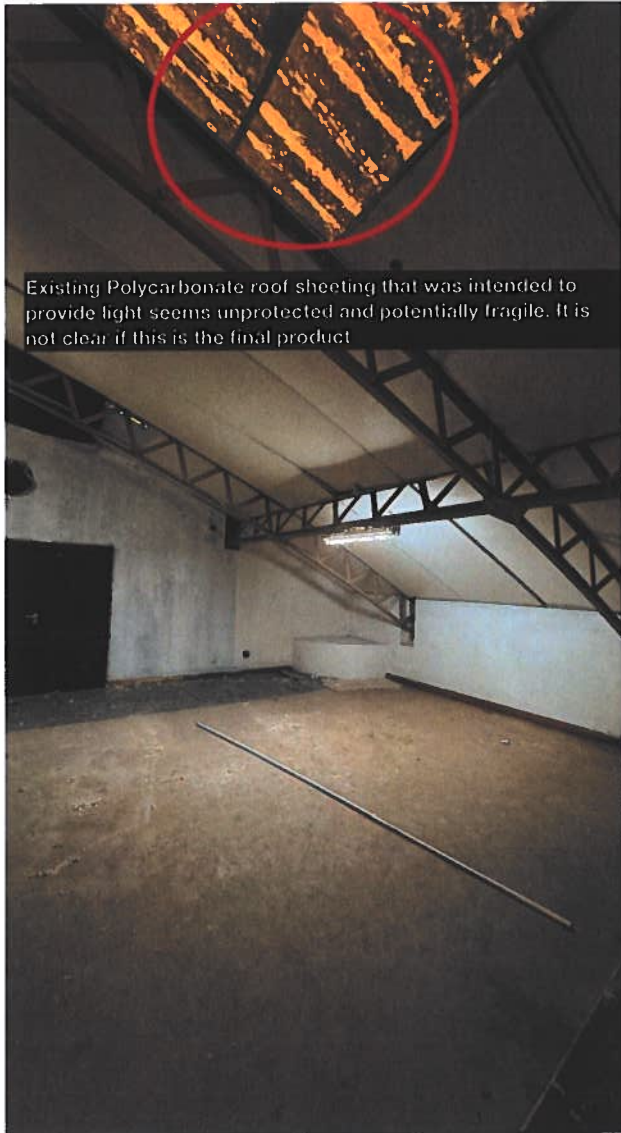


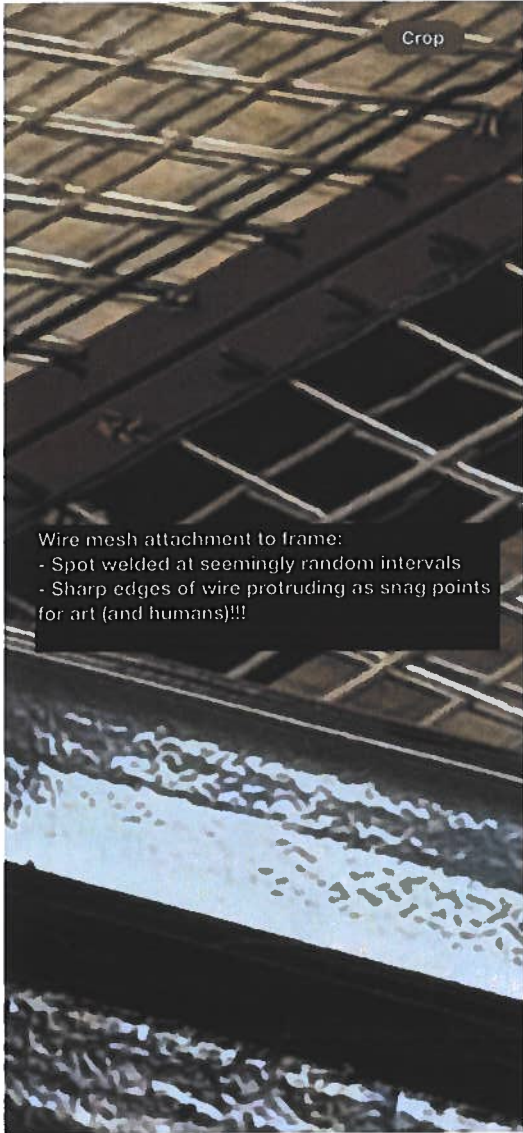
Where the art shell fire-rated walls have been opened during fitment of the doors, correct patching to the same fire standard is essential to avoid weak spots



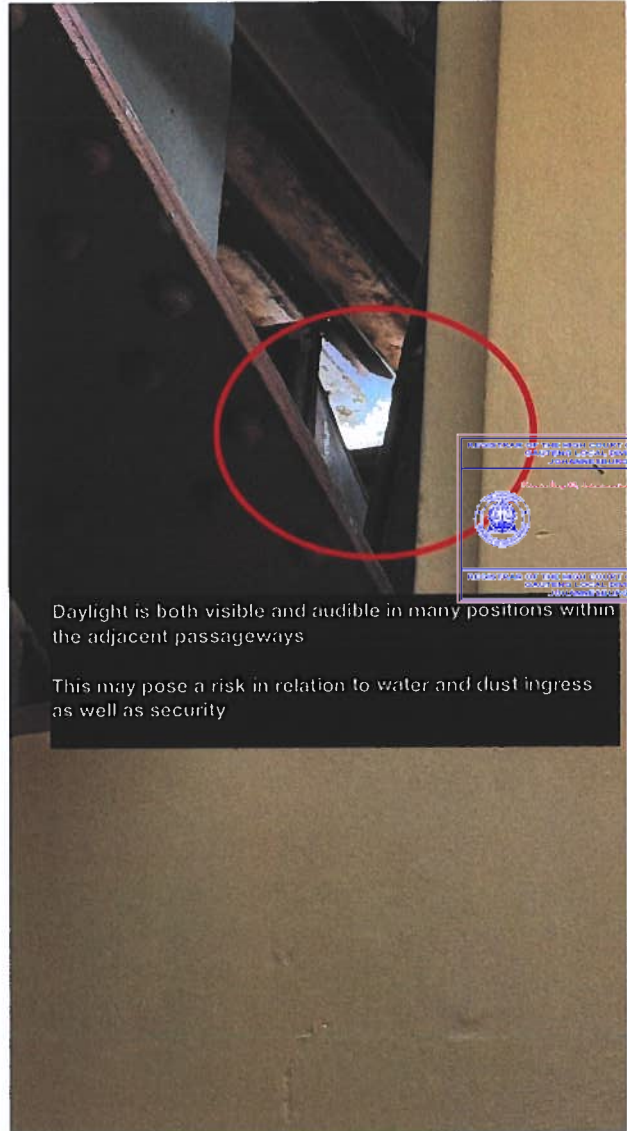
May be work in progress:
Several instances of ducting not yet connected are visible within the ceiling void







Wire mesh attachment to frame:
 - Spot welded at seemingly random intervals
 - Sharp edges of wire protruding as snag points for art (and humans)!!!



Daylight is both visible and audible in many positions within the adjacent passageways

This may pose a risk in relation to water and dust ingress as well as security



INCORPORATING PARKTOWN AND WESTCLIFF HERITAGE TRUST

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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

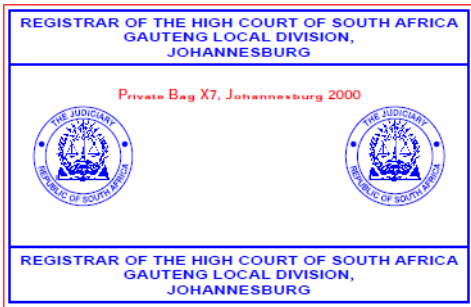
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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Local Division,Johannesburg**

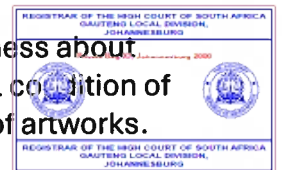
3 February 2026

JHF/FOJ Response to JAG Artworks Relocation Plan Proposed by JDA

Over the past month or so, the Johannesburg Heritage Foundation and Friends of JAG (JHF/FOJ) have noted a number of social media posts and press statements from the Johannesburg Development Agency (JDA) and the City of Joburg (COJ) regarding the relocation of artworks from the Johannesburg Art Gallery (JAG).

In the interests of clarity, JHF/FOJ wish to state that we do not support the JDA/COJ relocation plan in its current form.

Since at least September 2024, JHF/FOJ has been instrumental in raising awareness about the deteriorating conditions prevailing at JAG – both in terms of the poor physical condition of the building and the sub-par storage conditions for the priceless JAG collection of artworks.



Following several engagements with JDA during 2025, we are gratified to note that restoration planning for the JAG building is currently underway, supervised by suitably qualified heritage architects. The JHF/FOJ have nominated a working team of independent, experienced engineers and architects on a volunteer basis to provide support and oversight of the entire process. Although still in the early stages, the building renovation process appears to be progressing well and communications between the heritage architects and our working team have been constructive. We would point out, however, that the estimated time frame for the successful completion of this extensive renovation is between 3 and 5 years, not mid-2027 as was announced by Mayor Morero at the G20.

The relocation of the JAG artworks, however, remains contentious.

Following initial discussions with the JDA and COJ, it was acknowledged that the JHF/FOJ was a legitimate stakeholder in JAG and – towards the end of 2025 – it was requested that we all sign a Partnership Agreement so that we may ‘speak with one voice’ on the JAG. JHF/FOJ furnished a draft partnership agreement to the city for their comment but have not yet received a reply.

In the interim, the JDA unilaterally announced that the JAG artworks would be relocated to three sites around the city: Museum Africa (MA), the Johannesburg City Library (JCL), and the Brixton Recreation Centre. Construction began almost immediately on a ‘shell-space’ located on the top floor of MA for storage and restoration of the artworks.

JHF/FOJ has no objection to using the JCL to store the JAG’s book collection and other print material as it is suitably secure and fit for this purpose.

In terms of Museum Africa, following a show-and-tell to the press in September 2025, JHF/FOJ were invited for an inspection on the work completed thus far. Our inspection team

INCORPORATING PARKTOWN AND WESTCLIFF HERITAGE TRUST

included independent curators, restorers, architects and art experts. The report generated highlighted a number of serious issues with the MA space regarding security, temperature control, water ingress, access points, unsuitable location, etc. The unanimous conclusion was that the new shell at MA was not fit for the purpose of storing the JAG collection.

These detailed findings were communicated to the JDA and a response was received from the contractors describing the remedial action being taken to address our concerns. Nevertheless, the JHF/FOJ recommended that the shell space at MA would be better used to enhance the storage conditions for MA's own valuable collection, and suggested an alternative storage location in Johannesburg that would be more appropriate for the unique and specialised requirements of the JAG artworks.

In order to find a definitive solution that would be in the best interest of the JAG collection, on the 12th of January 2026, we requested a site meeting at MA with the JDA to discuss further. No further response from JDA has been forthcoming. Other attempts to organise collaborative events, such as a proposed restoration masterclass, have similarly been rebuffed by the city.



The JHF/FOJ are considering the appropriate next steps but wish to state that we cannot support the JAG relocation plan to Museum Africa in its current form and distance ourselves from the results should it go ahead. We would sincerely like to engage constructively with the city to find a mutually-agreeable solution that meets international best practise.

We would also like to note that no artwork may be removed from the JAG without the approval of the South African Heritage Resource Agency (SAHRA) and a properly constituted Art Gallery Committee (AGC), and we request that these reports be shared prior to any artworks being moved.

For additional information, please contact:

JHF: david@joburgheritage.org.za

or

FOJ: friend@friendsofjag.org

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
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CASE NO: 2026-111053

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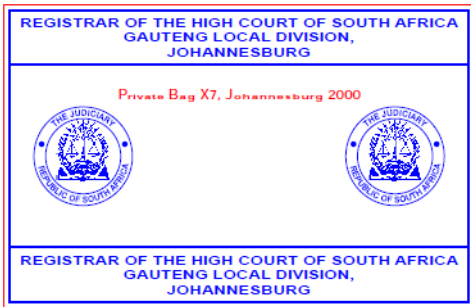
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,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

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a world class African city

City of Johannesburg
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www.joburg.org.za

**MEDIA RELEASE
FOR IMMEDIATE RELEASE
Date: 06 February 2026**

STATE OF READINESS FOR THE RELOCATION SITES OF THE CITY TO HOST THE JAG COLLECTION

The City of Johannesburg reassures the public and the art community that all necessary measures are being taken to ensure the proper care and security of the Johannesburg Art Gallery (JAG) collection during its relocation and refurbishment process. Despite concerns raised by certain stakeholders, the City emphasises that extensive consultations have been conducted and decisions are made in alignment with its authority and responsibilities. We note with dismay the false statements on the state of readiness of the relocation sites.



The JAG Relocation and Refurbishment Plan comprise of three key components: (a) temporary relocation of the JAG collection to enable (b) refurbishment of the JAG building and (c) development of a comprehensive JAG Strategy, including revised governance, operational and financial models.

The City is committed to expediting the implementation of the relocation and refurbishment plan with due consideration to the requirements of the relevant statutory bodies while maintaining international museum standards for security and storage conditions during the temporary relocation of the JAG collection.

Museum Afrika has been identified as one of the temporary relocation sites and is currently being retrofitted to meet the required storage standards. The City has addressed concerns raised by stakeholders, incorporating their inputs where applicable and has as such committed to keeping the public informed of progress through regular updates on social media.

The refurbishment work at the relocation site is nearing completion, with state-of-the-art climate and humidity control regulated through technology, advanced security features in response to a comprehensive security and risk assessment report inclusive of biometric access systems in place. To protect the integrity of the security upgrades, the City has indicated that the full detail of security features will not be revealed.

The City has opted for City-owned facilities to safeguard the JAG collection and ensure compliance with municipal policies and legislative requirements. The decision to upgrade City facilities is also intended to comply with insurance requirements and to invest in the upgrade of its own facilities. The City has regular engagements with

regulatory bodies such as South African Heritage Resources Agency (SAHRA), the Provincial Heritage Resources Agency (PHRA) and the Art Gallery Committee (AGC) to ensure adherence to aspects of the JAG plan as it relates to their respective mandates.

The City also highlights that, despite scepticism expressed when the Executive Mayor announced the completion of the Joburg City Library, we successfully delivered all phases of the project within record timeframes. A similar approach will be applied to the JAG project.

The City remains committed to transparency and consultations in its quest to ensure the successful execution of the JAG Relocation and Refurbishment Plan. The City also wishes to state that it takes into account a diversity of views, inputs and professional guidance in making its decision and that these decisions will not always be what the Friends of JAG (FoJ) and Johannesburg Heritage Foundation (JHF) wish to dictate.

The City remains open to collaboration with various stakeholders and funders, providing their inputs and donations to this project comply with the Municipal Finance Management Act and other relevant legislation.



For more information, please see links on the progress and upgrades on security and climate control at Museum Afrika:

<https://www.facebook.com/share/p/17ACqFMA7u/>

https://m.facebook.com/story.php?story_fbid=pfbid02EMaGQHH6cPso264vz6HjPq4ZAi6EoBAx1oFtFW3HgqrvLtsrsNBwHBahFN4QGmrYI&id=100067207055461&mibextid=Nif5oz

https://m.facebook.com/story.php?story_fbid=pfbid02zdsJPBjuEp3CxeSmt513wU3kQwbJvntek6LQNf3B72NWXZ4N3jdU3sfJt7n53KTol&id=100067207055461&mibextid=Nif5oz

<https://www.facebook.com/share/p/1FEbJ7kurv/>

<https://www.facebook.com/share/p/1C4kZCJN8B/>

ENDS

Issued by the City of Joburg

For enquiries, kindly send email to mediaqueries@joburg.org.za

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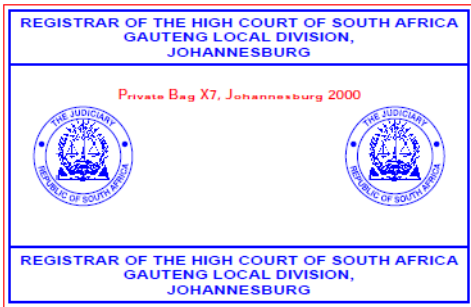
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SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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THE ART GALLERY COMMITTEE (“AGC”)

To:

Executive Mayor: Mr Dada Morero

In his capacity as Chairperson of the AGC

By Sheriff & email: selloenockm@joburg.org.za /

DeidreH@joburg.org.za

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

And to:

Members of the AGC (by email):

Mr Shane Maja: shane.maja@gauteng.gov.za

Mr Joseph Gaylard: coelacanth@iafrica.com

Mr Khwezi Gule: KhweziG@joburg.org.za

Ms Molemo Moiloa: moiloa.molemo@gmail.com

Dr. Nontobeko Ntombela: nontobekon@gmail.com

Prof. Pfunzo Sidogi: sidogip@tut.ac.za



And to:

The City Manager: City of Johannesburg

Dr Floyd Brink

By Sheriff

Your reference

Our reference

Date

A Thakor / M Ilsey / J Venter / S Tlhaole / 27 February 2026
K Behari
4008554

Dear Sirs/Madams,

LETTER OF DEMAND CONCERNING THE UNLAWFUL RECONSTITUTION OF THE ART GALLERY COMMITTEE & DECISION TO RELOCATE THE JAG ARTWORKS TO MUSEUM AFRICA

1. We act on behalf of the Friends of the Johannesburg Art Gallery (“FoJAG”) and the Johannesburg Heritage Foundation (“JHF”) (collectively, “our clients”).
2. We write with reference to:
 - 2.1 the City of Johannesburg’s (“the City”) media statement, dated 17 November 2025, announcing the newly constituted Art Gallery Committee (“AGC”), a copy of which is attached marked “A”; and

2026 02 27 WW To Mayor And AGC(23978043.1)

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp DC Bayman AP Blair K Blom N Blom AJR Booysen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holfeld PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgaile MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw M Mahlangu CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjattan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

[Handwritten signature]
SNDL

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Page 2

- 2.2 a post on X (formerly known as Twitter) which was published under your verified X handle @DadaMorero, on 19 November 2025, a copy of which is attached marked "B"; and
- 2.3 the Johannesburg Development Agency's ("JDA") social media posts on Facebook and the City's media statement dated 6 February 2026 announcing the City's intention to temporarily relocate the JAG art collection to Museum Africa, the Johannesburg City Library and the Brixton Recreation Centre. The social media posts are attached hereto marked "C" and the press release is attached hereto marked "D".
3. The decision to relocate the artworks was taken unilaterally by the City, in complete disregard of the partnership forged between our clients and the JDA during the fourth quarter of 2025. Our clients emphatically object to, and do not support, the relocation of the collection to Museum Africa, the Johannesburg City Library, or the Brixton Recreation Centre.
4. In terms of the Deed of Donation ("Deed") governing the JAG, any temporary removal and/or relocation of the JAG's artworks requires the express consent of the AGC. As set out below, the City's unilateral decision to relocate the artworks is unlawful and falls to be reviewed and set aside.

**The AGC is unlawfully constituted**

5. The City's media statement posted on X, referred to above, confirms that the seven persons comprising the newly constituted AGC are: Cllr Sello Dada Morero; Mr Shane Maja (National Government representative); Mr Khwezi Gule (City representative and Chief Curator); Ms Molemo Moiloa (independent); Dr Nontobeko Ntombela (independent); Mr Joseph Gaylard (independent); and Prof Pfunzo Sidogi (independent).
6. The independent representatives listed in the media statement are not new appointments. Apart from the resignation of Ms Melissa Goba in 2025, the only material changes to the composition of the AGC are the appointments of Mr Shane Maja and Mr Khwezi Gule.
7. The reconstitution of the AGC is unlawful, irrational and unreasonable on the following grounds:
- 7.1 first, the appointment of Mr Gule as the City's representative on the AGC, while he simultaneously serves as the Chief Curator whose conduct the AGC must oversee, violates the foundational principle of *nemo iudex in sua causa* (no one should be a judge in their own case) and the fiduciary no-conflict rule;
- 7.2 second, the retention of AGC members who have failed to fulfil their fiduciary duties to the JAG is irrational; and
- 7.3 third, the reconstitution process was conducted in a manner fundamentally inconsistent with the constitutional obligations imposed on the City and on yourself as Executive Mayor, particularly the requirements of transparency, accountability and public participation mandated by sections 152(1) and 195 of the Constitution.

Circumvention of the principle of trust and conflict of interest

8. The AGC, established under the Deed, exercises oversight powers over the City's decisions concerning the JAG. One such critical power is the scrutiny of the Chief Curator's conduct.

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Page 3

9. As the Chief Curator, Mr Gule may not lawfully be appointed to the AGC for the following reasons:
- 9.1 his appointment as the City's representative on the AGC undermines the principle of trust and creates an impermissible and material conflict of interest, severely compromising the integrity, impartiality, and independence of the AGC;
- 9.2 Mr Gule is effectively serving on a body tasked with advising on his own appointment, evaluating his performance, and potentially recommending his removal. This creates an irreconcilable conflict of interest that subverts the necessary separation between administrative execution and independent oversight. A reasonable person would plainly apprehend that a Chief Curator cannot impartially oversee his own curatorial conduct;
- 9.3 the real sensible possibility of a conflict of interest disqualifies Mr Gule's appointment. A trustee's independence is an essential component of trusteeship, an indispensable requisite of office stemming from the functional separation of control from beneficiaries. Mr Gule, whose professional employment depends on the institution the AGC oversees, cannot possess this independence; and
- 9.4 it remains unclear whether the City adhered to its own internal governance processes when appointing Mr Gule. The Deed explicitly requires the City's representative to be nominated by the Municipal Council via a formal resolution. Our clients are unaware of any such resolution authorising his appointment. If there is such resolution, please furnish us with a copy of it.

**Breach of fiduciary duty of care by existing trustees**

10. The so-called "newly constituted" AGC members have served for several years during which the JAG has deteriorated, and its art collection has sustained irreversible damage. The South African Heritage Resources Agency ("SAHRA") report confirms the poor storage conditions and dilapidated state of the JAG building. These conditions persisted under the AGC's watch without any apparent action having been taken to protect and safeguard the JAG.
11. To retain AGC members who have demonstrably failed to discharge their fiduciary duties is legally irrational and unreasonable. The conduct of the trustees imperils the trust property or its proper administration and would justify their removal from office.

Failure to adhere to Constitutional Standards

12. The reconstitution of the AGC was conducted without the transparency, accountability, openness and public participation required by the Constitution.
13. The Constitution requires the City to provide democratic and accountable government, to encourage community involvement in local government matters, and to ensure that public administration is accountable, transparent and conducive to public participation.
14. The immense public interest in the preservation of the JAG has been entirely disregarded, with the appointment process shrouded in secrecy. Only an appointment process conducted strictly in accordance with both the Deed and the Constitution will yield a legitimately constituted AGC.

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15. The City's failure to consult stakeholders before reconstituting the AGC breaches constitutional provisions on public participation, transparency, and accountability, as well as the Promotion of Administrative Justice Act's procedural fairness requirements.

