

EXPERT OPINION: GOVERNANCE AND INSTITUTIONAL FAILURE AT THE JOHANNESBURG ART GALLERY

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Preamble: Expert Credentials and Basis of Opinion

I am an art historian and academic leader currently serving as Executive Dean of the Faculty of Art, Design and Architecture (FADA) at the University of Johannesburg.

I hold a professorial appointment in Art History and have, over the course of my career, specialised in art history, visual culture and the institutional and historiographic frameworks through which public art (broadly defined) is produced, governed and interpreted. My research and publication record includes peer-reviewed scholarly work engaging the relationship between visual culture and its political and institutional conditions.

In addition to my academic expertise, I have extensive 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 the university context. This has involved sustained engagement with questions of collection stewardship, institutional accountability and governance structures.

Importantly, my experience extends beyond the South African context. During my tenure as Head of College Te Maru Pūmanawa/Creative Practice and Enterprise at the Otago Polytechnic in Dunedin, New Zealand (1919-2023), I served on the committee of the Dunedin Public Art Gallery Society, an oversight body associated with the municipal collection of the Dunedin Public Art Gallery. In this capacity, I was directly involved in governance processes relating to collection stewardship, institutional accountability and the relationship between independent governance structures and municipal authority. This experience gives me a comparative perspective on governance models for public art institutions, particularly those founded on principles that are analogous to those underpinning the Johannesburg Art Gallery.

I have previously been consulted to provide an opinion on the value of the collection of the Johannesburg Art Gallery as a public asset, and I am familiar with its historical development, institutional context and governance framework.

The views expressed in this opinion are based on my professional expertise, my review of the historical and documentary record (including the historical analysis prepared by Webber Wentzel) and established principles of cultural institution governance and public trust.

I confirm that this opinion is provided independently and with the intention of assisting the Court through an objective, evidence-based assessment

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).

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, but 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

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.

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).

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 representative) 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

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.

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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