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**THE FRIENDS OF THE JOHANNESBURG ART GALLERY AND THE JOHANNESBURG HERITAGE FOUNDATION LAUNCH LEGAL ACTION TO PROTECT THE JOHANNESBURG ART GALLERY AND RESTORE LAWFUL GOVERNANCE**

The Friends of the Johannesburg Art Gallery (FoJAG) and the Johannesburg Heritage Foundation (JHF), represented by Webber Wentzel's public interest law team, have jointly launched review proceedings in the Johannesburg High Court to protect one of Africa's most significant public art collections and to restore lawful governance to the Johannesburg Art Gallery (JAG).

*About the Johannesburg Art Gallery*

The JAG, established in 1913 by way of a Deed of Donation (the Deed), houses one of the most significant public art collections on the African continent. It is a cornerstone of Johannesburg's cultural and civic heritage, through which residents and the broader South African public exercise their rights of access to art and educational enrichment.

The collection spans the period from pre-colonial times to the modern day and includes more than 9,000 works, including pieces by Gerard Sekoto, Irma Stern, JH Pierneef, Maggie Laubser, Pablo Picasso, Claude Monet and Auguste Rodin. Many of these works have been declared part of South Africa's National Estate, and the JAG building itself is a declared Provincial Heritage Site.

*The Governance Framework*

The JAG collection was donated in trust to the then Municipal Council, subject to the control of an Art Gallery Committee (AGC), for the benefit of the City's existing and future residents. In order to ensure effective administration, the Deed deliberately interposes an independent 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.

The Deed prescribes a specific composition for the AGC of seven members: the Mayor of Johannesburg (as convener); one person nominated by the Government of the Republic of South Africa; one person nominated by the Municipal Council; and four independent members appointed by a majority of the other AGC members.

### *The Crisis at the JAG*

The JAG has suffered a severe and accelerating governance and physical crisis. By 2023, reports described severe water leaks, collapsing infrastructure, poor security, rodent infestations, unsafe storage conditions and chronic underfunding. A formal site assessment by the South African Heritage Resources Agency (SAHRA) in December 2024 confirmed imminent structural failures, storage conditions far below international museum standards, and an almost complete absence of climate control with fluctuating temperatures and humidity already causing visible damage to the collection.

### *The Unlawful Decision Being Challenged*

The review application concerns the decision of the Executive Mayor of Johannesburg, announced on 17 November 2025, purporting to "realign" and reconstitute the AGC by appointing seven persons to it without following the necessary prescriptions as described in the Deed. FoJAG and JHF submit that this decision is unlawful, unconstitutional and ought to be set aside.

FoJAG and JHF submit that this decision must be set aside on multiple grounds:

- It is inconsistent with the Deed, both in respect of who was appointed and how the appointments were made and is inconsistent with the AGC's fiduciary character and its independent oversight function.
- It is irrational, in that it purports to remedy years of governance failure by reappointing the very office-bearers who presided over it.

### *The Relief Being Sought*

FoJAG and JHF seek an order from the High Court:

- Declaring the Executive Mayor's decision of 17 November 2025 unlawful, unconstitutional and invalid.
- Declaring the lawful composition of the AGC in terms of the Deed, viz. the Executive Mayor; one person nominated by the President; one person nominated by the Municipal Council; and four persons appointed by a majority of the other AGC members.
- Directing the President to nominate a person to the AGC within 30 days; directing the City to make its appointment by formal Council resolution within 30 days; and directing that the Executive Mayor and the Government-appointed members to appoint four additional members in accordance with the Deed.

*Why This Step Has Been Taken*

This litigation was not undertaken lightly. Since 2019, FoJAG and JHF have repeatedly sought to engage constructively and in good faith with the City, the Mayor and the AGC, taking every reasonable step to avoid unnecessary litigation. Those attempts were 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.

FoJAG and JHF approach the Court as organisations that have, for many decades respectively, supported the JAG and acted in its interests. We do so reluctantly and as a last resort. The relief sought is the minimum necessary to give effect to the Deed, to vindicate the rights of the City's residents 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.

Copies of the papers in these proceedings can be found here:

<https://joburgheritage.org.za/legal-action-launched-to-protect-the-johannesburg-art-gallery/>

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For more background on the JAG matter, please refer to the following links:

- <https://joburgheritage.org.za/letter-of-demand-issued-over-johannesburg-art-gallery/>
- <https://joburgheritage.org.za/johannesburg-art-gallery-in-crisis-latest-updates/>
- <https://joburgheritage.org.za/jhf-foj-joint-statement-regarding-jag-restoration/>
- <https://joburgheritage.org.za/jhf-foj-response-to-jag-artworks-relocation-plan-proposed-by-jda/>