Decisions of the unlawfully constituted AGC

16. Accordingly, the City's decision to relocate the JAG's artworks is unlawful and unconstitutional, having been taken by an unlawfully constituted AGC, and falls to be reviewed and set aside because of the decision's illegality.
17. The decision to relocate the JAG's artworks also falls to be set aside on the basis that the art collection faces imminent harm if relocated to Museum Africa and/or the Brixton Recreation Centre. The proposed temporary sites, when objectively assessed, are not fit for purpose and pose direct risks to the security and safety of the art collection.

Imminent harm to the JAG collection

18. Museum Africa is fundamentally unfit to store this collection due to critical deficiencies in security, climate control, water ingress prevention, and access.
19. When our clients inspected Museum Africa on 1 December 2025, with authorisation from the JDA, they were accompanied by qualified architects, art specialists, museum technologists, storage specialists, and engineers, who conducted an impartial assessment of the facility. Their unanimous conclusion, communicated to the JDA and the City on 5 December 2025 and by press release on 3 February 2026, was that Museum Africa is unsuitable for storing the JAG collection.
20. The Brixton Recreation Centre presents similar deficiencies. The City has remained silent on the condition of the Brixton Recreation Centre and whether it intends to proceed with the relocation despite warnings from stakeholders that the facility is not fit for purpose. Copies of our clients' correspondence and press release are attached hereto marked "E" and "F".
21. Site refurbishments and relocations are currently being conducted haphazardly at taxpayers' expense and without proper accountability. This is particularly egregious given that our clients have already formally offered the City a fully privately funded alternative that would ensure absolute transparency while safely safeguarding the collection.
22. The City's proposal to piecemeal scatter the collection across three different sites without conducting a comprehensive audit or allowing for public scrutiny poses an unacceptable risk to irreplaceable national cultural heritage. It also raises serious questions regarding the AGC's continued failure to exercise proper oversight.

Constitutional and statutory imperatives

23. The City's decision to relocate the art collection, despite the risk of imminent harm, undermines the constitutional duties vested in the state in relation to its custodial responsibilities over the JAG collection.
24. The City has a duty under the Deed to enable public access to and enjoyment of the JAG's art collection, thereby giving effect to the constitutional rights to cultural heritage and freedom of expression. In doing so, the City must comply with:



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Page 5

- 24.1 the Deed's prohibition against removing artworks from the JAG without first obtaining the AGC's advice and consent; and
- 24.2 section 32(13) of the National Heritage Resources Act 25 of 1999, which prohibits the removal of the art collection without first obtaining a permit from SAHRA.
25. The COJ, the Council, the Mayor, the City Manager, and the City's officials are also bound by section 7(2) of the Constitution to respect, protect, promote, and fulfil the rights in the Bill of Rights.
- 25.1 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. 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.
- 25.2 Under the heading "*Language 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. 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 art to contemporary global 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.
26. The Deed creates a separation of titular from beneficial rights over property. As fiduciaries, the trustees must act with proper independence and in the interests of beneficiaries. Section 12(4)(b) of the Municipal Finance Management Act 56 of 2003 further provides that donated money may only be used "for the purposes for which, and subject to any conditions

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on which, the fund was established or the money in the fund was donated." The intention behind this statutory principle applies with equal force to the JAG collection. The City must use the donated collection in accordance with the Deed's conditions.

27. The relocation decision is accordingly unlawful and constitutes a breach of these constitutional and statutory imperatives.

Our clients' demands

28. In light of the above, we are instructed to demand, as we hereby do, that the City provide our clients with a written undertaking within ten (10) business days of the date of this letter, confirming that the City will:

- 28.1 immediately cease any relocation of works of art or other materials forming part of the JAG collection to Museum Africa, the Brixton Recreation Centre,  or the Johannesburg City Library, pending compliance with the requirements set out in this letter;
- 28.2 provide our clients with a copy of the AGC resolution authorising the proposed relocation of the artworks, if any;
- 28.3 provide our clients with documentary proof of any permits issued by SAHRA authorising the proposed relocation;
- 28.4 engage meaningfully with our clients regarding the Ditsong National Museum of Cultural History or a viable alternative storage facility for the JAG collection, which our clients have offered to fund privately;
- 28.5 take immediate steps to dissolve the current AGC and to reconstitute it in accordance with the Deed, including the removal of Mr Gule as the City's representative and the appointment of a suitable replacement who does not have a conflict of interest; and
- 28.6 consult meaningfully with our Clients and other relevant stakeholders regarding the reconstitution of the AGC in accordance with the Deed and the Constitution
29. Should you fail to comply with the aforesaid demands within the stipulated timeframe, our Clients reserve the right to approach the appropriate court for urgent relief, including an interdict restraining the City from relocating any part of the JAG collection, and an order reviewing and setting aside the unlawful reconstitution of the AGC, and removing the unlawfully appointed trustees.
30. All of our Clients' rights are expressly reserved.

WEBBER WENTZEL

in alliance with > **Linklaters**

Page 7

Yours faithfully



WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com





CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY



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FOR IMMEDIATE RELEASE

17 NOVEMBER 2025

JOHANNESBURG ART GALLERY RESTORATION: A NEW CHAPTER FOR JOBURG'S CULTURAL LEGACY

The Executive Mayor of Johannesburg, Councillor Dada Morero, is proud to announce significant progress in the ongoing restoration of the Johannesburg Art Gallery (JAG), a cornerstone of the City's cultural heritage and one of its most treasured public institutions. The planning and design phase of JAG, led by the Johannesburg Development Agency, has now reached an advanced stage.



As the project moves into the construction preparation phase, restoration work cannot proceed while the art collection remains inside the building. To ensure the safety, preservation, and continued accessibility of the City's invaluable artworks during this period, three temporary relocation venues have been secured: the Johannesburg City Library, Museum Africa and the Brixton Multipurpose Facility.

These facilities will serve as interim custodians of the collection while critical upgrades are made to secure the gallery's future. A multi-stakeholder inspection team is overseeing the process to ensure that all storage locations meet the necessary preservation standards before relocation begins. This team comprises representatives from Friends of the Johannesburg Art Gallery, the Johannesburg Heritage Foundation, the South African Heritage Resources Agency, the Anglo Centenary Trust, the City's Community Development Department, the Presidential Johannesburg Working Group, and a group of specialised auditors.

The City also confirms that the Executive Mayor, as convener of the Art Gallery Committee (AGC), has convened three AGC meetings this financial year. These sessions have advanced key decisions and strengthened governance in support of the restoration programme. The AGC is now fully compliant with the deed of donation, with representation from the national sphere, the art industry and the Council.

Members of the committee entrusted with guiding the vision and stewardship of the Johannesburg Art Gallery are Councillor Sello Dada Morero, Mr Shane Maja, Mr Khwezi Gule, Ms Molemo Moiloa, Dr Nontobeko Ntombela, Mr Joseph Gaylard and Mr Pfunzo Sidogi. The City is pleased to confirm that the entire Johannesburg Art Gallery collection previously loaned to South Korea has been safely returned and securely housed.

A total of 145 artworks were loaned to the Gyeongju Arts Centre as part of an official international exhibition tour undertaken in line with the City's Loan Policy. Upon return, all works were thoroughly inspected and authenticated by the South African Heritage Resources Agency, Dr

Gerard de Kamper of the University of Pretoria Museums, and the South African Revenue Service's Customs Division.

Every artwork has been accounted for, and contrary to circulating rumours, no items were stolen. These claims are false and misleading. The City remains firmly committed to transparency, accountability, and the highest standards of cultural asset management. The restoration of JAG and the temporary relocation of its art collection mark a bold step in reimagining Johannesburg's cultural landscape.

To ensure that the spirit of JAG remains alive throughout the refurbishment, the City, in partnership with the Standard Bank Art Gallery, the French Embassy, and other stakeholders, will host public exhibitions and programming at satellite venues.

The Johannesburg City Library will also host the JAG Library to ensure ongoing access to learning and research materials. The City expresses its sincere appreciation to all partners, artists, and heritage journey. Together, Johannesburg is building a future in which art, history, heritage and innovation thrive.



ISSUED BY THE OFFICE OF THE EXECUTIVE MAYOR

Media Enquiries:

Khathutshelo Mulaudzi
Director: Mayoral Communications
Tel: 070 362 3295



EXECUTIVE Mayor of T...

@DadaMorero

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The Johannesburg Art Gallery is being restored to its full glory, preserving our heritage, showcasing our creativity, and putting Joburg on the global cultural map. Together, we are safeguarding the soul of our city for generations to come.

#JoburgUpdates



Appointed AGC Members

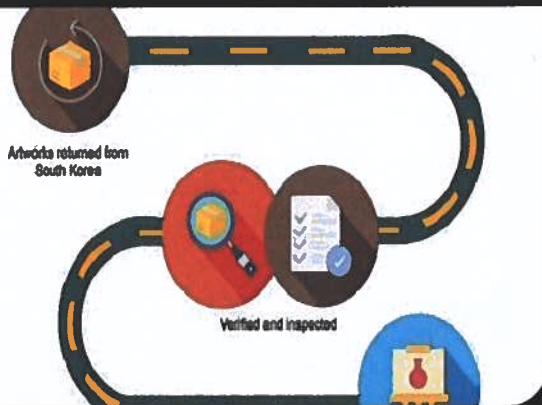
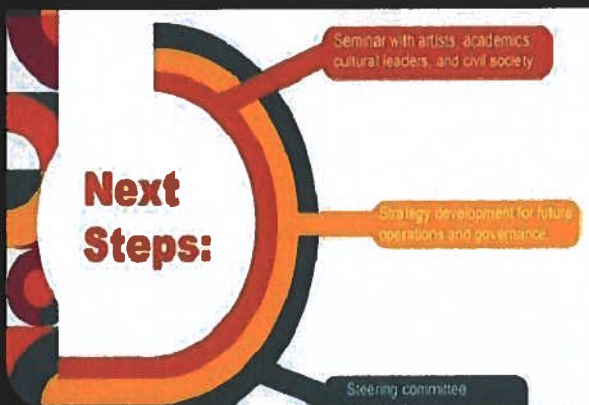


Cllr Sello Dada Morero
Convener of the AGC

Recent Engagement Channels

- Public meetings with ward and regional structures
- Consultations with SAHRA & PHRA-G
- Newspaper updates and city statements
- Forums with civil society, academia, heritage groups, and business

Next Steps:



16:51 · 19 Nov 25 · 3,174 Views

Johannesburg Art Gallery (JAG)

Governance Matters

Governance structures have been realigned to meet the JAG Deed of Donation, ensuring transparency and accountability.

Appointed AGC Members



Cllr Sello Dada Morero Convener of the AGC

Mr Shane Maja
(National Government)

Mr Khwezi Gule
(CoJ)

Ms Molemo
Moiloa

Dr Nontobeko
Ntombela

Mr Joseph
Gaylard

Mr Pfunzo
Sidogi

"The Art Gallery Committee (AGC) is now fully constituted and aligned with the Deed of Donation. Two AGC meeting have already taken place and, in support of the AGC, the PJWG are conducting bi-weekly progress meetings. We're ready to lead JAG into a new chapter." — Cllr Sello Dada Morero

Johannesburg Development Agency's post



"C"



Johannesburg Development Agency

4 February at 08:00

Phase 1 of the JAG Relocation Completed

The Johannesburg Development Agency (JDA), on behalf of the City of Johannesburg, has successfully completed Phase 1 of the Johannesburg Art Gallery (JAG) relocation as part of preparations for the gallery's restoration. The JAG Library and non-Section 32 objects were safely relocated from the Furniture Store to the Johannesburg City Library.

Non-Section 32 objects are resources that are not formally declared as heritage objects under the National Heritage Resources Act (1999), allowing this phase to proceed ahead of the relocation of formally protected artworks.

This milestone supports the safeguarding of JAG's collection while restoration work moves forward.

#JoburgReimagined



60

8 comments 9 shares



ARTWORK SECURITY AT MUSEUM AFRICA

The safety of the Johannesburg Art Gallery (JAG) collection is non-negotiable. That's why Museum Africa has undergone targeted security upgrades to meet museum-grade standards.

- ✓ 24-hour on-site security
- ✓ CCTV surveillance inside and outside the building
- ✓ Advanced alarm systems
- Biometric & fingerprint access at all entrances
- ✓ Reinforced burglar-proof doors
- ✓ Anti-climb fencing installed on the roof beneath the double-decker highway



Museum Africa provides a secure, controlled environment for the protection of valuable artworks.

#JoburgReimagined



Johannesburg Art Gallery (JAG)

Security: Tech-Led Protection For Priceless Artworks

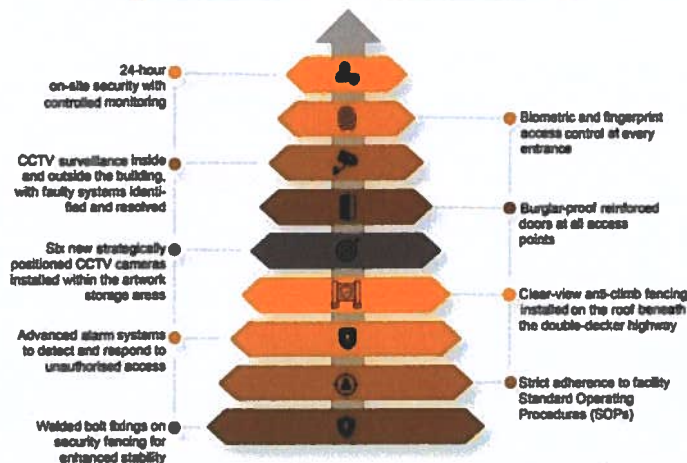
Myths:

Museum Africa is not secure enough to house JAG artworks.

Facts:

Comprehensive security upgrades have been implemented to meet museum-grade standards.

What's In Place:



Outcome:

A highly controlled, monitored, and secure environment aligned with international



Johannesburg Development Agency's post



Johannesburg Development Agency

2 February at 15:05

PREPARING SAFE HOMES FOR THE JAG COLLECTION

Significant progress has been made in readying Museum Africa and the Pink Building to temporarily house the Johannesburg Art Gallery (JAG) collection.

The work underway focuses on creating secure, climate-controlled and professionally managed environments to safeguard the JAG collection while restoration work at the gallery continues.

Earlier today, JDA CEO Mr. Themba Mathibe, together with project managers, conducted an on-site oversight visit to assess progress and ensure that all readiness measures meet the required museum security and environmental standards as per the requirements of SAHRA.

#JoburgReimagined



43

Like

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3 comments 14 shares

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**MEDIA RELEASE
FOR IMMEDIATE RELEASE
Date: 06 February 2026**

**STATE OF READINESS FOR THE RELOCATION SITES OF THE CITY TO HOST
THE JAG COLLECTION**

The City of Johannesburg reassures the public and the art community that all necessary measures are being taken to ensure the proper care and security of the Johannesburg Art Gallery (JAG) collection during its relocation and refurbishment process. Despite concerns raised by certain stakeholders, the City emphasises that extensive consultations have been conducted and decisions are made in alignment with its authority and responsibilities. We note with dismay the false statements on the state of readiness of the relocation sites.



The JAG Relocation and Refurbishment Plan comprise of three key components: (a) temporary relocation of the JAG collection to enable (b) refurbishment of the JAG building and (c) development of a comprehensive JAG Strategy, including revised governance, operational and financial models.

The City is committed to expediting the implementation of the relocation and refurbishment plan with due consideration to the requirements of the relevant statutory bodies while maintaining international museum standards for security and storage conditions during the temporary relocation of the JAG collection.

Museum Afrika has been identified as one of the temporary relocation sites and is currently being retrofitted to meet the required storage standards. The City has addressed concerns raised by stakeholders, incorporating their inputs where applicable and has as such committed to keeping the public informed of progress through regular updates on social media.

The refurbishment work at the relocation site is nearing completion, with state-of-the-art climate and humidity control regulated through technology, advanced security features in response to a comprehensive security and risk assessment report inclusive of biometric access systems in place. To protect the integrity of the security upgrades, the City has indicated that the full detail of security features will not be revealed.

The City has opted for City-owned facilities to safeguard the JAG collection and ensure compliance with municipal policies and legislative requirements. The decision to upgrade City facilities is also intended to comply with insurance requirements and to invest in the upgrade of its own facilities. The City has regular engagements with

regulatory bodies such as South African Heritage Resources Agency (SAHRA), the Provincial Heritage Resources Agency (PHRA) and the Art Gallery Committee (AGC) to ensure adherence to aspects of the JAG plan as it relates to their respective mandates.

The City also highlights that, despite scepticism expressed when the Executive Mayor announced the completion of the Joburg City Library, we successfully delivered all phases of the project within record timeframes. A similar approach will be applied to the JAG project.

The City remains committed to transparency and consultations in its quest to ensure the successful execution of the JAG Relocation and Refurbishment Plan. The City also wishes to state that it takes into account a diversity of views, inputs and professional guidance in making its decision and that these decisions will not always be what the Friends of JAG (FoJ) and Johannesburg Heritage Foundation (JHF) wish to dictate.

The City remains open to collaboration with various stakeholders and funders, providing their inputs and donations to this project comply with the Municipal Finance Management Act and other relevant legislation.



For more information, please see links on the progress and upgrades on security and climate control at Museum Afrika:

<https://www.facebook.com/share/p/17ACqFMA7u/>

https://m.facebook.com/story.php?story_fbid=pfbid02EMaGQHH6cPso264vz6HjPq4ZAi6EoBAX1oFtFW3HgqrVltsrsNBwHBahFN4QGmrYI&id=100067207055461&mibextid=Nif5oz

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<https://www.facebook.com/share/p/1C4kZCJN8B/>

ENDS

Issued by the City of Joburg

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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

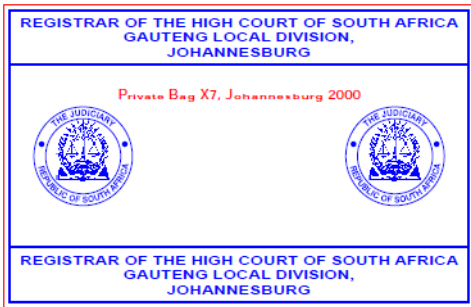
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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**Registrar of High Court , Gauteng
Local Division,Johannesburg**



DAILY MAVERICK

JHB

MOVING ART

Joburg spends R23.6m relocating City's most valuable art to location with security concerns

Mayor Dada Morero's commitment to spending R50m on restoring the Johannesburg Art Gallery was welcomed by residents and art lovers. Almost half, however, will be spent on preparing to relocate the artworks.

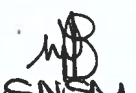


By Anna Cox

16 Mar 2026



An aerial photograph of Museum Africa's rooftop in Newtown, Johannesburg on 10 March 2026. (Photo: Felix Dlangamadla)

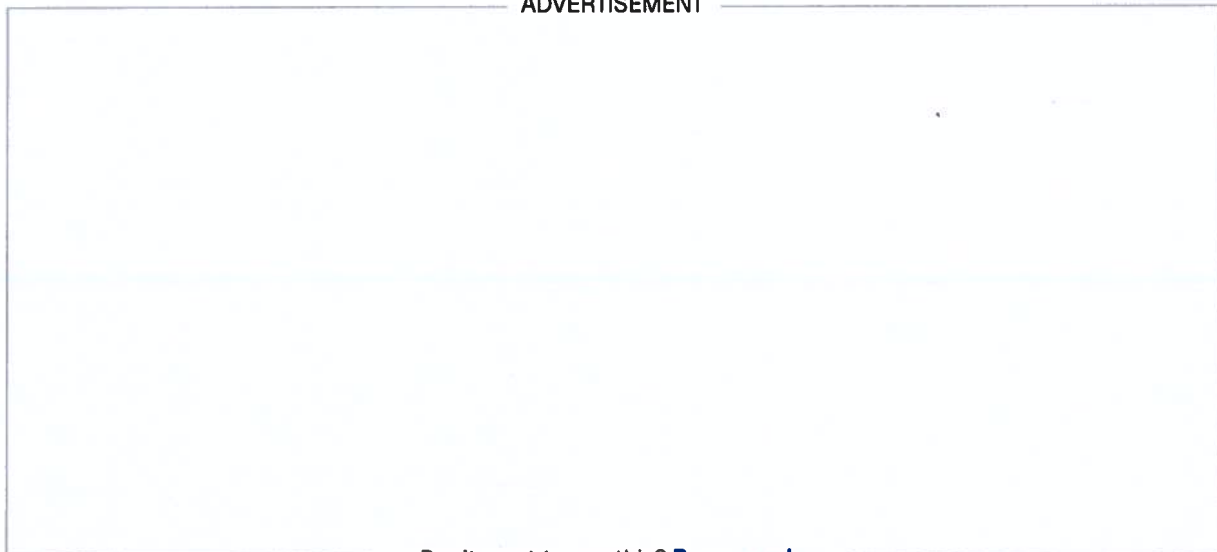


The City of Joburg has set aside R50-million to restore the Johannesburg Art Gallery (JAG), yet R23.6-million – nearly half that allocation – is being committed, not to repairing the century-old Lutyens-designed building in Joubert Park, but to temporary relocation, before a single artwork has been moved – and while formal heritage approval for the transfer remains pending.

In a statement released earlier this month, the City said “significant progress has been made in readying Museum Africa and the Pink Building to temporarily house the Johannesburg Art Gallery collection,” adding that the work focused on creating “secure, climate-controlled and professionally managed environments” to safeguard the artworks during refurbishment. The City further stated that the readiness measures were being undertaken “as per the requirements of Saira [South African Heritage Resources Agency].”



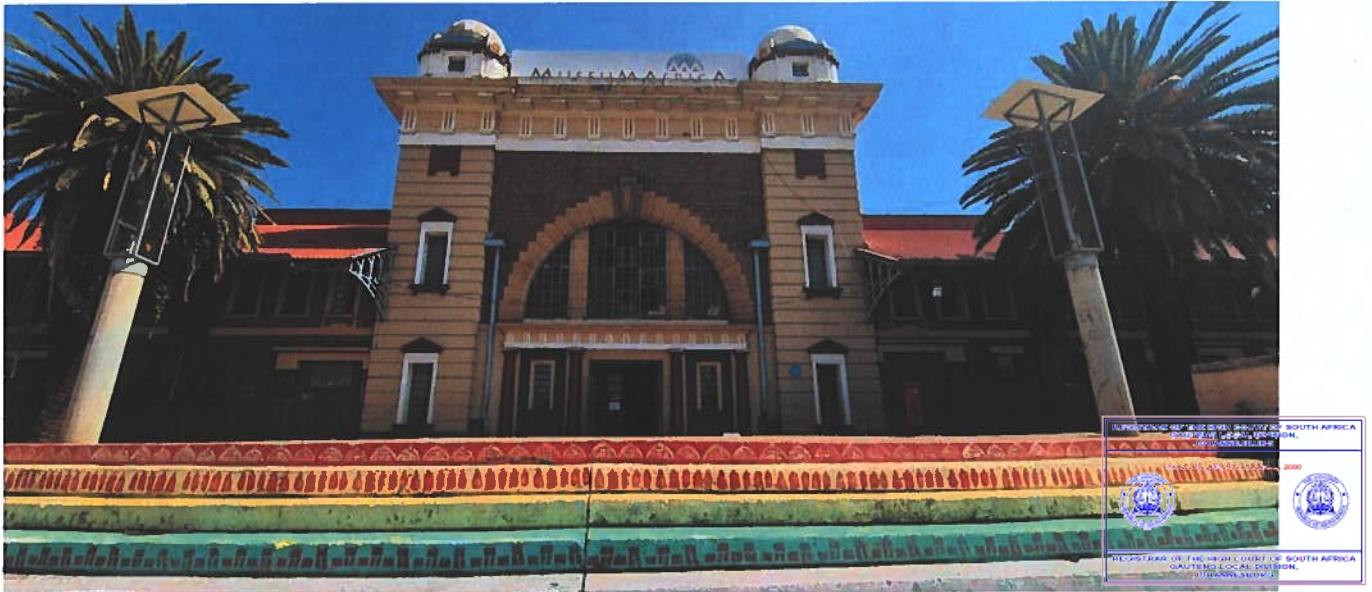
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However, Friends of JAG, the Johannesburg Heritage Foundation (JHF) and the Democratic Alliance have expressed grave concern about the suitability of the proposed relocation sites, arguing that the attic-level storage space at Museum Africa and the warehouse-style Pink Building do not meet international museum standards for climate stability, security and long-term conservation. They have also





Qualified architects, art specialists, museum technologists, storage experts and engineers, along with a comprehensive report by the Friends of JAG and the Johannesburg Heritage Foundation, believe that the Museum of Africa, in its current state, cannot safely house JAG's vulnerable and invaluable artworks. (Photo: Leanne de Jager MPL)

The relocation budget, disclosed to Daily Maverick by the City, includes R6.5-million for space planning and logistics and R17.1-million for upgrades at Museum Africa and the so-called Pink Building, a warehouse structure in Newtown adjacent to Museum Africa. Additional compliance works are under way at the Brixton Multipurpose Centre, although the City did not provide a separate figure for those upgrades.

The City has indicated that Museum Africa, the Pink Building and Brixton were identified as available municipal properties capable of being upgraded within existing timelines, allowing the collection to remain under City control during refurbishment.



READ MORE

Johannesburg Art Gallery 'can't survive' another season of rain, experts warn

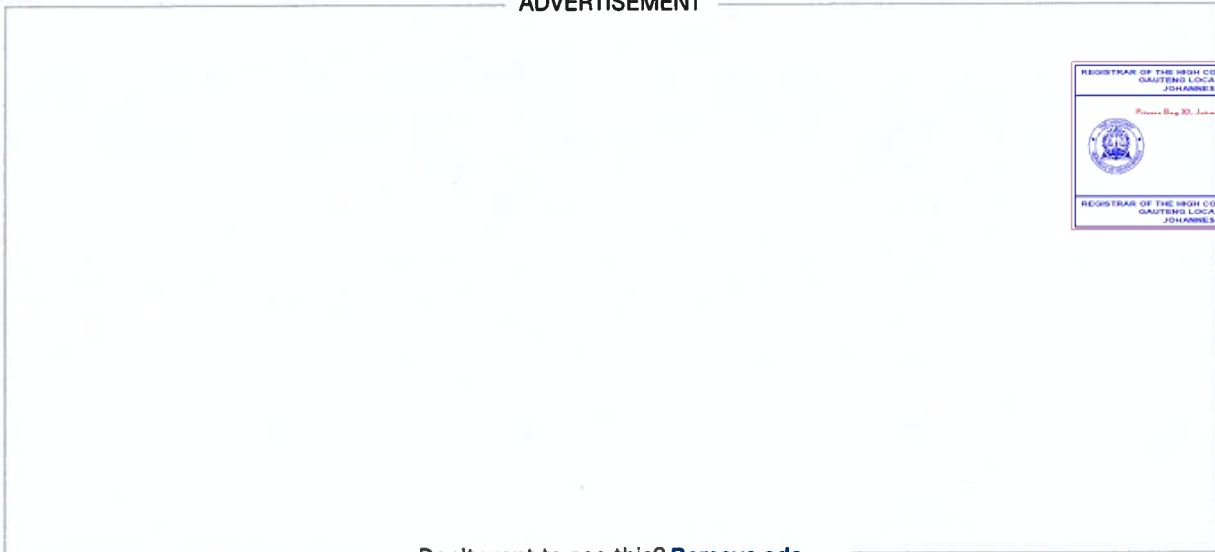
November 18, 2024

'Unfit for purpose'

of Johannesburg’s most important cultural institutions.

Following an oversight inspection at Museum Africa, DA Gauteng spokesperson for Sport, Arts, Culture and Recreation, Leanne de Jager, described the upper-level storage area as “unfit for purpose, with critical flaws in security, climate control, unwanted water penetration and access”.

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She characterised the move as “a reckless gamble with our cultural heritage” and called on the City to halt the relocation until the facilities comply with international standards.

Friends of JAG and the JHF agree, citing unsuitable conditions and safety risks, particularly in relation to the attic-level storage space at Museum Africa, after a group of experts visited the site in December.

“We have concerns about the conditions in the attic, especially safety, as it is close to the overhead freeway and there have been security problems in the past,” the groups said in a statement to Daily Maverick.



An aerial photograph of Museum Africa's rooftop in Newtown, Johannesburg on 10 March 2026. (Photo: Felix Dlangamdlala)

The two groups further argued that uninterrupted climate control is central to museum-grade storage, particularly in attic-level or warehouse-type spaces where temperature fluctuation and water ingress risks can be amplified.

The regulatory position also remains unresolved. Sahra confirmed that the relocation of the collection was still under review in terms of Section 9 of the National Heritage Resources Act.

Ben Mwasinga, Senior Manager: Heritage Compliance Management at Sahra, said the application for relocation following the October site visit is still “undergoing careful consideration”.

“Sahra did not inspect the Pink House or Brixton Recreation Centre,” Mwasinga confirmed.

He also confirmed that environmental commissioning data had not been submitted and was not required for the Section 9 review.

The City, however, says systems are being installed and tested before any relocation proceeds. Spokesperson Nthati Modingoane said the HVAC system at Museum Africa had been fully commissioned and accredited by the South African Refrigeration and Air Conditioning Contractors Association.



*Experts believe that the Museum of Africa, in its current state, cannot safely house JAG's vulnerable and invaluable artworks.
(Photo: Leanne de Jager MPL)*



Environmental stability testing is still under way and monitoring logs are not yet available. Load shedding simulation testing has not been conducted. A gas-based fire suppression system has been installed, but formal certification from the City's Fire Department remains pending.

On backup power, Modingoane said alternative sources were not a statutory requirement.

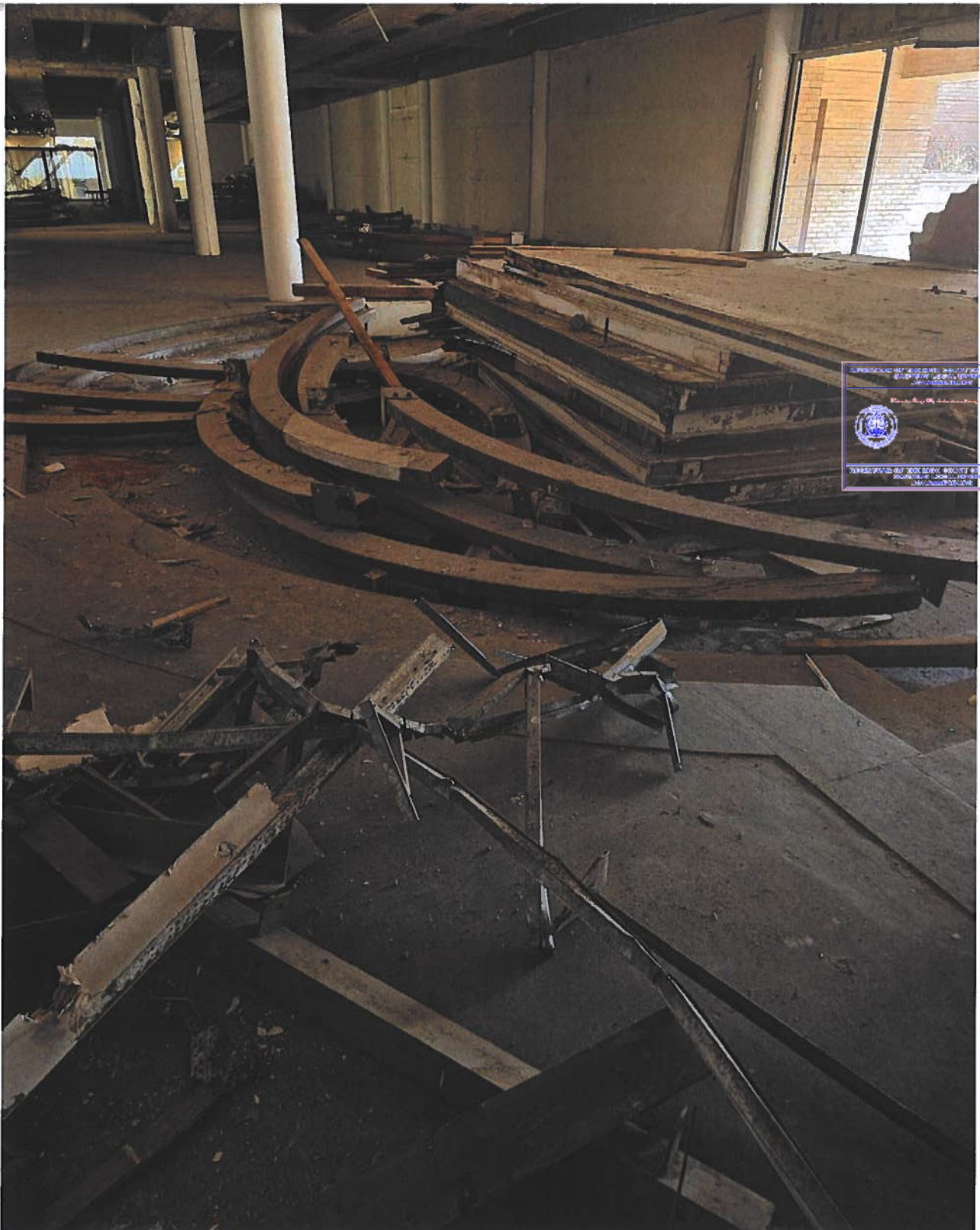
“Whilst alternative sources of power are not a statutory requirement for museums, the City has been engaging with its power utility on various options of alternative sources of power,” he said.

No alternative power system has yet been installed at the identified sites.

The City said engineers had assessed the buildings and continued monitoring conditions, particularly during the rainy season. It also acknowledged delays in completing the temporary facilities, stating that feedback from stakeholders had been incorporated into the works.

Contract for refurbishment and relocation

Beyond the relocation itself, concerns have also been raised about how the refurbishment tender was structured and awarded.



The award-winning Meyer-Pienaar gallery extension at JAG was 'renovated' under the watch of the Johannesburg Property Company in 2021. Copper roofs and vaulted ceilings were removed and a concrete slab was thrown over the space. Structural

DAILY MAVERICK

According to the City, the evaluation covered 13 built-environment disciplines – including structural engineering, architecture, environmental systems, fire compliance, security and art conservation planning – with each discipline scored during the bid process.

Friends of JAG and JHF argue that placing heritage conservation as one component within a broader technical scoring matrix risks diluting its centrality in a restoration of this nature.

Lamela's original consortium included a heritage academic, Professor Iain Clarke, based in the Netherlands, who later stepped down following public criticism of the project and his role within it. The City said his resignation was voluntary. Fayat Hart Architects & Heritage Consultants was subsequently appointed as the replacement heritage specialist.



Contractors preparing the temporary facilities – Ngutyana Construction for Museum Africa and the Pink Building, and Nkomaba Construction for Brixton – were appointed through competitive bidding in line with municipal supply chain regulations.

Asked whether contractors were required to demonstrate prior experience in constructing museum-grade art storage facilities, the City said there was no specific requirement within the Construction Industry Development Board framework mandating such experience. Instead, contractors were required to demonstrate appropriate general building grading.

Specialised storage systems, including art racking and conservation-aligned installations, are being delivered by appointed specialist providers working alongside the main contractors, said Modingoane.

Concerns over artworks on loan

Governance concerns have also been raised by Friends of JAG and JHF regarding loan procedures and institutional oversight, stating that clarity was required on whether all proper procedures and permissions were in place.

that the City had adopted a new loans policy overriding aspects of the Deed of Donation. JHF and Friends of JAG now question whether the Art Gallery Committee was properly constituted at the time approvals were granted and whether all governance requirements were met.

However, the City confirmed that 145 artworks were loaned to institutions in South Korea with approval from the City, the Art Gallery Committee and Sahra.

Officials from the City said no artworks were damaged during the loan period, though two paintings were affected during the return process after being held at an airport under unsuitable climate conditions. A conservation plan is under way, according to the City.



At a media preview during the G20, at least one of the 30 artworks displayed appeared visibly damaged, claim the two NGOs, though the City maintains that no permanent damage occurred as a result of the loan.

Regarding the Deed of Donation of the artworks by Lady Florence Phillips, the City said it remained operative and that loan approvals continued to follow the required governance framework, with domestic loans approved by the City and the Art Gallery Committee, and international loans additionally requiring Sahra approval.

Some of JAG's most valuable pieces have found safe haven at other galleries. The artworks that were loaned to institutions in South Korea are on display at the Standard Bank Gallery. Another important part of the JAG collection will soon be exhibited at the Javett Art Centre at the University of Pretoria.



READ MORE

Johannesburg Art Gallery restoration: Priceless artworks return home

November 20, 2025

But for now, nearly half the value of the JAG's headline refurbishment allocation has been committed to interim infrastructure. Heritage approval for relocation is still pending. Environmental monitoring data is not yet available. Backup power has not been installed. The majority of the collection – more than 9,000 works

Amid the debate over costs, questions have also been raised about whether private sector funding was available as an alternative to the City-funded relocation.

JoziMyJozi suggested that private business had offered to assist with relocation costs. However, no formal funding commitment has been publicly documented, and the City has not indicated that any privately financed alternative relocation proposal was formally tabled or accepted. DM

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Biscuit

The Daily Maverick Dog



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JHB Maverick Life

Johannesburg Art Gallery JAG Museum Africa Art Dada Morero

Johannesburg Heritage Foundation



Comments

An active membership is required to comment.

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Rae

17 March 2026 08:26 AM

Any sort of planning of whatever nature by the ANC invariably turns out to be a hit and miss affair. When such actions are headed by people like Dada Morero and Panyaza Lesufi, full investigations like this are mandatory to avoid catastrophe and to preserve anything that needs protection. Friends of JAG, the Johannesburg Heritage Foundation and the DA are to be commended for exposing the blatant lack of acumen by Morero and his cohorts.

REPLY



DAILY MAVERICK

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COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

In the matter between:

**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

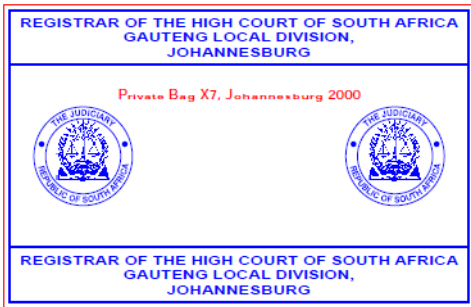
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
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,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Annexure 16 and More

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Local Division,Johannesburg**



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 info@ENSafrica.com
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WEBBER WENTZEL
 Attention: Ms Asmita Thakor
 Email: asmita.thakor@webberwentzel.com
Matthew.Ilsley@webberwentzel.com

D Lambert / P Reyburn/ 0557765 our ref
 WW-WS_JHB.FID2532679 your ref
 26 March 2026 date

Dear Ms Thakor

THE CITY OF JOHANNESBURG (“THE CoJ” / “OUR CLIENT”) / FRIENDS OF THE JOHANNESBURG ART GALLERY



1. We refer to your letter dated 27 February 2026 (“letter”).
2. We have now had the opportunity to consult with our client, and with respect to the relocation of the Johannesburg Art Gallery (“JAG”) art collection, are instructed that the CoJ:
 - 2.1. has addressed many of the issues linked to Museum Africa, Brixton Recreation Centre and the Johannesburg City Library (and continues to do so) (collectively the “Proposed Facilities”);
 - 2.2. is also engaging with the South African Heritage Resources Agency (“SAHRA”) and the Provincial Heritage Resources Agency of Gauteng to obtain the necessary approvals on aspects of the relocation and refurbishment plan that fall within the scope of their respective mandates;
 - 2.3. is working closely with the Art Gallery Committee (“AGC”) to ensure alignment on decisions relating to the relocation of the JAG art collection, and will secure the approval of the AGC before implementing any relocation decisions;
 - 2.4. has consulted, and continues to consult with, various stakeholders, including your clients, on the CoJ’s relocation plans. Such consultations follow on from discussions and correspondence from September 2025 between our respective clients, including with regard to the artworks at

the Standard Bank Gallery during the G20. While our client appreciates and values your client's views and input, and dedication to the arts, its interactions with your client should not be understood as a formal partnership between the CoJ and your client; nor in a manner that dilutes the CoJ's decision-making powers regarding the other JAG artworks in its collection; and

2.5. will take every measure and precaution to ensure that the artworks are transported safely and, when moved to the Proposed Facilities, no risk or danger is posed to the artworks (including to the condition and state of the Proposed Facilities).

3. The CoJ's application to relocate the section 32 artworks is currently pending approval by SAHRA, and, as such, no unauthorised relocation has taken place. The relocation will proceed:

3.1. once SAHRA has granted the requisite permit;

3.2. subject to approval by the AGC;

3.3. once any conditions prescribed by the relevant authorised bodies have been complied with; and

3.4. the condition of the Proposed Facilities is at an acceptable standard.

4. Regarding your client's proposal to use Ditsong Museum (located in Pretoria), the CoJ has determined that this is not a viable option for, amongst others, the following reasons:

4.1. the space at Ditsong Museum is insufficient to house the entirety of the JAG collection;

4.2. monthly rental costs associated with relocating the artworks to Ditsong Museum are disproportionate, compared to the cost of use of CoJ-owned facilities;

4.3. the cost of relocation to a facility in a different municipal area is higher than that associated with relocating the artworks within the Johannesburg municipal area;

4.4. if the artworks are relocated to a facility outside the CoJ's boundaries, the CoJ's insurance cover will not apply; and

4.5. using CoJ-owned facilities that are also in close proximity to JAG allows for the seamless deployment of the CoJ's existing staff complement.

5. The CoJ remains confident that the Proposed Facilities are suitable for the temporary relocation of the artworks, subject to the requisite approvals and any associated conditions. Should your clients have specific input, with respect to the Proposed Facilities, your clients are free to share it. Our client can confirm that consideration will indeed be given to such suggestions.



6. Once the requisite permits are obtained, and the AGC resolves, *inter alia*, on the relocation of the section 32 items under the National Heritage Resources Act 25 of 1999, our client will inform your clients accordingly.
7. We are considering your allegations, and taking instructions, regarding the AGC. We will address separate correspondence to you in this regard.
8. We trust that you find the above in order.

Yours Faithfully

Edward Nathan Sonnenbergs Inc.

D Lambert | P Reyburn



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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

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**THE FRIENDS OF JOHANNESBURG
ART GALLERY,JOHANNESBURG
HERITAGE FOUNDATION**

Plaintiff / Applicant / Appellant

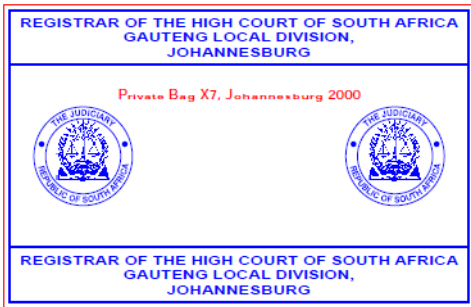
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SIDOGI NO**

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Annexure 16 and More

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Your reference

Our reference

Date

A Thakor / M Iisley / J Venter / S Tlhaole
/ K Behari
4009947

11 March 2026



Dear Adv Malgas

REQUEST FOR INFORMATION REGARDING REGULATORY APPROVALS FOR THE PROPOSED TEMPORARY RELOCATION OF THE JOHANNESBURG ART GALLERY COLLECTION

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") (collectively "our clients"). This letter is written in the public interest and in furtherance of our clients' mandate to protect and preserve Johannesburg's cultural heritage.
2. We refer to our previous meeting with you held on 17 June 2025 and our previous discussions in the meetings of the Presidential Johannesburg Working Group. This letter follows from, and must be understood together with, those prior engagements.
3. We write to you in your capacity as a representative of the South African Heritage Resources Agency ("SAHRA"), the statutory body established under the National Heritage Resources Act 25 of 1999 ("the Act"), with responsibility for the identification, conservation, and management of South Africa's national heritage resources. This letter concerns the art collection housed at the Johannesburg Art Gallery ("JAG") and the urgent need to ensure that the proposed temporary relocation of that collection is undertaken strictly in accordance with the applicable legislative framework.
4. Our clients are reliably informed that the City of Johannesburg ("the City") is in the advanced stages of planning, and is on the verge of executing, a programme to temporarily relocate the JAG art collection to various locations around Johannesburg pending

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restoration and refurbishment works at the JAG building. The proposed temporary relocation sites include, but may not be limited to:

- 4.1 the Johannesburg City Library; and
- 4.2 Museum Afrika.
5. In its public media release dated 6 February 2026, the City stated that it has "*regular engagements with regulatory bodies such as [SAHRA] ... to ensure adherence to aspects of the JAG plan as it relates to their respective mandates.*" A copy of the City's press release is annexed hereto as "A1". Our clients take note of this statement and write to SAHRA directly in order to verify the status and substance of those engagements and any approvals arising therefrom.
6. The JAG's art collection is one of the oldest and most significant collections of fine art on the African continent. It comprises artworks of considerable historical, aesthetic, and cultural value. Many of the works individually or collectively constitute heritage objects within the meaning ascribed to that term under the Act, and form part of the national estate of South Africa as contemplated in section 3 of the Act.
7. In terms of section 32(13) of the Act:

*"No person may destroy, damage, disfigure or alter any heritage object, or **disperse any collection** which is listed in Part II of the register, without a permit issued by SAHRA."* [our emphasis].
8. In addition to section 32(13), the Act more broadly requires that the identification, management, conservation, and movement of heritage objects be undertaken in a manner consistent with recognised conservation principles and standards, including those set out in the South African Heritage Resources Act regulations and applicable International Council of Museums standards for the care and custody of museum collections.
9. Given that the artworks in the JAG collection are individually or collectively listed in Part II of the register, or otherwise fall within the categories of heritage objects contemplated by the Act, any relocation, removal, or dispersal of such works from the JAG, even on a temporary basis, constitutes a regulated activity that requires prior authorisation by SAHRA by way of a permit. Any such dispersal or relocation undertaken without the requisite permit would, in our clients' submission, constitute a contravention of section 32(13) of the Act.
10. In light of the foregoing, our clients respectfully request that SAHRA provide written confirmation of the following, in respect of the City's proposed temporary relocation of the JAG artworks:
 - 10.1 the nature and scope of any approvals or permits sought by the City, including the categories of artworks to which any application relates and the proposed relocation sites covered;
 - 10.2 the current status of any such application(s), including the stage reached in the approval process as at the date of this letter;
 - 10.3 whether any permits or approvals have already been granted, whether unconditionally or subject to conditions, and if so, the material terms and conditions of such approvals;



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Page 3

- 10.4 whether any conditions of conservation, including requirements as to environmental controls, security, public access, and insurance, have been stipulated as part of any approval or permit;
- 10.5 if applications are pending, when SAHRA anticipates making a determination, and whether the timeline of the City's proposed relocation is consistent with SAHRA's anticipated decision-making schedule; and
- 10.6 whether SAHRA has assessed the adequacy of the proposed receiving venues (including the Johannesburg City Library and Museum Afrika) for the storage and display of heritage objects, having regard to applicable conservation and curatorial standards; and if so, what findings SAHRA made, or will be made, pursuant to its assessment(s).
11. Our clients' request is made to satisfy themselves that the proposed relocation is proceeding in full compliance with the Act, to enable them to take such steps as may be necessary to protect the JAG collection and, if necessary, to consider whether any further engagement with the relevant authorities is warranted.
12. Our clients remain committed to constructive engagement with all relevant stakeholders, including the City and SAHRA, toward ensuring the long-term preservation of the JAG and its collection.
13. Given the apparent imminence of the City's proposed relocation programme, we respectfully request that SAHRA provide a written response to the enquiries set out in paragraph 10 above within seven (7) business days of the date of delivery of this letter. Should SAHRA require any clarification regarding the scope of our enquiry, please do not hesitate to contact the undersigned.
14. We confirm that a copy of this letter will be provided to the City's legal representatives for their information and record.
15. All our client's rights are reserved.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

Direct tel: +27 11 530 5875

Email: asmita.thakor@webberwentzel.com

Letter sent electronically. Physical signed version to be provided upon request.



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**IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg**

CASE NO: 2026-111053

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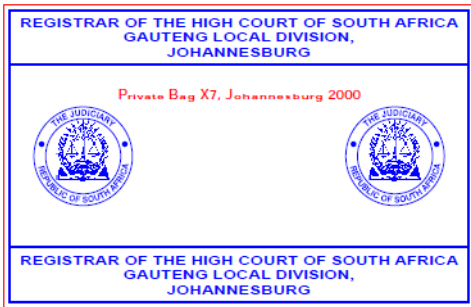
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Annexure 16 and More

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Enquiries: Adv Lungisa Malgas
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FA46

Webber Wentzel
Attention: Ms A. Thakor
90 Rivonia Road
Sandton
Johannesburg
2196
By email: asmithakor@webberwentzel.com

Date: 17 March 2026

Dear Ms Thakor,

**RE: REQUEST FOR INFORMATION REGARDING REGULATORY APPROVALS FOR THE PROPOSED
TEMPORARY RELOCATION OF THE JOHANNESBURG ART GALLERY COLLECTION**



1. The above subject matter refers
2. The South African Heritage Resources Agency ("SAHRA") acknowledges receipt of your letter dated 11 March 2026 on behalf of the Johannesburg Heritage Foundation (JHF) and the Friends of the Johannesburg Art Gallery (FoJAG) concerning the proposed temporary relocation of the collection housed in the Johannesburg Art Gallery ("JAG").

STATUTORY FRAMEWORK AND INTERPRETION

3. SAHRA notes the contents of your correspondence and confirms that the matters raised therein relate to an active application that has been submitted to SAHRA for consideration in terms of the ("NHRA"). At first instance, it is imperative for SAHRA to correct the interpretation of section 32(13) of the National Heritage Resources Act, No. 25 of 1999 ("NHRA") and its applicability to the collection at the JAG. Section 32 (13) applies to objects and collections that have been formally protected and declared through the government gazette. The collection at the JAG, albeit part of the national estate as contemplated in section 3 (3), is subject to protection under general principles of management of heritage resources and the provisions in section 9 (3) of the NHRA.
4. In response to the enquiries raised in paragraph 10 of your letter, SAHRA provides the following information:

4.1 NATURE AND SCOPE OF APPROVALS OR PERMITS SOUGHT



SAHRA confirms that it has received an application from the City of Johannesburg ("the City") relating to the proposed temporary relocation of the Johannesburg Art Gallery (JAG) collection. The application seeks authorisation in terms of section 9(3) (f) and (e) of the National Heritage Resources Act (Act 25 of 1999) ("the Act") for the temporary relocation of the collection. The application lists the proposed relocation sites as the Johannesburg City Library and Museum Afrika.

4.2 CURRENT STATUS OF THE APPLICATION

The application is presently being processed and remains under consideration by SAHRA. As part of the assessment process, SAHRA is reviewing the documentation submitted and may request further information or clarification where necessary in order to ensure compliance with the requirements of the Act and applicable conservation standards.



4.3 STATUS OF PERMITS OR APPROVALS

SAHRA confirms that, as at the date of this correspondence, no permit or approval or recommendation has been issued in respect of the proposed temporary relocation of artworks from the JAG collection. The application remains under consideration.

4.4 CONDITIONS RELATING TO CONSERVATION AND RELATED MATTERS

As no permit has been issued at this stage, no formal conditions have been imposed by SAHRA. Should a decision be granted following completion of the assessment process, any such decision may be subject to conditions considered necessary by SAHRA, which may include requirements relating to conservation standards, environmental controls, security measures, handling and transportation protocols, and other matters relevant to the protection of heritage objects.

4.5 ANTICIPATED TIMEFRAME FOR DETERMINATION

SAHRA will make a determination once the necessary assessment processes have been completed and all relevant information has been considered. At this stage, SAHRA is not in a position to provide a definitive timeframe for the finalisation of the application.



4.6 ASSESSMENT OF PROPOSED RECEIVING VENUES

As part of its assessment process, SAHRA intends to conduct site visits to the facilities identified in the application as potential receiving venues. These site visits are scheduled to take place on 18 March 2026. The purpose of the site visits is to assess the suitability of the facilities with regard to factors such as environmental conditions, security, storage arrangements, and other relevant conservation considerations. The findings arising from these assessments will inform SAHRA's consideration of the application. SAHRA remains committed to discharging its statutory responsibilities in terms of the NHRA in a manner that is consistent with the applicable legal framework and recognised conservation principles governing heritage objects forming part of the national estate.

5. The information provided in this correspondence reflects the status of the matter at the date of this letter and is provided for informational purposes only. Nothing contained herein should be construed as constituting a decision, approval, indication of outcome, or representation regarding the eventual determination of the application currently under consideration by SAHRA.
6. In addition, while SAHRA has provided a general indication of the status of the application process, the detailed contents of the application and any supporting documentation submitted to SAHRA form part of an ongoing regulatory assessment. Any further disclosure of such materials would be subject to the applicable legal framework governing access to information and administrative processes.
7. SAHRA reserves all its rights in relation to the ongoing assessment of the application and any decision that may ultimately be taken in respect thereof.



Adv Lungisa Malgas
Chief Executive Officer
South African Heritage Resources Agency

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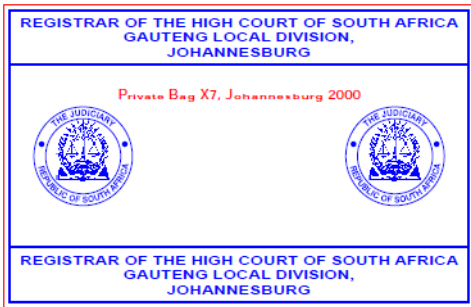
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Your reference

Our reference

Date

A Thakor / M Ilesley / J Venter /
 S Tlhaole / K Behari
 4009947

25 March 2026

Dear Adv Malgas

REQUEST FOR INFORMATION REGARDING REGULATORY APPROVALS FOR THE PROPOSED TEMPORARY RELOCATION OF THE JOHANNESBURG ART GALLERY COLLECTION

1. We act for the Johannesburg Heritage Foundation ("JHF") and the Friends of the Johannesburg Art Gallery ("FoJAG") (collectively "our clients").
2. We refer to your letter dated 17 March 2026.
3. We appreciate the time taken to provide us with a detailed update on the status of the application submitted by the City of Johannesburg ("the City") in relation to the City's proposed temporary relocation of the Johannesburg Art Gallery's ("the JAG") art collection.
4. We note that the application remains under consideration by SARHA.
5. Given our clients' deep commitment to, and interest in, the preservation of the JAG's art collection, and appreciating that SAHRA is presently unable to provide a definitive timeframe for the finalisation of the application, we respectfully request that SAHRA kindly communicate to us its final determination of the application as soon as the assessment processes have been completed and a final decision has been made.
6. Thank you once again for your assistance and ongoing commitment to the protection of South Africa's national estate.

Senior Partner: G Driver **Managing Partner:** S Patel **Partners:** BW Abraham RB Africa C Alexander AK Allie NG Alp DC Bayman AP Blair K Blom N Blom AJR Booyesen 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 L de Bruyn PU Dela M Denenga C Dennehy DW de Villiers HM de Villiers ST Dias BEC Dickinson DA Dingley W Drue E Durman GP Duncan CP du Toit TC Dye L Dyer SK Edmundson LF Egypt KH Eiser JC Eis S Farren K Fazel G Fitzmaurice JB Forman L França M Garden MM Gibson H Goolam C Gopal CI Gouws PD Grealy L Green O Gusha JM Harvey JS Henning KR Hillis CM Holloway PM Holloway SJ Hutton KT Inglis ME Jarvis JC Jones CM Jonker S Jooste LA Kahn L Kamukwamba M Kennedy A Keyser GR Kgalle MT Kgoadi A Khumalo KE Kilner MD Kota JC Kraamwinkel AC Kruger S Kruger J Lamb LC Lambrechts LM Lamola B Lötter E Louw M Mahlangu CCT Marupen-Shkaidy G Masina T Masingi N Mbere MC McIntosh SJ McKenzie CS Meyer A Mhlongo AJ Mills D Milo M Mkhabela DR Mogapi P Mohanlall L Moolman LE Mostert VM Movshovich M Mpungose A Muir C Murphy D Naidoo P Naidoo DC Nchabeleng DP Ndiweni ST Ngcamu LM Nkanza C Nöthling PD Novotny M Nxumalo AN Nyatumba MB Nzimande A October L Odendaal N Paige AS Parry GR Penfold SE Phajane M Philippides BA Phillips MA Phillips CH Pienaar MP Pool DJ Rafferty D Ramjattan GI Rapson K Rew G Richards-Smith SA Ritchie J Roberts BJ Rule S Rule G Sader H Samsodien DA Serumula KE Shepherd ZK Sibeko N Singh N Singh-Nogueira CF Sieberhagen P Singh S Sithole J Smit C Smith P Soni MP Spalding MW Straeuli LJ Swaine Z Swanepoel WV Tembedza A Thakor T Theessen TK Thekiso C Theodosiou T Theunissen R Tlhavani G Truter PZ Vanda SE van der Meulen JP van der Poel MS van der Walt CS Vanmali N van Vuuren JE Veeran HM Venter B Versfeld MG Versfeld TA Versfeld C Vertue T Viljoen DM Visagie EME Warrington J Watson M Wessels AWR Westwood RH Wilson JS Whitehead KD Wolmarans

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7. We look forward to your response.

Yours faithfully

WEBBER WENTZEL

Asmita Thakor

Partner

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Email: asmita.thakor@webberwentzel.com

Letter sent electronically. A signed copy will be provided on request.



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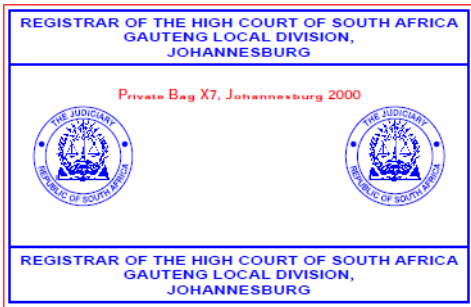
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RESPONSE LETTER

27 March 2026

Mr. Eben Keun
eben@breinstorm.co.za



CC:

Ms. Kefiloe Siwisa
kefiloe@breinstorm.co.za

Mr. Mlimandlela Ndamase
mli@bohiale.org

Dear Friends of Johannesburg Art Gallery (JAG)

Thank you for your presentation to the Partnerships Committee on 17 February 2026. We appreciate the time and effort you took to engage with us and to share your vision for the proposed partnership.

Following careful consideration, our committee has resolved to place the establishment of the partnership on hold. This decision has been made considering the ongoing legal dispute between your organization and the City of Joburg (CoJ). We believe it is prudent to await the resolution of this matter before proceeding further, to ensure clarity and stability for all parties involved.

We value the relationship we have built thus far and remain open to revisiting the partnership once the situation has been resolved. We appreciate your understanding and look forward to the possibility of future collaboration under more certain circumstances.

Kind regards,

Dr. Tebogo Modiba
Chairperson: CoJ Partnership Committee

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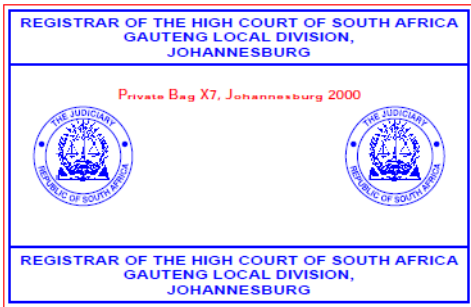
and

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA,CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY,EXECUTIVE MAYOR:
CITY OF JOHANNESBURG,CITY
MANAGER: CITY OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY,MINISTER OF SPORTS,
ARTS AND CULTURE,SOUTH AFRICAN
HERITAGE RESOURCES
AGENCY,GAUTENG PROVINCIAL
HERITAGE RESOURCES
AUTHORITY,KHWEZI GULE NO
,JOSEPH GAYLARD NO ,SHANE MAJA
NO ,MOLEMO MOILOA NO
,NONTOBENKO NTOMBELA NO ,PFUNZO
SIDOGI NO**

Defendant / Respondent

Confirmatory Affidavit

NOTE: This document was filed electronically by the Registrar on 18/5/2026 at 7:21:27 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

CASE NO: 2026-111053 - 2026-

In the matter between:

**THE FRIENDS OF JOHANNESBURG ART
GALLERY**

First Applicant

JOHANNESBURG HERITAGE FOUNDATION

Second Applicant



and

**PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA**

First Respondent

**CITY OF JOHANNESBURG METROPOLITAN
MUNICIPALITY**

Second Respondent

**EXECUTIVE MAYOR: CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

Third Respondent

**CITY MANAGER: CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

Fourth Respondent

MINISTER OF SPORTS, ARTS AND CULTURE

Fifth Respondent

**SOUTH AFRICAN HERITAGE RESOURCES
AGENCY**

Sixth Respondent

**GAUTENG PROVINCIAL HERITAGE RESOURCES
AUTHORITY**

Seventh Respondent

KHWEZI GULE N.O.

Eighth Respondent

JOSEPH GAYLARD N.O.

Ninth Respondent

SHANE MAJA N.O.

Tenth Respondent

MOLEMO MOILOA N.O.

Eleventh Respondent

NONTOBEKO NTOMBELA N.O.

Twelfth Respondent

PFUNZO SIDOGI N.O.

Thirteenth Respondent

EXPERT AFFIDAVIT



I, the undersigned,

FEDERICO FRESCHI

do hereby make oath and state that:

INTRODUCTION

1. I am an adult male and the Executive Dean and Full Professor of the Faculty of Art, Design and Architecture at the University of Johannesburg, with my business address at the Kingsway Campus, Auckland Park, Johannesburg.
2. The facts contained in this affidavit are, save where the context indicates the contrary, within my personal knowledge and are to the best of my belief both

true and correct. Where I rely upon information furnished to me by another, or upon a document placed before me, I identify the source.

PURPOSE OF THIS AFFIDAVIT

3. This affidavit is deposed to in order to place before the Honourable Court two written expert opinions which I have prepared, on the instructions of the Applicants' attorneys, Webber Wentzel, in connection with these proceedings.
4. The first opinion, titled "*The Significance of the Johannesburg Art Gallery (JAG) Collection*", is dated 14 August 2024 and addresses the cultural, artistic and historical significance of the Johannesburg Art Gallery collection as a public asset. A copy is annexed marked "**FF1**".
5. The second opinion is dated 11 May 2026 and addresses the present state of governance at the Johannesburg Art Gallery. A copy is annexed marked "**FF2**".
6. I confirm, on oath, the truth and correctness of the contents of annexures "**FF1**" and "**FF2**", and I incorporate those opinions by reference into this affidavit as though specifically traversed herein.



QUALIFICATIONS AND EXPERTISE

7. I hold the following academic qualifications:
 - 7.1 Doctor of Philosophy;
 - 7.2 Bachelor of Arts (Honours) in History of Art; and
 - 7.3 Bachelor of Arts (Fine Arts) (with distinction).

8. My curriculum vitae, which sets out my academic and professional qualifications, appointments, peer-reviewed publications and professional service in greater detail, is annexed marked “FF3”.
9. I have spent my professional career as an art historian, academic and senior cultural-sector leader. My research and publication record, which has been subjected to peer review, engages with the relationship between visual culture and the political and institutional conditions in which such culture is produced, governed and interpreted.
10. In addition to my academic expertise, I have extensive practical experience in the governance and strategic oversight of cultural and academic institutions, including the management of galleries, collections and public-facing cultural programmes, both in the private sector and within universities. That experience has involved sustained engagement with questions of collection stewardship, institutional accountability and the design of governance structures appropriate to public art institutions.
11. My experience is not confined to South Africa. Between 2019 and 2023 I served as Head of College, Te Maru Pūmanawa / Creative Practice and Enterprise, at Otago Polytechnic in Dunedin, New Zealand. During that tenure I served on the committee of the Dunedin Public Art Gallery Society, the oversight body associated with the municipal collection of the Dunedin Public Art Gallery. In that capacity I was directly involved in governance processes concerning collection stewardship, institutional accountability and the relationship between independent governance structures and municipal authority. That experience affords me a comparative perspective on governance models for public art



institutions, particularly those founded on principles analogous to those underpinning the Johannesburg Art Gallery.

12. I am, in consequence, familiar with the historical development, institutional context and governance framework of the Johannesburg Art Gallery, as appears more fully from annexures “FF1” and “FF2”.
13. I respectfully submit that I am suitably qualified to depose to this affidavit and to express the opinions set out in the annexures hereto.

MATERIALS CONSIDERED AND METHODOLOGY



14. The opinions expressed in annexures “FF1” and “FF2” are founded upon:
 - 14.1 my professional expertise and the academic and practical experience summarised above;
 - 14.2 my review of the historical and documentary record relating to the Johannesburg Art Gallery; and
 - 14.3 established principles of cultural-institution governance and of public-trust stewardship insofar as they bear on the curation and management of public art collections.
15. Where, in the body of an opinion, I have relied upon a primary or secondary source, that source is identified at the relevant place.

INDEPENDENCE AND DUTY TO THE COURT

16. I am aware that, in my capacity as an expert witness, my paramount duty is to the Court. I have at all times sought to discharge that duty.
17. I confirm, in particular, that:

- 17.1 the opinions expressed in annexures “FF1” and “FF2” are my own and represent my honest, independent and considered professional views;
- 17.2 those opinions are based upon my own expertise and upon the materials identified in them, and have not been influenced by the exigencies of litigation or by the party that has instructed me;
- 17.3 I have not assumed the role of an advocate for any party in this matter;
- 17.4 where appropriate, I have identified the limits of my expertise and have indicated those matters that fall outside it;
- 17.5 where the data underlying a particular conclusion are incomplete or contested, I have said so and have indicated that the opinion is to that extent provisional;
- 17.6 I have prepared the annexed opinions, and this affidavit, on a pro bono basis, in the public interest, and at no charge to the Applicants or to any other party;
- 17.7 I have not entered into any contingency or success-related fee arrangement, of any kind, in connection with these proceedings; and
- 17.8 I have no personal, financial or proprietary interest in the outcome of these proceedings.



CONCLUSION


18. I respectfully request the Honourable Court to receive the contents of annexures “FF1” and “FF2”, together with the materials referred to therein, as my expert evidence in these proceedings.


DEPONENT
FEDERICO FRESCHI

I CERTIFY that the Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to / solemnly affirmed before me at Auckland Park on this the 15 day of Aug 2026, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

A Maritz
ADELE MARITZ
Ampelative Kommissaris van Ede/
Ex Officio Commissioner of Oaths
UNIVERSITY OF JOHANNESBURG
P O Box / Posbus 524
AUCKLAND PARK 2008
COMMISSIONER OF OATHS

Full names: Adele Maritz
Capacity: Sr Faculty Officer
Business address: Banking Road,
Auckland Park, JHR



u/r

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,”¹ 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

¹ 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,”² 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.

² *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)





EXPERT OPINION: GOVERNANCE AND INSTITUTIONAL FAILURE AT THE JOHANNESBURG ART GALLERY

Prof Federico Freschi
Executive Dean | Faculty of Art, Design & Architecture
University of Johannesburg
(Writing in his personal capacity)

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Introduction

This opinion examines the relationship between governance and institutional performance at the Johannesburg Art Gallery (JAG), with particular reference to the Art Gallery Committee (AGC) as constituted under the Gallery's founding instrument, the Deed of Donation of 1913.

The central question addressed is whether there exists a demonstrable relationship between the strength, independence and integrity of governance structures and the Gallery's ability to fulfil its mandate as a public cultural institution held for the benefit of the citizens of Johannesburg. At one level, the proposition that effective governance is the necessary condition of institutional success may appear largely self-evident. However, the history of the Johannesburg Art Gallery warrants closer examination because it reveals something more specific and structurally significant: namely, the extent to which the Gallery's institutional fortunes have been shaped by the maintenance – or erosion – of the particular governance model established through the Deed of Donation of 1913.

What emerges from the historical and documentary record is not simply a general correlation between 'good governance' and institutional success, but a recurring pattern in which the Gallery functioned most effectively when a clear balance was maintained between municipal custodianship, independent oversight through the Art Gallery Committee (AGC) and professional curatorial authority. Conversely, periods characterised by political interference, administrative overreach, institutional passivity or the weakening of the AGC's independence correlate closely with institutional stagnation, deteriorating stewardship, and, ultimately, the present crisis.



The importance of this historical pattern lies precisely in the fact that the current condition of the Gallery cannot adequately be explained solely through ageing infrastructure, fiscal pressures or broader political transition. Rather, the evidence suggests that these pressures became institutionally destructive when the governance framework designed to mediate them progressively ceased to function.

That the Gallery is in crisis is abundantly and materially evident throughout the institution itself. The building has deteriorated to the point of closure; works in the collection have suffered documented and sometimes irreparable damage; public access to the collection has largely ceased; the library and archival resources are inaccessible to the public and researchers alike; and substantial portions of the collection have been displaced into storage and emergency custodial arrangements. Indeed, apart from limited temporary displays elsewhere,¹ the Gallery is currently unable, in any meaningful sense, to fulfil the public cultural function envisaged by its founders.

The argument advanced in this opinion is developed through an examination of four distinct historical periods in the institutional life of the Gallery:

- the formative period from the establishment of the collection to the 1930s, characterised by ambitious institutional vision but unstable governance structures;

¹ A notable example is the current exhibition 'Homecoming: The return of the Johannesburg Art Gallery collection' currently on display at the Standard Bank Gallery (17 March to 31 October 2026).

- the period from the appointment of Anton Hendriks in 1937 to the late 1970s, during which the Gallery achieved its greatest degree of institutional consolidation and professionalisation under comparatively stable governance conditions;
- the transitional period from the 1980s to the democratic transition of 1994, marked by institutional renewal, diversification and the reassertion of active governance; and
- the post-1990s period, characterised by the progressive erosion of governance structures and the consequent collapse of institutional stewardship.

In addition to drawing on my own professional knowledge of the institution and broader expertise in museum and gallery governance, this analysis draws on the historical timeline and documentary record compiled by Webber Wentzel, supplemented by scholarly and popular literature on the Gallery.

The Gallery's founding document, the Deed of Donation (1913), establishes a governance structure that is, in substance, analogous to a trust. Under this arrangement, the Municipal Council holds the collection on behalf of the inhabitants of Johannesburg, but does so subject to clearly defined conditions and limitations. Central to this framework is a deliberate separation between custodianship, governance oversight, and professional management whereby the City assumes responsibility for maintenance, infrastructure and civic custodianship, while the AGC is vested with primary authority over matters relating to the collection itself, including acquisitions, loans, conservation and curatorial appointments.



Importantly, the Deed expressly prohibits the City from acting in these areas without first obtaining the advice and consent of the AGC. This provision is foundational to the institutional logic of the Gallery. It establishes the AGC not as a ceremonial or merely advisory body, but as a substantive governance mechanism intended to safeguard the integrity of the collection, mediate the relationship between municipal authority and professional expertise and ensure that stewardship decisions are taken in the long-term public interest.

Viewed historically, many of the institutional tensions that have shaped the trajectory of the Johannesburg Art Gallery may ultimately be understood as tensions surrounding the maintenance, erosion, or displacement of this governance framework itself.

Early JAG Period, C. 1910–1930s: Successes, Problems and Governance Implications

The period from 1910 to the 1930s is best understood as one of remarkable founding ambition but weak institutional consolidation. The Gallery was successfully established, the nucleus collection was assembled and opened to the public and the landmark Lutyens building was completed. Yet these achievements masked serious structural weaknesses: unresolved tensions between the donors/AGC and the City, inadequate funding, an incomplete building, weak curatorial capacity and the absence of a sustained acquisition policy.²

Indeed, the first success of the period was that the Gallery came into being at all. From the outset, the initiative was driven by Florence Phillips and Hugh Lane, with the Randlords providing funding but Phillips and Lane shaping the collection and acquisition strategy. The first

² JAG's early history and the problems that assailed the fledgling institution have been well documented, notably by Jillian Carman (1988, 2006, 2008, 2010).

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works were acquired before municipal structures were fully in place, and by late 1910 the collection had been shipped to Johannesburg and opened to the public in temporary premises. This shows a strong initial relationship between philanthropic initiative, civic ambition and public cultural purpose.

Importantly, the founding of the Gallery was not a vague civic project. The governance model was already embryonic before the Deed: Florence Phillips, Howard Pim, a municipal representative, and a government representative formed a management committee in 1910. This structure already contained the essential logic that would later be formalised in the 1913 Deed of Donation, namely, a balance between philanthropic initiative, civic custodianship and independent oversight. In other words, the founders appear to have recognised from the outset that a public art gallery could not simply be absorbed into ordinary municipal administration. It required a semi-autonomous governance mechanism capable of safeguarding the integrity of the collection and ensuring continuity beyond immediate political or bureaucratic concerns.

The execution of the Deed in 1913 therefore did not create this governance philosophy so much as codify it. The Deed established the Municipal Council as custodian of the collection, crucially subjected that custodianship to the control of the AGC. The extent of the AGC's authority is notable: the City could not acquire, remove, repair, dispose of work, nor could it even appoint or dismiss a curator without the advice and consent of the Committee. This suggests a profound degree of donor distrust in the possibility of purely municipal management and an awareness that political expediency, financial pressures or administrative indifference might eventually compromise the institution.



Yet almost immediately, tensions emerged between the City and the donor/AGC vision for the institution. While some of these could be understood as the inevitable teething problems that beset any new enterprise (especially one founded at the beginning of a global conflict), they exposed fundamental fractures in the relationship between governance and municipal authority. Not least of these is the completion of the Lutyens building in 1915, which should, in principle, have marked the successful consolidation of the Gallery. Instead, the City overrode Lutyens' recommendations regarding construction materials, apparently for reasons tied at least partly to local political and commercial interests, resulting in a substantially compromised version of the original design.³ More significantly, the project exhausted available funds before the broader vision could be realised. A proposed art school and library, envisaged as integral components of the complex, were never realised. At the same time, the site itself remained fundamentally compromised by the failure to deck over the adjacent sunken railway, leaving the Gallery's ceremonial entrance incongruously positioned alongside the railway line that, then as now, runs parallel to the site.

These events are significant because they reveal that the conflict between the City and the Gallery was both administrative and conceptual. Florence Phillips and the AGC appear to have conceived of the Gallery as a major civic-cultural institution requiring sustained developmental commitment. The City, by contrast, increasingly appears to have treated it as a discretionary municipal amenity subject to cost containment and political convenience.

³ See Martin (1989) and Murinik (2015) for a fuller account of the Lutyens building and its afterlives.

This divergence becomes especially apparent in relation to funding. Although the City fulfilled its basic obligation by constructing the building, it failed to establish a meaningful long-term operational or acquisition strategy. The allocation of only £250 annually for acquisitions, together with the absence of permanent income planning, severely limited the institution's growth. This is perhaps the clearest indication that while the City accepted custodianship in legal terms, it did not fully internalise the developmental obligations implicit in the Deed.

Florence Phillips' reaction is revealing. Her refusal to attend the opening of the Gallery in 1915 on the grounds that the City had failed to fulfil its obligations under the Deed was more than symbolic protest. It represented an early assertion that the municipality was accountable not simply for maintaining a building, but for honouring a broader institutional covenant. Likewise, her interventions regarding the curator, A. E. Gyngell, including criticism of his perceived competence and the AGC's recording of alleged misconduct, demonstrate that the Committee initially understood itself to possess substantive supervisory authority. At the same time, however, the early decades also reveal limitations within the AGC itself. Once Florence and Lionel Phillips departed for London in 1915, the institution lost its principal driving force. The AGC retained formal authority, but increasingly lacked the energy, strategic direction and perhaps institutional confidence necessary to exercise that authority effectively. Although this did not result in collapse, there was a degree of drift.



This is particularly evident in the 1920s. Although the AGC remained the supreme decision-making authority in relation to acquisitions, the Committee appears to have become increasingly passive. In 1920, acquisitions were routinely refused despite funds apparently existing in the Town Treasurer's accounts. The reasons are not entirely clear, but the evidence suggests a combination of weak leadership, absence of a permanent professional director and institutional inertia. The curator remained in a temporary, part-time position well into the 1930s, with little independent authority.

This is a crucial point for understanding the relationship between governance and institutional performance in this period. The Deed created a structure in which the curator deferred to the AGC in all substantive matters. In principle, this protected the collection from unilateral curatorial or municipal action. In practice, however, when the AGC became passive or disengaged, the institution stagnated because there was no empowered professional leadership capable of compensating for governance inertia.

The period is therefore not simply one of municipal failure. Rather, it reveals the importance of balance within the governance structure. The City underfunded and compromised the institution while the AGC, despite possessing significant authority, failed to consistently exercise strategic leadership after the departure of Florence Phillips. In addition, the curator lacked sufficient professional standing and institutional autonomy to drive development independently.

Nevertheless, the period was not entirely barren. The completion of the Lutyens building itself was a major civic achievement, even in compromised form, and the Gallery retained sufficient prestige to attract significant gifts and bequests. Most notable among these was the 1934 Howard Pim Bequest, which established one of the most important print collections in South Africa. This is important because it demonstrates that the institution's foundational ideals

retained credibility even during periods of stagnation. The Gallery continued to command the loyalty and philanthropic confidence of individuals closely associated with its governance structures. During this period the city also committed to increasing the gallery's footprint through the addition of two pavilions, which opened in 1940.

Taken together, the period from 1910 to the 1930s demonstrates that governance was central to the Gallery's fortunes from the outset. The institution succeeded where governance was active, visionary and interventionist; it stagnated where governance became passive, divided or subordinated to municipal priorities. The early history of the JAG therefore anticipates, in embryonic form, many of the governance tensions that would re-emerge more dramatically in later decades: tensions between custodianship and control; between political authority and institutional independence; and ultimately between formal governance structures and the actual exercise of governance responsibility.

1937-1980: Governance as the Foundation of Institutional Flourishing

The period extending from the appointment of Anton Hendriks in 1937 to the institutional disruptions of the late 1970s represents the phase during which the Johannesburg Art Gallery achieved its greatest degree of institutional stability, professionalisation and international stature. It was during these decades that the Gallery matured from a relatively stagnant civic collection into one of the most significant art institutions in the southern hemisphere.



This institutional flourishing must, however, be understood within the broader political and social context of twentieth-century South Africa. Much of this period coincided with the consolidation of apartheid after 1948, during which cultural and municipal resources were disproportionately directed toward institutions serving the white minority. The Gallery's expansion in terms of budget, acquisitions, infrastructure planning and prestige was therefore inseparable from the racialised distribution of public resources characteristic of apartheid urban governance.

This does not negate the significance of the Gallery's institutional achievements during the period, nor does it diminish the effectiveness of its governance structures. Rather, it points to an implicit tension: institutional effectiveness and social inclusivity are not synonymous. The Gallery during this period appears to have been comparatively well governed in terms of stewardship, professional accountability, collection development and long-term planning, even while the benefits of that institutional stability remained unequally distributed within a racially exclusionary society.⁴

Indeed, one of the paradoxes of the period is that a governance structure originally designed to protect the Gallery from narrow political interference functioned relatively effectively within a broader political order that was as profoundly unequal as it was technocratic. The importance of this period for the present discussion lies not in romanticising the institution, but in demonstrating that where governance structures remained active, independent and strategically engaged, the Gallery was capable of sustained institutional coherence and long-

⁴ Carman (2010: 46) notes that by 1960 Hendriks had nonetheless managed to turn JAG "into an active educational institute for art students of all races," and cites Cecil Skotnes' recollection that Hendriks facilitated regular access for his Polly Street students during the 1950s.

term stewardship. In effect, the later institutional decline of the JAG correlates not simply with political transition itself, but rather with the erosion of precisely these governance mechanisms.

The appointment of Anton Hendriks in 1937 marks a decisive institutional turning point. Unlike his predecessor, A.E. Gyngell, who had remained in a largely temporary and part-time role with limited professional authority, Hendriks represented the arrival of genuinely professional museum leadership. Significantly, his appointment followed a formal AGC recommendation process after an international search involving forty applicants. This is important both procedurally and institutionally: it demonstrates the governance model functioning as intended, with the AGC exercising substantive authority over curatorial leadership. Equally significant was Hendriks' professional profile. He had trained both as an artist and a specialist in gallery management, and came with international exposure and expertise. In governance terms, this produced an effective equilibrium: the AGC exercised strategic oversight and protected the institutional mandate, while the Director possessed sufficient professional competence and authority to actively drive the institution forward.



Ultimately, this balance appears to have been critical to the Gallery's success during this period. Under Hendriks, the Gallery moved from passive custodianship toward active institutional development. One of his first priorities was the systematic building of a South African collection. This represented a profound conceptual shift. Earlier decades had been characterised by opportunistic acquisitions and the absence of a coherent acquisition strategy. By contrast, the Hendriks era saw the emergence of an articulated collecting philosophy supported by the AGC itself. Indeed, by the mid-1940s, Hendriks explicitly described the development of a representative South African collection as official AGC policy. This is a key governance point: the collection was not being shaped arbitrarily by either the Director or the City. Rather, professional expertise and governance oversight were working in concert.

During this period the AGC appears to have functioned as an active and engaged governing body rather than a passive advisory structure. It deliberated on acquisitions, reviewed collection policy, authorised loans and participated in institutional planning. In 1951, for example, the AGC formally reviewed and refined the Gallery's acquisition policy, articulating a long-term vision for the educational and civic role of the institution. This level of policy engagement suggests a mature governance structure in which the AGC understood itself as responsible not simply for procedural oversight, but for the intellectual and cultural direction of the institution.

Municipal support during much of this period was also comparatively constructive. In 1946, following sustained advocacy by Hendriks, the City substantially increased the annual acquisition budget. While tensions between the City and the Gallery never disappeared entirely, there appears during these decades to have been a broad civic consensus that the Gallery represented an important cultural asset worthy of sustained investment. This combination of professional leadership, engaged governance and municipal support produced extraordinary institutional outcomes. Major acquisitions transformed the Gallery's holdings into one of the most significant collections in the region. Not least, the work of South African artists now considered canonical in South African art history – including Stern, Laubser, Sekoto, Pierneef and Battiss – entered the collection during this period. At the same time, the Gallery

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consolidated its holdings of European modernism and Old Master works⁵ benefiting both from strategic acquisitions and from the remarkable foresight of the original Lane purchases.

The institution's growing international stature is also evident in this period. International exhibitions, relationships with major dealers and collectors, and connections to important international art world figures such as Henry Moore and Clement Greenberg indicate that the JAG had become integrated into broader international art networks. Clearly, these were not the activities of a stagnant municipal museum. Rather, they reflected an institution with professional credibility, intellectual ambition and governance stability.

At the same time, however, structural tensions remained latent beneath this success. One recurring issue was the inadequacy of the Lutyens building itself. By the 1950s it had become increasingly clear that the Gallery lacked sufficient exhibition, storage and public facilities. Significantly, the institutional response to this problem during the Hendriks and early Erasmus years was proactive and strategic rather than passive. Hendriks successfully persuaded the Council to acquire a new site on Jubilee Road for a future purpose-built gallery, and the City commissioned international museum studies and planning exercises. Even though the envisioned building would not come to be, the fact that plans proceeded as far as they did is another important governance indicator. It demonstrated that the institution was sufficiently stable and functional to be capable both of maintaining itself and to engage in long-term strategic planning.



The succession from Hendriks to Nel Erasmus also illustrates the relative health of governance structures during this period, though with early warning signs of future instability. Erasmus emerged from within the institution and possessed significant international training and professional expertise. Under her leadership, the Gallery continued to expand its collection ambitiously and maintain international connections. At the same time, Erasmus' recollections reveal the beginnings of increasing political interference by municipal actors, particularly Councillor Oberholtzer. Her observation that "Politics and Museum matters should be kept separate, as far as possible"⁶ is especially revealing because it suggests that the governance equilibrium established under Hendriks was beginning to break down.

The late 1970s appear, in retrospect, as the decisive rupture point. The abandonment of the proposed new gallery project, despite longstanding recognition that the existing site was museologically unsuitable, signalled a withdrawal of meaningful municipal commitment. More seriously, Councillor Oberholtzer's decision to reduce the acquisition budget to zero and divert funds intended for the Gallery elsewhere represented a direct attack on the institution's developmental capacity. What is particularly important here is that the breakdown was not initially caused by curatorial weakness or collection failure. Rather, it stemmed from the erosion of the governance compact between professional leadership, the AGC and municipal authority.

⁵ Carman (2010: 46) notes that Hendriks' establishment of the seventeenth-century Dutch collection in the late 1940s coincides with the National Party coming into power. She argues that it may be seen as a "deliberate move to accommodate the cultural heritage of Dutch-origin South Africans, who had felt alienated by the British emphasis of the foundation collection."

⁶ Webber Wentzel (2026) item 38.

Indeed, once political interference began to override institutional processes, the conditions that had enabled the Gallery's flourishing rapidly deteriorated.

Erasmus' resignation in 1977 is therefore symbolically important. It marks not simply the departure of a director, but the collapse of a governance culture that had sustained the institution for four decades. Her retrospective comment that "this is when the rot started for JAG"⁷ following the thefts from the collection shortly after her departure is especially striking. It suggests that the immediate institutional consequences of governance breakdown were weakened museum discipline, declining professional standards and compromised stewardship of the collection itself.

In this sense, the period from 1937 to the late 1970s demonstrates with particular clarity the relationship between governance and institutional success. The Gallery flourished when the AGC exercised active and independent oversight, the Director possessed professional authority and expertise and the City respected institutional autonomy while providing sustained support

1980–1994: Institutional Renewal, Transformation and the Reassertion of Governance

The period extending from the institutional disruptions of the late 1970s to the democratic transition of the early 1990s represents a complex but ultimately important phase of renewal in the history of the Johannesburg Art Gallery. While the departure of Nel Erasmus and the increasing political interference of the late apartheid municipality had clearly destabilised the institution, the subsequent decade witnessed a significant reassertion of governance structures, renewed curatorial ambition and an increasingly self-conscious commitment to institutional transformation. This period is particularly significant because it demonstrates the capacity of the AGC and professional leadership to restore institutional coherence even after a period of decline. It also shows the governance model established by the Deed functioning in a more expansive and socially responsive way than had previously been the case.

The early 1980s nevertheless began under conditions of uncertainty. Following the death of Director Pat Senior in 1983, Christopher Till was appointed as curator in what appears to have been a largely Council-driven process, with no clear evidence of AGC involvement. This is important because it suggests that some of the governance erosion evident during the late Erasmus years persisted into the early 1980s. The Deed required AGC consultation on curatorial appointments, and the apparent bypassing of the Committee indicates that the institutional balance between municipal authority and independent governance remained fragile.

At the same time, however, Till's appointment ultimately proved institutionally transformative. From the outset, he articulated a critical reassessment of the Gallery's collection history, observing that the absence of a southern African traditional art collection rendered the institution fundamentally unrepresentative of the majority of people in the region. This marked an important conceptual shift. Earlier transformation debates had largely focused on questions of professionalisation, collection development and institutional prestige. Under Till, the Gallery increasingly began to interrogate the ideological assumptions underpinning its own collection history.

⁷ Ibid., item 40.



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This shift is most clearly illustrated by the attempted acquisition of the Lowen Collection of African art⁸ in 1984. The AGC approved the acquisition, thereby exercising its governance role precisely as envisaged in the Deed. However, the subsequent refusal by the City's Management Committee to authorise the purchase – on explicitly racist grounds articulated by Alderman Oberholzer – reveals the continuing tension between independent cultural governance and the ideological priorities of apartheid municipal politics. The significance of this episode lies not only in the racism of the municipal intervention, but in the fact that the AGC itself had already moved ahead of the municipality in recognising the necessity of transforming the collection. The Committee had exercised informed and independent judgement; it was the City that acted contrary to the governance structure established by the Deed. Significantly, the eventual acquisition and housing of the Brenthurst Collection through private intervention demonstrated both the institutional legitimacy of the AGC's position and the continuing public credibility of the Gallery despite municipal obstruction.

More broadly, the Till years appear to mark a period in which the AGC resumed a substantively active role in institutional governance. The Committee actively considered acquisitions, supported curatorial initiatives and participated in debates around the future direction of the institution. This renewal coincided with the expansion of the Gallery building itself, completed in 1987, which physically embodied renewed institutional ambition after decades of spatial inadequacy.



What further distinguishes this period from the earlier Hendriks era, however, is that the question of governance increasingly became tied not only to institutional effectiveness but also to representivity and transformation. During the late apartheid and transition years, the AGC appears to have become increasingly aware that the legitimacy of the institution depended on addressing the exclusions embedded within the collection and the Gallery's historical orientation. The appointment of Bongzi Dhlomo to the AGC in 1992 is particularly significant in this regard. As the first Black member of a committee that had existed since 1913, her appointment represented both a necessary demographic diversification and the beginning of a broader reconceptualisation of the Gallery's public role in a rapidly changing political environment.

Importantly, the contemporaneous descriptions of the AGC during this period strongly reaffirm the constitutional logic of the Deed. The AGC is explicitly described as the body responsible for decisions relating to acquisitions, exhibitions and policy, with the City exercising ratification and funding functions rather than substantive control over the collection itself. This is especially significant when contrasted with the AGC's later attempts to characterise itself merely as an "oversight" body. During the early 1990s, the Committee clearly understood itself – and was understood institutionally – as the primary governance authority envisaged by the Deed.

The surviving AGC Minute Book from 1990–1993 provides perhaps the clearest evidence in the entire institutional record of the governance model functioning effectively in practice. The minutes document:

⁸ Subsequently the collection was purchased by Harry Oppenheimer and came to be known as the Brenthurst Collection. From 1987 it was on permanent loan to JAG until, out of concern for its preservation, it was removed to the Brenthurst Library in 2023.

- detailed acquisition deliberations;
- the formation of specialist working groups;
- active management of committee composition;
- policy discussions; and
- sophisticated negotiation between curatorial, civic and financial considerations.

These minutes show definitively that the Committee was not passive, ceremonial or reactive. Rather, it functioned as a deliberative governance body exercising informed judgement in relation to the long-term development of the collection.

Equally important is the nature of the acquisitions themselves. The Committee sought simultaneously to preserve institutional quality, address major representational absences in the collection and respond to broader social and political transformation. This required balancing competing priorities under conditions of limited funding and rapid political change. The AGC's deliberations around works by William Kentridge, Eliza Xaba, Ndebele beadwork and the Horstmann Collection demonstrate a conscious effort to reshape the intellectual and cultural orientation of the institution while maintaining professional standards.⁹



The AGC's response to the democratic transition of 1994 is especially revealing from a governance perspective. Rather than collapsing under political change, the Committee appears to have functioned as a stabilising institutional mechanism. ANC councillors who began attending meetings had to be introduced to the acquisition rationale and governance processes underpinning the Gallery, but once these were understood they reportedly participated constructively in deliberations. This is a crucial point: It suggests that the AGC was capable of mediating political transition precisely because it operated as a relatively independent governance structure grounded in long-term stewardship rather than short-term political interests.

In this respect, the period from the early 1980s to 1994 may be understood as one of institutional renewal through governance. Unlike the earlier "high modernist" phase of the Hendriks era – which achieved institutional success within the racially exclusionary framework of apartheid – the later, "postmodernist" transition period saw governance structures increasingly mobilised in the service of institutional transformation itself. The significance of this period therefore lies not only in the expansion of the building, the diversification of the collection or the increasing prestige of the institution. Rather, it lies in the fact that the AGC appears during these years to have functioned most closely in accordance with both the letter and spirit of the Deed, namely:

- independently of direct political interference;
- actively engaged in stewardship of the collection;
- committed to long-term institutional development; and
- increasingly responsive to the democratic imperative of representivity and public accountability.

⁹ The landmark exhibition 'The Neglected Tradition, Towards a new history of South African Art (1930 - 1988)' is a case in point. Curated by Steven Sack, this exhibition was an early and highly influential attempt at bringing a history of Black South African art into public consciousness.

Indeed, the irony of the subsequent institutional decline is that it followed not from the democratic transition itself, but from the later erosion of precisely the governance structures that had enabled the Gallery to navigate that transition successfully.

1999–2026: Governance Erosion, Institutional Collapse and the Failure of Public Stewardship

The period from the late 1990s to the present represents the most profound crisis in the history of the Johannesburg Art Gallery. Unlike earlier periods of institutional stagnation or political contestation, the defining characteristic of this era is the progressive erosion – and eventual near-collapse – of the governance framework established by the Deed of Donation. The consequences have been materially devastating: the deterioration of the building, damage to the collection, the closure of public facilities, the loss of institutional functionality and ultimately the effective displacement of the Gallery itself. What distinguishes this period from earlier moments of instability is that the failures are no longer merely conceptual, financial or political. They become physically manifest in the condition of the building and collection themselves. Governance failure ceases to be an abstract institutional problem and becomes materially inscribed into the fabric of the Gallery.



The first clear indication of this shift appears in the late 1990s and early 2000s, when the City increasingly began treating the Gallery as an administrative asset subject to unilateral municipal planning rather than as an institution governed through the Deed framework. Structural problems with the building had already become serious by 1999, necessitating investigations by the CSIR and substantial repair interventions. Yet at precisely the moment when the institution required coordinated governance and long-term strategic stewardship, the City instead began proposing relocation schemes – including proposals to move the Gallery to Newtown – without any recorded evidence of AGC consultation or consent.

This is a crucial turning point because it reveals a fundamental shift in institutional logic. Under the Deed, the City acts as custodian of the collection subject to AGC authority. By contrast, the relocation proposals suggest that the City increasingly regarded itself as possessing primary decision-making authority over the Gallery and its collection. Equally concerning is the apparent silence of the AGC itself. The historical record from this period contains remarkably little evidence of substantive AGC intervention, notwithstanding repeated proposals that directly implicated the Deed's provisions concerning the removal of artworks and the long-term future of the institution.

This growing governance vacuum coincided with accelerating physical deterioration. By 2012 and 2013, blocked drains, leaking roofs and infrastructural failures were already forcing the closure of exhibition areas and causing damage to critical institutional infrastructure, including the archives. These events are significant because they demonstrate both the consequences of municipal neglect, as well as indicating the breakdown of the reciprocal governance relationship envisaged in the Deed. The City was failing in its maintenance obligations, while the AGC appears increasingly absent from any recorded intervention or attempt at enforcement.

This absence becomes especially striking during the mid-2010s. Testimony from former Chief Curator Antoinette Murdoch indicates that the City had begun exercising direct operational

control over the Gallery through managerial directives, KPI systems and administrative reporting structures. This marks a profound inversion of the governance model established in 1913. The Deed envisaged a structure in which the curator was accountable through the AGC, thereby insulating institutional decision-making from ordinary municipal administration. By 2015, the City administration appears to have bypassed the AGC almost entirely, reducing the institution to a municipal operational unit.

Importantly, this increasing administrative control did not produce improved stewardship. On the contrary, it coincided with accelerating institutional deterioration. The closure of the Gallery in February 2017 following catastrophic roof failure represents perhaps the clearest single manifestation of governance collapse. Years of neglected maintenance, theft of roofing materials, failed repairs and ignored warnings culminated in water penetrating critical collection and conservation spaces. The event constituted not merely an operational failure but a prima facie breach of the City's core obligation under the Deed to maintain the Gallery "in a proper state of repair and good order." Particularly striking is the absence of any recorded formal AGC response to the closure itself or to the systemic failures that caused it.



At the same time, it is important to recognise that this period was not characterised by complete institutional inactivity or cultural withdrawal. From the early 2000s onward, the Gallery continued to host significant exhibitions, publications, partnerships and public programmes, including major international and nationally significant projects such as Africa Remix (2007), the centenary exhibitions and publications associated with One Hundred Years of Collecting (2010), the 2015 centenary celebrations of the Lutyens building, and numerous subsequent collaborations involving artists, independent curators, civic organisations and international cultural partners.

Indeed, the public visibility of some of these projects might appear, at first glance, to complicate the argument advanced here concerning institutional decline and governance erosion. However, the persistence of exhibitions and public programming should not be conflated with institutional stability or effective stewardship. Rather, the later history of the Gallery increasingly suggests a distinction between the continued vitality of curatorial and public-facing activity on the one hand, and the progressive weakening of the institution's underlying governance and infrastructural foundations on the other.

In many respects, the exhibitions and programmes of this period appear to have been sustained despite increasingly precarious institutional conditions. A growing reliance on external partnerships, civic organisations, international collaborators and digital surrogates reflects not only curatorial adaptability, but also the weakening capacity of the institution itself. Particularly in the period following the partial closure of the building, many projects were explicitly shaped by conditions of infrastructural deterioration, restricted access, restoration uncertainty, or the need to activate decommissioned or temporary spaces within the Gallery.¹⁰

This distinction is critical to the present analysis. The central issue raised by the Deed of Donation concerns not merely the ability of the institution to host occasional exhibitions or maintain a symbolic public profile, but its capacity to fulfil its long-term obligations of

¹⁰ See, for example, Hart (2020).

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stewardship: the safeguarding of the collection, the maintenance of the building, the preservation of archives¹¹ and research infrastructure, and the provision of stable public access to the citizens of Johannesburg. It is precisely in these areas that the historical record demonstrates progressive systemic failure. Viewed thus, the tragedy of the contemporary period lies partly in the fact that significant intellectual, artistic and public-facing work continued to be undertaken even as the governance structures and material conditions necessary to sustain the institution progressively disintegrated beneath it.

The handling of the conservation crisis reveals the full extent of institutional dysfunction. In 2018, professional conservator Ekkehard Hans submitted an expert report documenting severe damage to artworks and recommending urgent emergency intervention. The report warned explicitly that works were fragile, unstable and should not be moved without conservation treatment. Yet no action was taken. This is a critical moment in demonstrating a compounded governance failure: first, the collection was damaged because the building had not been maintained; second, once expert advice identified the necessary remedial action, that advice was ignored entirely.



By 2019, approximately seventy artworks remained untreated, insurance claims had been repudiated because the building failed to comply with required standards, and stakeholders were openly questioning whether the City was in breach of the Deed itself. Particularly disturbing is the evidence that warnings raised by the Friends of JAG were effectively rebuffed by the AGC. Clearly, this marks a decisive historical shift. In earlier periods, the AGC had acted – sometimes aggressively – to challenge curatorial inadequacies, influence acquisitions or resist municipal interference. By contrast, the contemporary AGC appears increasingly passive even in the face of existential institutional crisis.

The 2021 restoration crisis further demonstrates the collapse of effective governance. Reports by heritage architect Jonathan Stone describe incompetent contractors, unlawful construction practices, ignored heritage conditions, racial hostility toward consultants and the effective breakdown of the restoration process itself. Most revealing is the evidence that the Johannesburg Property Company had never visited the site and that structural reports identifying the need for total roof replacement were withheld. Furthermore, it is evident that major decisions were being made unilaterally outside professional and governance structures.

Again, the AGC appears effectively absent. Despite repeated escalations by the Friends of JAG and heritage stakeholders, there is no evidence that the Committee convened meaningfully or exercised its authority in response to the unfolding crisis. By this stage, the consequences of governance erosion extended far beyond the physical building itself. Notwithstanding site-specific interventions as described in footnote 14 above, the Gallery had ceased to function effectively in providing any of the services it had successfully performed in the past, whether as a public institution of learning, an accessible civic space, a functioning research archive, or a professionally managed museum environment. In short, the closure of exhibition spaces, the inaccessibility of archives and library resources, the suspension of general public programming

¹¹ See Maaba 2023 for an account of the value of the FUBA Archives at JAG and the risks posed by poor maintenance.

and the displacement of the collection into unsuitable storage conditions collectively represent the effective dismantling of the institution as a living public cultural resource.

The SAHRA assessment of December 2024 confirms the severity of this collapse. The findings describe rising damp, water ingress, absent environmental controls, inadequate fire suppression systems and collections at high risk of further deterioration. Particularly significant is SAHRA's explicit attribution of the situation to "poor management." This is not merely a question of financial scarcity or infrastructural ageing. It is a recognised governance failure.

Equally revealing is the AGC's own public statement of December 2024, in which it characterises itself as having an "oversight role" and frames its involvement in relation to the proposed relocation of the collection as merely "advisory." This statement is profoundly significant because it demonstrates that the AGC itself no longer appears to understand – or is no longer willing to exercise – the authority vested in it by the Deed. The Committee's description of itself fundamentally understates its constitutional powers and effectively concedes decision-making authority to municipal administration.



The 2025 loan disputes crystallise the implications of this abdication. In both the Steven Cohen retrospective matter and the South Korean loan controversy,¹² decisions concerning the temporary removal of artworks – matters expressly requiring AGC consent under the Deed – were treated instead as ordinary municipal administrative processes governed by City policy. When directly approached to intervene, the AGC explicitly deferred to City procedures rather than asserting its own authority. This is perhaps the clearest evidence in the contemporary period of the collapse of the governance model established in 1913. The AGC no longer functions as an independent governing body safeguarding the collection in the public interest. Rather, it appears increasingly subordinated to the administrative authority of the City.

The present situation is therefore not simply the result of ageing infrastructure, budgetary constraints, or isolated administrative failures. It is the culmination of a long process in which the City progressively usurped powers reserved to the AGC while the AGC progressively ceased to exercise its authority. The nett outcome is that the governance compact underpinning the Gallery's existence has effectively collapsed.

The consequences of this collapse are now materially undeniable:

- the landmark Lutyens building is shuttered and in a serious state of disrepair;
- works in the collection have suffered documented, and in some cases irreparable, damage;
- archives and research resources are inaccessible;
- public access has been lost; and
- the collection itself is increasingly displaced into storage and emergency custodial arrangements outside the Gallery.

¹² Many of these works are currently on display in the 'Homecoming' exhibition currently on display at the Standard Bank Gallery. While the Gallery website enthuses that the exhibition "brings the treasured JAG artworks back to the city where they belong" it studiously ignores any reference to why the works why the works were not in the city in the first place (Standard Bank Gallery, 2026).

In institutional terms, the Johannesburg Art Gallery now exists largely in name rather than as a functioning public cultural institution. The tragedy of the present moment is therefore not simply one of physical decay, but of the collapse of stewardship itself.

Comparative Governance Perspective

While the argument advanced above rests primarily on the historical record of the Johannesburg Art Gallery itself, it is useful briefly to situate that record within a broader understanding of governance models for public art institutions. In my experience serving on the committee of the Dunedin Public Art Gallery Society (DPAGS), a body associated with the municipal collection of the Dunedin Public Art Gallery, one encounters a governance structure that closely reflects the principles underpinning the Deed of Donation of the Johannesburg Art Gallery.

The DPAGS functions as an independent oversight body in relation to a collection that, like that of the JAG, is held as a public good under municipal custodianship. Its effectiveness derives from several key structural features:

Institutional Independence:

The committee operates independently of both the municipal administration and the curatorial staff. While the Gallery is funded by the City, decision-making authority in relation to the collection and its stewardship is exercised through the committee structure.

Clear Lines of Accountability:

The Director, although employed and remunerated through municipal structures, is an ex-officio member of the committee and reports to it in matters relating to the collection, acquisitions, programming and institutional direction. This ensures professional accountability while maintaining a buffer from administrative or political interference.

Balanced Representation without Political Dominance:

The Mayor (or a delegated representatives) serves on the committee as a council appointee, thereby ensuring a formal link to municipal governance. However, this role does not carry veto powers or special privileges. Council appointees participate as members among others, and decision-making authority remains collective.

Continuity Across Political Cycles:

Because the committee is not constituted as an extension of municipal administration, it is able to maintain institutional continuity across changes in local or national government. This is particularly significant in protecting long-term collection strategies from short-term political priorities.

The effect of this model is to create a functional separation between custodianship and authority, in which the municipality fulfils its obligations in relation to funding and infrastructure while the committee safeguards the integrity of the collection and the institution's mandate. The Director in turn operates within a clearly defined framework of professional accountability.

This structure bears a striking resemblance to the governance model envisaged in the 1913 Deed of Donation of the Johannesburg Art Gallery. In both cases, the intention is to protect the



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collection from undue political influence and ensure that decisions are made in the long-term public interest. Ultimately, the intention of the governance model in both examples is to maintain a balance between public accountability and professional autonomy.

The comparative example of the DPAGS is instructive not because it is exceptional, but because it demonstrates that such a governance model is both workable and effective in practice. Where independence is preserved and roles are clearly defined, the institution is able to function with stability, integrity and public credibility. Conversely, the historical record of the Johannesburg Art Gallery demonstrates that where this separation collapses – whether through the usurpation of authority by the municipality or the failure of the governing body to assert its mandate – the consequences are predictably detrimental to the institution, its collection and ultimately the public.

Conclusion

Viewed across the longue durée of its institutional history, the trajectory of the Johannesburg Art Gallery demonstrates a remarkably consistent relationship between governance and institutional condition. The historical record suggests that the Gallery has flourished where governance structures have functioned actively, independently and with a clear understanding of their custodial responsibilities. Conversely, periods of institutional stagnation or decline correlate closely with moments in which governance became weakened, politically compromised, administratively displaced, or insufficiently exercised.



Importantly, this relationship should not be understood simplistically or romantically. Effective governance did not necessarily produce an institution that was socially inclusive or politically progressive; indeed, some of the Gallery's periods of greatest institutional stability coincided with the profoundly unequal conditions of apartheid South Africa. Nevertheless, the historical record demonstrates that where governance structures remained coherent and functional, the institution was capable of sustained stewardship, strategic development, professional accountability and long-term planning. The collapse of those governance structures, by contrast, has had materially destructive consequences not only for the institution itself but for the public cultural assets held in its care.

What emerges particularly clearly from the post-1990s period is that the present crisis of the Gallery cannot adequately be understood as the inevitable consequence of ageing infrastructure, financial austerity or political transition alone. Rather, these factors became catastrophic because the governance framework designed precisely to mediate such pressures progressively ceased to function. Over time, the City increasingly exceeded its custodial role and assumed powers reserved to the Art Gallery Committee under the Deed. At the same time, the AGC itself appears progressively to have ceased exercising the authority vested in it. The unintended (if not entirely unforeseeable) outcome is that the separation between municipal administration, institutional governance and professional stewardship collapsed. As noted above, the consequences of this erosion are now starkly and undeniably visible. By the standard of any reasonable person, the Johannesburg Art Gallery has ceased to exist meaningfully as a functioning public cultural institution.

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In this respect, the present condition of the Johannesburg Art Gallery represents not merely a failure of maintenance or administration, but a broader collapse of stewardship. The institution established through the 1913 Deed of Donation depended upon a carefully balanced governance relationship between municipal custodianship, independent oversight, and professional curatorial authority. It is precisely the erosion of that balance that the historical record identifies as the central institutional problem.

The comparative example of the Dunedin Public Art Gallery further demonstrates that governance models of the kind envisaged in the JAG Deed remain both workable and effective where institutional independence, accountability and role clarity are preserved. The issue is therefore not whether the governance structure established in 1913 is outdated or impractical, but whether it has been properly upheld.

It is consequently my considered view that the restoration of a properly constituted, independent and actively functioning Art Gallery Committee – operating in accordance with both the letter and spirit of the Deed of Donation and with due regard for the social, cultural and economic complexities of twenty-first century Johannesburg – is essential if the long-term integrity of the collection and the public function of the Johannesburg Art Gallery are to be meaningfully restored and safeguarded for future generations.



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Summary

A dynamic and highly skilled academic leader, with a record of successful delivery on strategic plans in complex, multidisciplinary and culturally diverse academic contexts. Proven strategic, planning and operational skills supported by a multidisciplinary professional arts and academic background and professional management and consultancy experience in the business sector. Visionary, ambitious and detail-focused, with excellent diplomatic, networking and people management skills. Highly adept at leading by example to enable a collegial, inclusive and sustainable culture of excellence.



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Qualifications

Doctor of Philosophy

University of the Witwatersrand, Johannesburg, South Africa

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Thesis title: *The Politics of Ornament: Modernity, Identity, and Nationalism in the Decorative Programmes of Selected South African Public and Commercial Buildings, 1930-1940*

Bachelor of Arts Honours in History of Art

University of Cape Town, South Africa

Studied 1989, graduated 1990

Bachelor of Arts in Fine Arts (with distinction)

University of the Witwatersrand, Johannesburg, South Africa

Studied between 1984 and 1988, graduated 1989

Performer's Diploma in Opera

University of Cape Town

Studied between 1990 and 1992

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Johannesburg Art, Ballet, Drama and Music School, 1984

Achieved four distinctions (English, Afrikaans, Art, Painting)

Professional Development

Certificate in Bicultural Competency (Level 4), Otago Polytechnic (Bicultural Competency, Introduction to Te Tiriti o Waitangi, Te Reo Māori for the Workplace and Tikanga Māori in the Organisation), August 2022

Sustainability Leadership 2020: Sustainability Leadership in a Changing World, Catapult Leadership Development, Auckland, New Zealand, March-June 2020

Vice-Chancellor's Executive Leadership Development Programme, GIBS Business School, University of Pretoria, South Africa, March-June 2014

Work Experience

Institution | **University of Johannesburg, Johannesburg, South Africa**
 Position | **Executive Dean & Full Professor | Faculty of Art, Design & Architecture (FADA)**
 Dates | October 2023 to date



Summary | From October 2023 I resumed the role of Executive Dean of the Faculty of Art, Design and Architecture (FADA) at the University of Johannesburg, with strategic and executive oversight of the Faculty's academic, research, operational and financial activities across three campuses. The Faculty comprises nine academic departments – Architecture, the Graduate School of Architecture (GSA), Fashion Design, Graphic Design, Industrial Design, Interior Design, Jewellery Design and Manufacture, Multimedia, and Visual Art – together with UJ Arts & Culture, the UJ Art Gallery, the FADA Gallery, and two major research entities: the NRF SARChI Chair in South African Art and Visual Culture and the Visual Identities in Art and Design (VIAD) Research Centre. The Faculty currently enrolls approximately 1,600 students and maintains a staff complement of more than 110 permanent and fixed-term staff members. My portfolio includes strategic planning; academic and research leadership; budget and infrastructure oversight; fundraising and external partnerships; staff development and transformation; and stakeholder engagement with industry, government and international partners. Since my return, the Faculty has strengthened its research pipeline and postgraduate profile, expanded industry and international partnerships, increased external research funding, and hosted major international events including the Cumulus Conference 2025 and the 57th International Association of Art Critics (AICA) Congress, the first official AICA congress held in Africa. Key strategic initiatives have included curriculum innovation in response to emerging technologies and the Fifth Industrial Revolution, the expansion of short learning programmes and digital initiatives, and the refinement of admissions and student support strategies to improve student success and graduate preparedness. Alongside my executive responsibilities, I remain research active and internationally engaged through academic publishing, conference participation and professional service, including membership of the International Council for Arts Deans (ICFAD) and appointment to the World Internet Conference Specialized Committee on Cultural Heritage Digitalization.

Institution | **Otago Polytechnic, Dunedin, New Zealand**
 Position | **Head of College & Full Professor | Te Maru Pūmanawa College of Creative Practice & Enterprise**
 Dates | October 2019 to August 2023

Summary | I was Initially tasked with constituting the College out of the existing entities of the Dunedin School of Art, the School of Design (including Architecture), the Food Institute, and the School of Business and to future-proof the academic disciplines in these divisions by drawing on their inherent potential for collaborative, cross- and inter-disciplinary thinking and practice. I lead the renaming of the College (formerly the College of Art, Design and Architecture) both to reflect our commitment to biculturalism and to be more inclusive of the scope of the College. In 2021 I finalized the implementation of a new organisational structure to address issues relating to leadership, workload and career advancement, as well as enabling colleagues across the disciplines to engage with each other more productively in terms of interdisciplinary collaboration and to create better synergies for students. I have been active in engaging with the broader arts and culture community in Dunedin and nationally in promoting the visibility of the College and its role in contributing to the creative economy. I continue to be research active as well as maintaining my creative practice.

Institution | University of Johannesburg, South Africa
Position | Executive Dean & Full Professor | Faculty of Art, Design & Architecture (FADA)
Dates | January 2013 to September 2019



Summary | I had strategic and executive management oversight of facilities, personnel, and budget, with sites of delivery on three campuses. The Faculty offers under- and postgraduate programmes in the Departments of Architecture, Fashion Design, Industrial Design, Interior Design, Jewellery Design, Multimedia Design and Visual Arts. In addition, it has two research centres, two art galleries, and a performing arts centre. During my tenure, the Faculty enrolled approximately 1,400 students and had a staff complement of 54 academic staff, 36 administrative and support staff, and 107 temporary and contract academic staff. Nineteen staff members, comprising heads of departments and faculty administration, directors of research centres and galleries, and administrators reported directly to me. During my tenure, the Faculty made significant strides in all its key performance areas of research output, curriculum development, internationalisation, and public visibility. There was also a significant increase of the enrolment of graduate students, not least into the new Graduate School of Architecture and two new doctoral programmes that I instituted, viz. a PhD programme in Art and Design, and a PhD programme in Art History. I also championed the development of a postgraduate programme in Art Therapy (in collaboration with the Faculty of Humanities), implemented in 2020 after my departure. I remained research active during my tenure, improving my NRF rating from C2 to C1 in 2016, and was active on several national and international professional bodies, including being a Vice-President of CIHA (Comité International d'Histoire de l'Art).

Institution | Goodman Gallery Cape, Cape Town, South Africa
Position | Executive Manager & Senior Curator
Dates | April to December 2012

Summary | I took a nine-month sabbatical from academia to take up this position in the Goodman Gallery, South Africa's premier commercial gallery dealing in important contemporary art. South African and international Artists represented by the gallery include, amongst others, William Kentridge, David Goldblatt, Hank Willis Thomas, Ghada Amer, Alfredo

Jaar, and El Anatsui. I was responsible for promoting the gallery's profile in Cape Town, as well as representing it at international art fairs, engaging with artists, curators and collectors, and implementing public lectures and workshops. While working there I continued to hold an appointment as Visiting Associate Professor in History of Art at the Wits School of Arts, University of the Witwatersrand in Johannesburg.

Institution University of the Witwatersrand, Johannesburg, South Africa
Position Associate Professor and Deputy Head of School | Wits School of Arts
 Acting Head of School | Wits School of Arts
 Senior Lecturer | History of Art
 Lecturer | History of Art
Dates January 2002 to March 2012

Summary First appointed as a Lecturer in History of Art at the Wits School of Arts, I rose through the academic ranks to become an Associate Professor, as well as serving first as Acting Head and then Deputy Head of School. As an academic I devised and taught many undergraduate courses in History of Art, including amongst others, History and Criticism of Photography; Classicism in Art and Architecture; the Trecento; Renaissance Architecture; Modernism from Impressionism to Pop Art; and Modern and Postmodern Architecture and Design. I supervised several postgraduate students, and taught on various Master's courses. Given my multidisciplinary expertise, I also taught a course in musical theatre and gave several lectures on aspects of art and music. I completed my PhD during this time and was active on many national and international professional committees. In addition to my teaching and ever-increasing involvement in School administration, I was an active researcher, being recognised by the University both by being commended, in 2010, as an emerging researcher, and by being awarded a fellowship to the prestigious Wits Institute of Social and Economic Research. The National Research Foundation awarded me a C2 rating in 2011. I also maintained a regular schedule of performances as an opera and concert singer.



Institution Ethoz Human Value Optimisation (Omnivor), Johannesburg, South Africa
Position Product Manager and Consultant
Dates August 1998 to January 2002

Summary Omnivor was a human resources consultancy specialising in competency-based assessment for recruitment. Using my transferable skills as an academic and researcher, I was responsible for researching and writing materials relating to the various products offered by the company. I also consulted a wide range of clients in the financial and other services sectors on competency-based recruitment and selection.

Institution Cape Technikon (now the Cape Peninsula University of Technology), Cape Town, South Africa
Position Lecturer | School of Design
Dates July 1995 to July 1998

Summary As a full-time Lecturer, I devised and lectured various courses in History of Art and Design, specialising Modernism and Post-Modernism. At the same time, I lectured part-time in History of Art at the Universities of Cape Town and Stellenbosch (positions

that I had held since February 1990). I was also a member of the Cape Town Performing Arts Bureau (CAPAB) Singers' Studio, performing as a soloist in various resident and touring productions.

Professional Affiliations

Member of the International Council for Arts Deans (ICFAD), 2022 to date
 Visiting Senior Research Associate, South African Research Chair in South African Art and Visual Culture in the Faculty of Art, Design & Architecture at the University of Johannesburg (2019 to 2023)
 Member of the Art Association of Australia and New Zealand (AAANZ), 2019 to 2022
 Member of the International Art Market Studies Association (TIAMSA), 2019 to date
 Member of the Committee of the College Art Association, CAA (USA), 2013 to date (Member of the CAA International Committee 2014-2016; Member of the Committee for Design 2017-2020)
 Member of the Association Internationale des Critiques d'Art (AICA), 2017 to date
 Vice-President on the Board of the International Committee of Art History (CIHA – Comité International d'Histoire de l'Art), 2012-2016
 Member of the Arts Council of the African Studies Association, ACASA (USA), 2004 to date
 Member, South African Visual Arts Historians (SAVAH) since 2003. Formerly served both as President and Secretary.



Editorial, Reviewing and External Committee Work

Member of the Specialized Committee on Cultural Heritage Digitalization of the World Internet Conference, 2025 to date.
 Editor, *Junctures: The Journal for Thematic Dialogue*, Otago Polytechnic Press (2021-2023)
 Member of the Opera Otago Board (2021 -)
 Member of the Creative Workforce Development Committee, Dunedin City Council (2020-2023)
 Member of the Creative Dunedin Partnership Committee, Dunedin City Council (2020-2023)
 Member of the Advisory Board, *Forum Kunst und Markt*, Germany (2015 to date)
 Member of the South African Broadcasting Corporation (SABC) Corporate Art Collection Acquisitions Committee (2017-2018)
 Member of the Friends of IFAS (Institut français de l'Afrique du Sud) Advisory Committee (2015-2019)
 Member of the Standard Bank Gallery Advisory Committee (2015-2018)
 Member of the Performing and Creative Arts, and Design (PCAD) Specialist Committee for National Research Foundation (NRF) rating applications, National Research Foundation (2014-2018; Chair 2015-2016)
 Member of the College Art Association (CAA), 2012 to date. Formerly served on the International Committee of the CAA (2013-2016) and as a Member on the CAA Committee for Design (2017 to date)
 Member of the Editorial Board of *De Arte*, UNISA Press (2009-2019)
 Member of the Advisory Board of the Centre for the Creative Arts of Africa (CCA) at the Wits Art Museum (2013-2016)

Member of the Nominating Committee for the Board of the Arts Council of the African Studies Association (ACASA) (2013)

Member of the Jury of the College Art Association (CAA) Getty International Travel Grant Programme (2012)

Member of the South African Visual Arts Historians (SAVAH), 2003 to date. Former Secretary (2005-2009), Former President (2010-2012)

I have peer-reviewed for various academic journals, including *De Arte, Image & Text, Africa Today, African Identities, Safundi, Transformation* as well as for the Wits University Press, and have also served as a peer-reviewer for the South African National Research Foundation and the Netherlands Institute for Advanced Study (NIAS-KNAW)

Research

Edited books

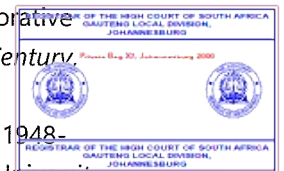
1. Freschi, F (ed.). (2025) *Lines Through Time: GLH Architects 1945-2025*. Johannesburg: UJ Press.
2. Freschi, F., F. Nazier and J. Venis (eds.) (2021). *The Politics of Design: Privilege and Prejudice in Aotearoa New Zealand, Australia and South Africa*. Dunedin: Otago Polytechnic Ltd. Press (https://protect-au.mimecast.com/s/3c_KCBNqjTRZq1Cz9TiJ?domain=issuu.com)
3. Freschi, F., B. Schmahmann and L van Robbroeck (eds.) (2020). *Troubling Images: Visual Culture & the Politics of Afrikaner Nationalism*. Johannesburg: Wits University Press.
4. Freschi, F. (Ed.). 2016. *Henri Matisse: Rhythm and Meaning*. Johannesburg: Standard Bank Gallery
5. Freschi, F. (Ed.). 2011. *Alan Crump: A Fearless Vision*. Johannesburg: Johannesburg Art Gallery.
6. Freschi, F. (Ed.). 2011. *Water: The [Delicate] Thread of Life*. Johannesburg: Standard Bank Gallery.
7. Freschi, F. (Ed.). 2009. *Imaging and Imagining: South African Art c. 1896 - 2008*. Johannesburg: Graham's Fine Art Gallery.
8. Freschi, F. (Ed.) 2008. *The Modern Palimpsest*. Johannesburg: Graham's Gallery.



Book Chapters

9. Freschi, F. (2025). Between Form and Function: Decorative Programmes in the Buildings of Manfred Hermer and GLH & Associates (pp. 121-154). In F. Freschi (ed.) *Lines Through Time: GLH Architects 1945-2025*. Johannesburg: UJ Press.
10. Freschi, F. & L. Koseff (2024). Linda Givon, the Goodman Gallery, and the Politics of the Contemporary Art Market in South Africa, 1966–1990 (pp. 159-172). In V. Chagnon-Burke & C. Toschi (eds.) *Women Art Dealers: Creating Markets for Contemporary Art, 1940-1990*. London: Bloomsbury.
11. Freschi, F. (2021). 'The Boeing's Great, the Going's Great': South African Airways, Apartheid and the Technopolitics of Design (pp. 315-339). In F. Freschi, F. Nazier & J. Venis (eds.) *The Politics of Design: Privilege and Prejudice in Aotearoa New Zealand, Australia and South Africa*. Dunedin: Otago Polytechnic Ltd. Press.
12. Freschi, F. (2020). From *Volksargitektuur* to *Boere* Brazil: Afrikaner Nationalism and the Architectural Imaginary of Modernity, 1936-66 (pp. 66-91). In F. Freschi, B. Schmahmann & L. van Robbroeck (eds.) *Troubling Images: Visual Culture and the Politics of Afrikaner Nationalism*. Johannesburg: Wits University Press.
13. Freschi, F. 2019. Art Deco, Modernity and the Politics of Ornament in South African Architecture, 1930-1940 (pp. 253-271). In B. Elliott & M. Windover (eds.) *The Routledge Companion to Art Deco* (252-270). New York: Routledge.

14. Freschi, F. 2017. 'Poetry in Pidgin': Notes on the Persistence of Classicism in the Architecture of Johannesburg' (pp. 55-87). In G. Parker (ed.) *South Africa, Greece, Rome: Classical Confrontations*. Cambridge: Cambridge University Press.
15. Freschi, F. 2016. Matisse's Rhythms and Meanings (pp. 13-22). In F. Freschi (ed.) *Henri Matisse: Rhythm and Meaning*. Johannesburg: Standard Bank Gallery.
16. Freschi, F. 2016. Catalogue of Works, with Commentary by Federico Freschi (pp. 23-67; 159-174; 183-205). In F. Freschi (ed.) *Henri Matisse: Rhythm and Meaning*. Johannesburg: Standard Bank Gallery.
17. Freschi, F. 2012. The Power of Place: Imagining South African Sacred Spaces (pp. 107-123). In F. Rankin-Smith (ed.) *Figuring Faiths: Images of Belief in Africa*. Johannesburg: Fourthwall Books.
18. Freschi, F. 2012. The Rainmaker: Pragmatism, Myth, and Magic in the Work of Gerard de Leeuw (pp. 8-15). In F. Scott (Ed.) *Gerard de Leeuw 1912-1985: A Centenary Exhibition – 100* (pp. 8-15). Johannesburg: Sanlam.
19. Freschi, F. 2011. 'Unity in Diversity': The Representation of White Nationalisms in the Decorative Programmes of Public Buildings, 1930-1940 (pp. 156-173). In J. Carman (Ed.) *The Visual Century*. Vol. 1. Johannesburg: Wits University Press.
20. Freschi, F. 2011. Afrikaner Nationalism, Modernity and the Changing Canon of 'High Art', 1948-1976 (pp. 9-25). In L. van Robbroeck (Ed.) *The Visual Century*, Vol. 2. Johannesburg: Wits University Press.
21. Freschi, F. 2011. Alan Crump: A Fearless Vision – Curator's Foreword. In F. Freschi (Ed.) *Alan Crump: A Fearless Vision* (pp. 9-11). Johannesburg: Johannesburg Art Gallery.
22. Freschi, F. 2010. Vicarious Views: South African Landscapes in the Standard Bank Corporate Art Collection. In J. Charlton (ed.) *Signature Pieces: The Standard Bank Corporate Art Collection* (pp. 39-51). Cape Town: Bell-Roberts.
23. Freschi, F. 2009. A Modernist in Arcadia: Edoardo Villa's 'Changing Worlds' at the Nirox Sculpture Park. In K. Nel (Ed.), *Edoardo Villa: Changing Worlds* (pp. 17-59). Johannesburg: Everard Read Gallery.
24. Freschi, F. 2009. Ars Longa, Vita Brevis: History, Myth and Eroticism in the Paintings of Braam Kruger. In F. Scott (Ed.), *Braam Kruger 1950-2008* (pp. 5-11). Johannesburg: Standard Bank.
25. Freschi, F. 2009. The Fragility of Objecthood: Angus Taylor's 'Momentary Permanence'. In Angus Taylor: *Momentary Permanence* (pp. 4-37). Johannesburg: Ex Libris Press.
26. Freschi, F. 2009. Laubscher, Frederik Bester Howard (Erik) 1927 - : 'Still Life with Mandolin, Music Score and Fruit' and 'Still Life with African Bowl'. In F. Freschi (Ed.), *Imaging and Imagining: South African Art c. 1896 - 2008* (pp. 42-44). Johannesburg: Graham's Fine Art Gallery.
27. Freschi, F. 2009. Cilliers Barnard, Bettie 1914 - : 'Young Girl' and 'Portrait of an African Woman'. In F. Freschi (Ed.), *Imaging and Imagining: South African Art c. 1896 – 2008* (pp. 64-66). Johannesburg: Graham's Fine Art Gallery.
28. Freschi, F. 2009. Skotnes, Cecil Edwin Frans 1926 - 2009: 'Birds'. In F. Freschi (Ed.), *Imaging and Imagining: South African Art c. 1896 - 2008* (p. 92). Johannesburg: Graham's Fine Art Gallery.
29. Freschi, F. 2008. Walter Battiss: 'Palimpsest'. In F. Freschi (ed.), *The Modern Palimpsest*. Johannesburg: Graham's Gallery.
30. Freschi, F. 2006. Between Light and Dark, Shadow and Substance: The Art of Siobhán McCusker'. In K. Nel (ed.) *The Everard Read Art Award 2006* (exhibition catalogue). Johannesburg: Everard Read Gallery.



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31. Freschi, F. 2004. Machines, Modernity and the Death of an Idea: Reflections on Ndebele Dance Wands. In A. Nettleton, J. Charlton and F. Rankin-Smith (Eds.) *Voice Overs: Wits Writing Exploring African Artworks* (p. 58). Johannesburg: University of the Witwatersrand Press.

Articles and Reviews in Academic Journals

32. Freschi, F. and J. Charlton. 2017. Swimming Against the Stream: Anitra Nettleton's contribution to South African Art History. *De Arte* 52(1): 1-7.
33. Freschi, F. 2015. Great Zimbabwe and 'Africanness'. *Architectural Review* 237 (1418): 114-117.
34. Freschi, F. 2014. Between Politics and Poetics: Terry Kurgan's *Hotel Yeoville*. *Safundi* 15 (2-3): 411-416.
35. Freschi, F. 2013. 'A cultural icon and a beacon of light in the inner city': The role of the Friends of the Tatham Art Gallery (FOTAG), Pietermaritzburg, in ensuring the gallery's success. *De Arte* 88: 77-88.
36. Freschi, F. 2012. The Gift that Keeps on Giving: Cape Town's Michaelis Collection at the Old Town House. *De Arte* 86: 67-72.
37. Freschi, F. 2011. Self and Other: Irma Stern's *Portrait of the Cellist Vera Poppé*. *Art South Africa* 10(2): 26-29.
38. Freschi, F. 2011. 'Dancing in Chains': The Imaginary of Global South Africanism in World Cup Stadium Architecture. *African Arts* 43(3): 42-55.
39. Freschi, F. 2011. A Great Seduction: The UCT Irma Stern Museum, Rosebank, Cape Town. *De Arte* 84: 92-101.
40. Freschi, F. 2010. Autres Regards: L'histoire de l'art en Afrique (du Sud) et dans le sud global. *Diogenes* 231 (juillet-septembre 2010): 91-102.
41. Freschi, F and Lowe, N. 2010. Circa on Jellicoe: Blurring the Boundaries between Public and Private. *De Arte* 82: 76-82.
42. Freschi, F. 2009. The Business of Belonging: *Volkskapitalisme*, Modernity and the Imaginary of National Belonging in the Decorative Programmes of Selected Commercial Buildings in Cape Town, South Africa, 1930 -1940. *South African Historical Journal* 61(3): 67-95.
43. Freschi, F. 2009. The Wits Art Museum: The Continent's Foremost Collection of African and Southern African Art. *De Arte* 80: 63-69.
44. Freschi, F. 2009. Book Review: Law-Viljoen, B. (ed.) *Art and Justice: The Art of the Constitutional Court of South Africa*. *De Arte* 80: 70-73.
45. Freschi, F. 2007. Postapartheid Publics and the Politics of Ornament: Nationalism, Identity, and the Rhetoric of Community in the Decorative Program of the New Constitutional Court, Johannesburg. *Africa Today* 4(52): 27-49.
46. Freschi, F. 2007. Book review: Madeline, L. and M. Martin, eds. *Picasso and Africa* (2006). *De Arte* 74: 65-71.
47. Freschi, F. 2006. Imagining Unity: The Construction of an Imaginary of 'Unity in Diversity' in the Decorative Programme of the Northern Cape Legislature Building. *Southern African Humanities* 18(2): 155-172.
48. Freschi, F. 2005. The Fine art of Fusion: Race, Gender, and the Politics of South Africanism in the Decorative Programme of South Africa House, London (1933). *De Arte* 71: 14-34.
49. Freschi, F. 2004. Form Follows Façade: The Architecture of W.H. Grant 1920 – 32. *Design Issues* 20(24): 4-17.
50. Freschi, F. 2004. Unpacking Miró's Box of Tricks. *Image & Text* 11: 50-58.



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51. Freschi, F. 2004. Imagining Fusion: The Politics of South Africanism as Reflected in the Decorative Programme of the Pretoria City Hall (1935). *De Arte* 69: 4-25.
52. Freschi, F. 1998. The Architecture of W.H. Grant 1920 – 1932. *Image & Text* 8: 25-31.
53. Freschi, F. 1997. Art Deco, Modernism and Modernity in Johannesburg: the Case of Obel & Obel's "Astor Mansions" (1932). *De Arte* 55: 21-35.
54. Freschi, F. 1994. Big Business Beauty: The Old Mutual Building, Cape Town, South Africa. *Journal of Decorative and Propaganda Arts* 20: 38-57.

Dictionary Entry

55. Freschi, F. 2015. Entry on Mikhael Subotzky in the *Benezit Dictionary of Artists*, Oxford Art Online, http://www.oxfordartonline.com/public/book/oao_benz

Articles and Reviews

56. Freschi, F. 2023. 'Between Existence and Enchantment: New Works by Marie Strauss'. Exhibition catalogue *Between Existence and Enchantment: Marie Strauss*. Oamaru: Forrester Gallery.
57. Freschi, F. 2022. 'Between Palimpsest and Pentimento: figuration, abstraction and painterly process in Michael Greaves' 'The Promise ... and the Fall'. Exhibition catalogue *Michael Greaves: The Promise ... and the Fall* (pp. 5-7). Dunedin: Otago Polytechnic Ltd. Press.
58. Freschi, F. 2022. 'Not Just Another Travelogue: Silence, Nostalgia and Pathos in Rachel Hope Allan's Photographs of Japan. In A. Fox and H. Radner (eds.) *Rachel Hope Allan: Not Just Another Shinjuku Love Hotel* (pp. 5-10). RDS Gallery Occasional Essays Series, aligned with the exhibition 'Not just Another Shinjuku Love Hotel', 13 May-18 June 2022, RDS Gallery, 6 Castle Street, Dunedin.
59. Freschi, F. 2021. 'Music, Objecthood and Immanence in Neil Lowe's *Études*'. Exhibition catalogue *Neil Lowe: Immanence* (pp. 3-20). Aligned with the exhibition 'Immanence', 6-27 August, Olga Gallery, 32 Moray Place, Dunedin.
60. Freschi, F. 2021. 'Nightmares of a Better Tomorrow': Sharon Singer's Uncanny Narratives of Disaster. In A. Fox and H. Radner (eds.) *Sharon Singer: Tales of the Anthropocene: Nightmares of a Better Tomorrow* (pp. 10-15). RDS Gallery Occasional Essays Series, aligned with the exhibition 'Tales of the Anthropocene', 21 May – 19 June, RDS Gallery, 6 Castle Street, Dunedin.
61. Freschi, F. 2021. 'Gatekeepers, Dream Stealers, and Necessary Monsters in the Work of Marie Strauss.' RDS Gallery Occasional Essays Series editors: Alistair Fox and Hilary Radner, aligned with the exhibition *Gatekeeper*, 12 February – 13 March 2021, RDS Gallery, 6 Castle Street, Dunedin.
62. Freschi, F. 2019. Between Instinct and Finesse: Emma Renzi's Reflections on the Teaching of Singing. *The South African Music Teacher*, Issue 153: 19-23.
63. Freschi, F. 2018. South African Art Deco & the Politics of Ornament. *Chicago Art Deco Society Magazine*, Fall: 16-18.
64. Freschi, F. 2018. Irma Stern's Portraits of Freda Feldman. *Creative Feel*, December 2017/January 2018: 60-62.
65. Freschi, F. 2016. Henri Matisse's Rhythms and Meanings. *Creative Feel*, July: 28-33.
66. Freschi, F. 2013. Banking Your Art: Is South African art becoming a sound investment for collectors in 2013? *S13* 3: 70-73.
67. Freschi, F. 2011. Life of Bone: Art Meets Science. *Wits Review* 17: 56-58.
68. Freschi, F. 2010. South African Modern Art: No Longer Hidden in Plain Sight. *Prestige* 35: 74-76.



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69. Freschi, F. 2010. Between Image and Imagination: 20th Century South African Art. *Prestige* 36: 70-73.

Conference Papers

70. Freschi, F. 2021. Ghost Dances and Slave Spectacles: Classical Architecture in Johannesburg. Invited paper presented at the Classics in Colonial Cities: Virtual Conference hosted by the University of Sydney, 1-3 November 2021.
71. Freschi, F. 2021. Creativity in Research: What is it and why do we need it? Keynote address at the OPSITARA Conference, Ara Institute of Canterbury, Christchurch (online), 14 October 2021.
72. Freschi, F. 2021. Recast: Classical Casts, the Canon & Constructive Iconoclasm. Invited paper in the CAA-Getty Global Conversation IV: Disruptive Pedagogies and the Legacies of Imperialism and Nationalism, 109th Annual College Art Association Conference (online), 10-13 February 2021.
73. Freschi, F. & Titlestad, L. 2019. Recasting the Canon: Classicism, Casts & Constructive Iconoclasm. AAANZ 2019 Ngā Tūtaki – Encounter/s: Agency, Embodiment, Exchange, Ecologies, University of Auckland, New Zealand, 3-6 December 2019.
74. Freschi, F. & Koseff, L. 2019. "We Only Have Drawings of Chickens": Linda Givon, the Goodman Gallery, and the Politics of the Contemporary Art Market in South Africa, 1966-1990. Christie's Education Symposium: Women Art Dealers 1940-1990, New York, 17-18 May 2019.
75. Freschi, F. 2016. From *Volksargitektuur* to Pretoria Regionalism: The Imagined Landscape of the Nation in Afrikaner Nationalist Architecture, 1936-1976. 34th CIHA Congress, Beijing, 16-20 September 2016.
76. Freschi, F. 2014. Image Making and the Limits of Photographic Truth: Mikhael Subotzky's *Retinal Shift*. 29th Annual SAVAH Conference, 'Images and Media', University of the Free State, Bloemfontein, 3-5 July 2014.
77. Freschi, F. 2014. Blinding the Truth: Mikhael Subotzky's *Retinal Shift*. 16th ACASA Triennial Symposium on African Art, Brooklyn Museum, New York, USA, 19-22 March 2014
78. Freschi, F. 2013. The Art Market, Artistic Controversy, and the Limits of Accountability in Contemporary South African Art. In *The Challenge of the Object: 33rd Congress of the International Committee of the History of Art. Congress Proceedings – Part 2*. Nuremberg: Verlag des Germanischen Nationalmuseums, pp. 707-708.
79. Freschi, F. 2013. Great Zimbabwe and the Imaginary of 'Africanness' at the Ragged Edges of South African Architecture. 'Architecture at the Ragged Edge of Empire: Race, Place, Taste and the Colonial Context', University of Queensland, Brisbane, Australia, 27-28 June 2013.
80. Freschi, F. 2012. Spearheading the Debate: The Art Market, Artistic Controversy, and the Limits of Accountability in Contemporary South African Art. Introduction to Section 10 – 'Cultural Clearings: The Object Transformed by the Art Market' at the 33rd Congress of the International Committee of the History of Art (CIHA), Germanisches Nationalmuseum, Nuremberg, Germany, 15-20 July 2012.
81. Freschi, F. 2012. The Thin End of the Spear: Art and Controversy on the Road to Mangaung. Keynote address, 27th Annual SAVAH Conference, 'Visual Dialogues: South Africa in Conversation', University of South Africa, 4-7 July 2012.
82. Freschi, F. 2012. Great Zimbabwe: Imag(in)ing Africa in South African Architecture. 65th Annual Conference of the Society of Architectural Historians, Detroit, Michigan, 18-22 April 2012.
83. Freschi, F. 2011. Romancing the Empire: The Politics of Imperialism and Nationalism in the Decorative Programme of South Africa House, London. 'Empire State of Mind: Articulations of British Culture in the Empire, 1707-1997'. Lignan University, Hong Kong, 25-27 May 2011.



84. Freschi, F. & Nathan, J. 2011. Cultural Clearings: The Object Transformed by the Art Market. CIHA 2012 Pre-conference, Germanisches Nationalmuseum, Nuremberg, 15-16 May 2011.
85. Freschi, F. 2011. An "African Journey of Hope"? The Imaginary of Global South Africanism in World Cup Stadium Architecture. Fifteenth Triennial Symposium on African Art, Arts Council of the African Studies Association (ACASA), University of California, Los Angeles, 23-26 March 2011.
86. Freschi, F. 2011. From *Volksargitektuur* to Pretoria Regionalism: The Imagined Landscape of the Nation in Afrikaner Nationalist Architecture, 1936-1976. 'Other Views: Art History in (South) Africa and the Global South', SAVAH/CIHA Colloquium, University of the Witwatersrand, 12-15 January 2011.
87. Freschi, F. 2010. (Un)making Art History: The South African Visual Arts Historians (SAVAH) and the Question of Globalisation. 'Arte > Obra > Fluxos', XXX Colóquio do Comitê Brasileiro de História da Arte, Museu Nacional de Belas Artes, Rio de Janeiro, Brazil, 19-23 October 2010 (invited speaker).
88. Freschi, F. 2010. Poetry in Pidgin: Some Thoughts on the Persistence of Classicism in the Architecture of Johannesburg. 'Myths and Fictions of the Historical City' panel, Architecture ZA2010 Conference, Newtown, Johannesburg, 21-27 September 2010 (invited speaker).
89. Freschi, F. 2010. 'Boere Brutalism': Afrikaner Nationalism, Architecture and the Imaginary of High Culture, 1948-1976. Architecture and the State 1940s-1970s, Second Architecture Inside/Outside Symposium, Columbia University, New York City, 2-3 April 2010.
90. Freschi, F. 2010. The Power of Place: The Imaginary of Nationhood in Postapartheid Public Art and Architecture. Place, Identity, and Subjectivity Division, Cultural Studies Association 8th Annual Meeting, University of California, Berkeley, 18-20 March 2010.
91. Freschi, F. 2009. Leaving the Ox-wagon Behind: Afrikaner Nationalism, Modernity and the Changing Canon of 'High Art', 1945-1976. 25th Annual Conference of the South African Visual Arts Historians (SAVAH), University of Pretoria, 9-11 July 2009.
92. Freschi, F. 2009. 'Before the Coming of the White Civilisation': The 'Zulu Room' and the Politics of Race in South Africa, 1930-1940. Racial and Ethnic Studies Division, Cultural Studies Association 7th Annual Meeting, Kansas City, 16-18 April 2009.
93. Freschi, F., Carman, J. and Von Veh, K. 2009. Other Views: Art History in (South) Africa and the Global South. College Arts Association Annual Conference, Los Angeles, 25-28 February 2009.
94. Freschi, F. 2008. Imag(in)ing the Post-Apartheid Public: nationalism, identity, and the rhetoric of 'unity in diversity' in the decorative programmes of recent South African public buildings and public spaces. Art in Public Spaces panel, hosted by the Visual Culture Division at the Cultural Studies Association 6th Annual Meeting, New York University, 22- 24 May 2008.
95. Freschi, F. 2007. Imag(in)ing the Post-apartheid Public: Nationalism, Identity, and the Rhetoric of Community in the Decorative Programme of the New Constitutional Court, Johannesburg. South African Art History in an African Context, 23rd Annual Conference of the South African Visual Arts Historians (SAVAH), University of the Witwatersrand, Johannesburg, 13-15 September 2007
96. Freschi, F. 2007. Contextualising South African Art History. Art History, from Internationalism to Globalisation: Imagining a New Future for CIHA, a workshop sponsored by the Sterling and Francine Clark Art Institute and the Comité International d'Histoire de l'Art, 9-12, Williamstown, August 2007
97. Freschi, F. 2007. Post-apartheid Publics and the Politics of Ornament: Nationalism, Identity, and the Rhetoric of Community in the Decorative Programme of the New Constitutional Court,



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- Johannesburg. Global Africa, 14th Triennial Symposium on African Art of the Arts Council of the African Studies Association (ACASA), University of Florida, Gainesville, 28 March-1 April 2007
98. Freschi, F. 2006. Transforming Capital: Capitalism, Modernity, and the Imaginary of National Belonging in the Decorative Programme of the SANTAM/SANLAM Building, Cape Town (1932). 22nd Annual Conference of the South African Visual Arts Historians (SAVAH), Vaal University of Technology, 7-10 September, 2006
 99. Freschi, F. 2006. Big Business and the Politics of Ornament: Capitalism, Modernity, and the Imaginary of National Belonging in the Decorative Programmes of Selected Commercial Buildings in Cape Town, South Africa, 1930 – 1940. Nation, City, Place: Rethinking Nationalism, Faculty of Architecture, Building and Planning, The University of Melbourne, 14-16 July 2006
 100. Freschi, F. 2005. Imagining Unity: The Construction of an Imaginary of "Unity in Diversity" in the Decorative Programmes of Recent South African Public Buildings. New Readings in Visual Culture in Southern Africa, 21st Annual Conference of the South African Association of Art Historians, Rhodes University, Grahamstown, 8-11 September 2005. (The South African Architectural History Unbound panel from the Paris conference (below) was repeated at the SAAAH conference.)
 101. Freschi, F. 2005. Imagining Unity: The Construction of an Imaginary of "Unity in Diversity" in the Decorative Programmes of Recent South African Public Buildings. Changing Boundaries: Architectural History in Transition, an International symposium organised by the Society of Architectural Historians and the INHA (Institut national d'histoire de l'art), Paris 1-4 September 2005. (Co-organiser, with Hannah Le Roux from Wits Architecture and Planning, of the panel session: South African Architectural History Unbound.)
 102. Freschi, F. 2004. Public Building/Nation Building: Constructs of Nationhood and Identity in Contemporary South African Architectural Ornament. Redefining Citizenship and Access to the Public Sphere: Recent African Developments in Historical and Comparative Perspective, Leiden and Amsterdam, the Netherlands, 7-9 October 2004
 103. Freschi, F. 2004. The Fine Art of Fusion: Race, Gender and the Politics of South Africanism as Reflected in the Decorative Programme of South Africa House, London (1933). 20th Annual Conference of the South African Association of Art Historians, University of Kwa Zulu Natal, September 2004
 104. Freschi, F. 2004. Unity Then and Now: Constructing a new South African Identity in Architectural Ornament – the Lessons of the 1930s. Routes to Roots: Rethinking African Diasporas, 13th Triennial Symposium on African Art of the Arts Council of the African Studies Association (ACASA), Harvard University, Cambridge, USA, 31 March-3 April 2004
 105. Freschi, F. 2003. Imagining Fusion: The Politics of South Africanism as Reflected in the Decorative Programme of the Pretoria City Hall (1935). 19th Annual Conference of the South African Association of Art Historians, September 2003.
 106. Freschi, F. 2003. The Politics of Ornament: South African Architectural Ornament in the 1930s. 7th World Congress on Art Deco, Cape Town, March 2003
 107. Freschi, F. 2003. Modernity and Identity in 1930s Johannesburg Architecture. 7th World Congress on Art Deco, Cape Town, March 2003
 108. Freschi, F. 1998. A New Curriculum for the History of Graphic Design at South African Technikons. Design Education Forum, April 1998.
 109. Freschi, F. 1997. Towards a South African Design Style. De Beers Shining Light Awards, 1997.



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110. Freschi, F. 1997. The Architecture of W.H. Grant 1920 – 1932. South African Association of Art Historians 13th Annual Conference, September 1997.

Public lectures/panel discussions

- 'The Politics of Design: Privilege & Prejudice in Aotearoa New Zealand, Australia and South Africa', seminar presentation at the University of Stellenbosch, 11 August 2022.
- 'Privilege & Prejudice: Reflections on the Politics of Art, Architecture and Design', Professorial Lecture, Otago Polytechnic, 19 October 2021 (<https://www.youtube.com/watch?v=NWLgFZcPS3c>)
- "The Lively World of Galleries and Salesrooms": Commercial Galleries and the Market for Contemporary Art in Johannesburg, 1950s-1970s', a presentation to the Languages and Cultures 2021 Research Seminar Series, University of Otago, 27 July 2021.
- 'Design + Architecture: Reflections on Objects, Space and Affect' at the Dunedin Public Art Gallery, 16 August 2020. <https://dunedin.art.museum/events/design-architecture/>
- 'Creating a Market for Contemporary Art in Johannesburg: The Role of the Commercial Gallerists 1950s-1970s', a public lecture presented at Strauss & Co., Johannesburg, 31 July 2019.
- 'Warhol Unscreened: Ten Reasons Why', a public lecture delivered at the Johannesburg Decorative Arts Society, 17 September 2018.
- 'Thriving in the Fourth Industrial Revolution: The Importance of Creativity', invited speaker at the HR Directors' Conference, CSIR International Convention Centre, Pretoria, 14 March 2018.
- 'Reflections on the Persistence of Classicism in South African Architecture', a public lecture presented at the Department of Classics, Stanford University, 8 September 2017.
- 'Henri Matisse's Rhythms and Meanings', a public lecture given at the Johannesburg Decorative Arts Society, 27 July 2016.
- 'The Politics of Ornament: Articulations of Identity in South African Architecture, 1910-2010', public lecture held at the University of Umeå, Sweden, 16 October 2015.
- 'Seeing with the Right Eyes: The 20th Century Roots of Contemporary Art', a series of 5 public lectures held at the Goodman Gallery Johannesburg, May-November 2013.
- 'Collecting Contemporary African Art', chairperson of a series of public panel discussions at the Collectors' Forum of the Johannesburg Art Fair, 28-29 September 2013.
- 'Imagining Unity: South African Architecture, 1910-2010', a public lecture held at the University of Melbourne, 24 June 2013.
- 'Art Forum', chairperson of a panel discussion on contemporary South African art, Gordon Institute of Business Science, Johannesburg, 14 May 2013.
- 'Spearheading the Debate', a public panel discussion following the launch of Steven Dubin's book of the same title, Goodman Gallery Johannesburg, 24 November 2012.
- 'Post –' co-convenor, with Esra Akçan, of a panel at the 'International Initiatives and Regional Collaboration' workshop at the Sterling and Francine Clark Art Institute, Williamstown, Massachusetts, 2-3 November 2011.
- 'Unity in Diversity: Articulations of Identity in South African Architecture, 1930-2010', a public lecture presented as part of the Clarence Ward Seminar Series, Oberlin College, Ohio, 17 March 2011.
- 'Poetry in Pidgin: Classicism in the Architecture of Johannesburg', a public lecture presented at the Brenthurst Library, Johannesburg, 2 March 2011.



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- 'Standard Bank Art Appreciation Lectures', a series of 10 public lectures culminating in a walkabout of the Standard Bank Corporate Collection at the Standard Bank Gallery, Johannesburg, September – October 2010.
- 'Between Image and Imagination: Appreciating and Interpreting South African Modern Art', a public lecture presented at the Johannesburg Decorative Arts Society, 23 August 2010.
- 'Personalities, Politics and Product: Conversations on the Design of the John Moffat', member of a panel discussion to celebrate 50 years of the John Moffat Building at the School of Architecture and Planning, University of the Witwatersrand, 24 October 2009.
- 'Standard Bank Art Appreciation Lectures', a series of 10 public lectures culminating in a 'walkabout' of the Standard Bank Corporate Collection at the Standard Bank Gallery, Johannesburg, October – November 2009.
- '"Luxury, Calm & Voluptuousness": 'Orientalism' in 19th Century European Art and Music', a public lecture presented at the Johannesburg Decorative Arts Society, 30 July 2007.
- 'Mozart: A Life in Letters', a public lecture delivered at the Hilton Arts Festival, 17 September 2006.
- 'Significant Others: "Primitivism" in Modern Art & Music, 1880s – 1920s', a public lecture presented at the Johannesburg Decorative Arts Society, 28 August 2006.
- 'A Perfectionist in Perspective: The Life and Work of Andrea Mantegna', a public lecture presented at the Centro Culturale Italo-Sudafricano/Dante Alighieri Society, Johannesburg, 5 May 2006
- 'Picasso and Africa' – a series of public lectures at the Standard Bank Gallery, February – April 2006
- 'The Cultural Context of the Production of Art in South Africa', a paper/workshop presented at the 2006 IEB Teachers' Conference, 11 February 2006
- 'Degenerate Art: The South African Connection – Hanns Ludwig Katz', a paper presented as part of the Seeking Refuge exhibition at the Goethe Institute, Johannesburg, 27 November 2005
- 'Romancing the Empire: The Politics of Imperialism and Nationalism in the Decorative Programme of South Africa House, London', a paper presented at the Johannesburg Decorative Arts Society, Johannesburg, 6 June 2005
- 'It's about Time', member of a panel discussion as part of the Goethe Institute's Einstein: Man of the Century programme at the Goethe Institute, Johannesburg, 31 May 2005
- 'Rethinking Time and Space: Abstract Art and the Century of Change', a paper presented as part of the Goethe Institute's Einstein: Man of the Century programme at the Goethe Institute, Johannesburg, 24 May 2005
- 'Olympia, Violetta, and La Vie Moderne: The Gendered Construction of Modernity in 19th Century Art and Opera', a lecture to the Decorative Arts Society of Johannesburg, May 2004
- 'If Walls could talk: Expressions of Nationalism and Identity in the Decorative Programmes of Selected South African Public and Commercial Buildings, 1930 – 1940, a lecture to the Highveld Forum, February 2004
- 'Verdi's *La Traviata* and the Notion of Realism', Public Lecture, Pretoria, November 2003
- 'Art Deco Architecture in Johannesburg', Gauteng Tourism Authority, University of Johannesburg, November 2003
- 'The Politics of Ornament', Decorative Arts Society, Johannesburg, October 2003
- 'Modernity and Identity in Johannesburg Architecture, 1930 – 1940' – University of Cape Town Summer School, January 2003
- 'Contextualising Joan Miró' – a series of public lectures at the Standard Bank Gallery, October – December 2002



Higher Degrees by Research Supervision

Landi Raubenheimer, PhD (2021), *Nostalgic dystopia in Neill Blomkamp's District 9: an emerging idiom of Johannesburg as landscape in film, photography and popular media, 1994-2018*. Joint supervision with A. van den Oever for a joint qualification at the University of Johannesburg and the University of Groningen, The Netherlands.

Nicola Kritzinger, MA (2013), *The public influence of the private collector: a hand in history*. University of the Witwatersrand.

Marion Dixon, MA (2009), *Whither the bush experience in the boardroom? Changing patterns of corporate art collecting in South Africa 1964-2008*. University of the Witwatersrand.

Kresta Tyler Johnson, MA (2009), *Positioning Africa: the limits of perpetuation: an investigation of postcolonial Eurocentrism and its impact on the display of African art in Britain between 1995 and 2005*. University of the Witwatersrand.

Malcolm Nay, PhD (2008), *Putting it down: the making of a cd with special reference to Hendrik Hofmeyr's Notturmo Elegiaco for piano trio*. University of the Witwatersrand (co-supervision with J. Zaidel-Rudolph).



Research Funding & Awards

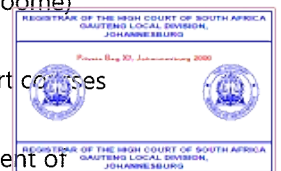
Staff Excellence Award 'Excellence in Research', Otago Polytechnic	2022
Research funding: Incentive funding for rated researchers (C1), NRF	2017-2021
Research funding: Incentive funding for rated researchers (C2), NRF	2011-2016
Award: Awarded a C1 rating by the NRF (description available at www.evaluation.nrf.ac.za/Content/Documents/Rating/ratingcategories_2005.doc)	Jan 2017
Award: Scott Opler Emerging Scholar Annual Meeting Fellowship to deliver a paper at the Society of Architectural Historians' 65th Annual Meeting in Detroit, Michigan, April 18-22, 2012.	Apr 2012
Award: Getty Travel Grant to attend the centenary conference of the College Art Association, Los Angeles, 22-25 February 2012	Feb 2012
Fellowship: Six-month secondment to the Wits Institute for Social and Economic Research (WISER), University of the Witwatersrand	Jan-Jun 2011
Fundraising: Total cash grants from various organisations, including the Goethe-Institut, Pro Helvetia, the Australian High Commission of South Africa and others to fund the SAVAH/CIHA Colloquium, January 2011	2010-11
Fundraising: Getty Foundation grant to bring delegates from the Global South to the SAVAH/CIHA Colloquium, January 2011	2010
Fundraising: Scholarship in the name of Maria Stein-Lessing to fund a postgraduate student in History of Art	2011-21
Research Funding: NRF Funding for Unrated Researchers	2009-2011
Research Funding: SPARC Research Funding, University of the Witwatersrand	2008
Research Funding: Anderson Capelli Award	2008

Research Funding: Faculty of Humanities Research Grant

2005

External Examining/Reviewing

- University of Johannesburg, 2022: External examiner, Doctoral dissertation (D. Human)
- University of the Free State, 2021: External examiner, Doctoral dissertation (A. von Maltitz)
- University of the Witwatersrand, 2016: External examiner, Doctoral dissertation (H. Judin)
- University of the Witwatersrand, 2015: External examiner, Doctoral dissertation (A. Kearney)
- University of the Witwatersrand, External Academic Assessor on the Quinquennial Review Panel, Wits School of Arts, 2015
- University of the Witwatersrand, 2014: External examiner undergraduate History of Art courses; Doctoral dissertation (S. Woolf)
- Cape Peninsula University of Technology, 2014: External examiner, Doctoral dissertation (J. Broome)
- University of Namibia, 2012-2013: External examiner undergraduate History of Art courses
- University of Stellenbosch, 2005-2016: External examiner second- and third-year History of Art courses and Masters' theses.
- University of Cape Town, 2006-2013: External examiner History of Art courses in the Department of Historical Studies from 1st year to MA level, as well as Masters' theses and research reports.
- Rhodes University, 2006-2009. Examining Honours level History of Art courses and fourth-year Art History and Visual Culture as well as Masters' theses and research reports.
- University of Johannesburg, 2008-2011. Examining fourth-year Industrial Design Theory and D Litt et Phil dissertations.
- Greenside Design Center, Johannesburg, 2007-2010. Examining fourth-year Design Theory.
- Department of Vocal Art, Tshwane University of Technology, 2002-2010. Examining History of Opera, practical singing.



Conference Organisation & Curating

- Curator (with Farieda Nazier), 'The Politics of Design: Privilege and Prejudice in Aotearoa New Zealand, Australia and South Africa', an exhibition at the NRF SARChI Chair in South African Art and Visual Culture, University of Johannesburg, 4 August 2022.
- Curator, 'Recast: Recontextualising the Classical Casts in the University of Johannesburg Collection', Faculty of Art, Design & Architecture, University of Johannesburg 20-29 March 2018.
- Chair, organising committee, 31st annual conference of the South African Visual Arts Historians (SAVAH) 'Rethinking Art History and Visual Culture in a Contemporary Context' at the University of Johannesburg, 28-30 July 2016.
- Curator (with Patrice Deparpe, Director of the Musée Matisse, Le Cateau-Cambrésis, Northern France) of 'Henri Matisse: Rhythm and Meaning', the first exhibition of Matisse's work on the African continent, Standard Bank Gallery, Johannesburg, 13 July - 17 September 2016.
- Co-chair (with Johannes Nathan) of a panel entitled 'Cultural Clearings: The Object Transformed by the Art Market' at the International Committee of Art History (CIHA) Quadrennial Congress 'The Challenge of the Object', 15-21 July 2012, National German Museum, Nuremberg.
- Curator, 'Working Title', Goodman Gallery Cape, 24 May-30 June 2012.

Curator, 'Alan Crump: A Fearless Vision', a retrospective exhibition celebrating the work of Alan Crump (1949-2009) at the Johannesburg Art Gallery, 8 May-12 June 2011, and the National Festival of the Arts, Grahamstown, 30 June-14 July 2011.

Organiser and co-convener (with the SAVAH sub-committee) of the SAVAH/CIHA Colloquium 'Other Views: Art History in (South) Africa and the Global South' held at the University of the Witwatersrand 12-15 January 2011. Fundraising included a \$75,000 grant from the Getty Foundation for travel grants for delegates from Africa, India, South East Asia and South America, as well as establishing strategic partnerships with the Goethe-Institut, Pro Helvetia, the Australian High Commission of South Africa, the City of Johannesburg and the Johannesburg Art Gallery.

Co-organiser (with Prof Anitra Nettleton) of the 23rd Annual Conference of the South African Visual Arts Historians, South African Art History in an African Context, University of the Witwatersrand School of Arts, Johannesburg, 13 – 15 September 2007.

Co-organiser (with Hannah Le Roux of the Wits School of Architecture and Planning) of the 'South African Architectural History Unbound' panel at the Changing Boundaries: Architectural History in Transition, international symposium organised by the Society of Architectural Historians and the INHA (Institut National d'Histoire de l'Art), Paris 1 – 4 September 2005



Creative Practice

Throughout my academic career I have maintained my creative practice as a lyric baritone. In addition to a regular schedule of recitals and concerts (including multiple appearances as a soloist with the KwaZulu-Natal Philharmonic Orchestra) I have performed numerous operatic roles for South African opera companies, including Germont in *La Traviata*, Marcello in *La Bohème*, Dr Malatesta in *Don Pasquale*, Danilo in *The Merry Widow*, Zurga in *Les Pêcheurs de Perles*, amongst others. Since relocating to Dunedin I have performed with the Octagon Ensemble in Invercargill and Dunedin, and sang the roles of Schlendrian in Bach's *Coffee Cantata* and Gil in Wolf-Ferrari's *Susanna's Secret* for the Little Box of Opera's double bill entitled *Obsessions & Addictions* in 2021. Forthcoming roles include the bass solo in the City Choir Dunedin's production of Rossini's *Petite Messe Solonelle* (August 2022) and the role of Mr Farolles in Dorothy Buchanan's setting of Katherine Mansfield's *The Daughters of the Late Colonel* (Opera Otago, September 2022).

References

Professor Steven Nelson, Dean of the Center for Advanced Study in the Visual Arts at National Gallery of Art, Washington DC. Email nelsons@humnet.ucla.edu, tel. +1 323 459 8109

Emeritus Professor Alistair Fox, former Pro Vice-Chancellor Humanities, University of Otago. Email alistair.fox@otago.ac.nz, tel. +64 21 399 000

Professor Lesley Lokko, Director, African Futures Institute, Ghana and former Dean of the Bernard and Anne Spitzer School of Architecture at The City College of New York. Email lesley@lesleylokko.com, tel. +44 7833 198655

Dr Vanessa Byrnes, Head of School: Creative Industries, Unitec, Auckland. vbyrnes@unit.ac.nz, tel. +64 21 710 637

