The Art Gallery Committee
Johannesburg Art Gallery

TO:
The Office of the Mayor of Johannesburg, Dada Morero
The Director of Arts, Culture and Heritage, Vuyisile Mshudulu
6.12.2024

RE: Current situation regarding the Johannesburg Art Gallery Collection

Dear Mayor Morero

Dear Mr Mshudulu

The Art Gallery Committee (AGC) has noted with concern the events of the last couple of months regarding the Johannesburg Art Gallery (JAG) and its collection.

As you would be aware, the Deed of Donation associated with the Art Gallery Collection confers an advisory and oversight role to the AGC on any matter relating to the acquisition, loan or removal of work from the Johannesburg Art Gallery, as well as broad oversight over the JAG Collection. It is within the framework of this responsibility that we submit this letter to register our concern with the current state of engagement between all the concerned parties, state our formal advice regarding the way forward on the immediate priority to ensure a safe harbour for the collection, and duly inform you of our formal position as the AGC.

Background / Context

It is our understanding that the digitisation and relocation of the collection in the context of the deteriorated state of the gallery building, and the need to refurbish the JAG infrastructure, are longstanding issues of concern to both the City and the AGC, and indeed, a number of other external stakeholders, extending back to discussions in 2016.

JAG staff, with input and advice from the AGC, have for at least the last two years been working in earnest on a plan for the relocation of the collection to Ditsong Museums, including the drafting of terms of reference for service providers, an MOA with Ditsong Museums, and other associated documentation. The AGC, alongside city officials, have been in extended discussion with the Anglo-American Johannesburg Centenary Trust (AAJCT) with the possibility that the Trust would be able to support some of the costs of relocation given the fiscal and procurement constraints of the City.

The planning process has been needlessly prolonged, with a number of key issues still outstanding to enable the relocation, including the sharing of documentation regarding insurance coverage, sight of the inventory of the collection, and finalisation of documents and agreements with Ditsong. Some of these key issues are also requirements put forward by the AAJCT as conditions for formalising an agreement to support the costs of relocation.

We note that the Friends of JAG and the Johannesburg Heritage Foundation have undertaken a legally framed engagement with your office and associated media campaign regarding these issues, due to concerns over the City's capacity to address the issues associated with the building and the collection. They have proposed various measures to address this situation, broadly consistent with the plans already developed by JAG staff. While we share many of their concerns regarding the current state of the building and infrastructure, it is the AGC’s position

that these parties have failed to provide a credible framework of partnership and resourcing that would enable their proposed remedial measures to be realised.

In this context, the AGC had taken steps toward facilitating a potential partnership with Jozi my Jozi (JMJ) to lead the overall management of the project of relocation, in ways that would unblock existing administrative impediments, mobilise partners and additional resources, and enable the procurement of the necessary external service providers in close cooperation with the professional teams of JAG and Ditsong. These steps have been proposed within the context of the existing MOU between the City and JMJ, and we place on record our advisory note on this matter, developed on the basis of consultations with the Arts, Culture and Heritage department, and the AAJCT.

The legal process and media campaign have been significantly damaging to the reputation of the City of Johannesburg's administration (the City), and of individuals named in the City's staff as well as of the AGC. The City has not in our view been adequately forthcoming in its communications with the AGC regarding its own legal and communications decisions, and we have therefore taken steps to prepare an independent public holding statement of our position in support of a cooperative way forward, appended here.

AGC Advice / Recommendations

1. That a workable way forward for the project of digitisation and relocation be urgently undertaken in collaboration with Jozi my Jozi, with the possibility for the project team of Jozi my Jozi to engage immediately with the professional teams of JAG and Ditsong in mapping the next steps for this important project, in order that resources can be mobilised and procurement of services can now proceed.
2. That the project of digitising and relocating the JAG collection be incorporated into the existing MOU framework between the City and Jozi my Jozi, informed by this shared planning process.
3. That resources secured through the current budget adjustment process be ideally invested in the readying of the Ditsong infrastructure in order to be able to receive the collection, and be transferred to Ditsong Museums to that end and be incorporated into the framework of the (draft) Memorandum of Agreement between the parties.
4. That the City administration fulfils the longstanding request from the Johannesburg Centenary Trust that the inventory and associated insurance arrangements attached to the collection be shared with them. These documents would also necessarily need to be shared with the Jozi my Jozi team in order for them to prosecute the project management and procurement role outlined in the attached note. From our understanding, this would unlock the commitment of resources that would enable the Centenary Trust to mandate and resource Jozi my Jozi to move forward with their role on the relocation project, and in the mobilisation of other necessary resources and partners.
5. We furthermore believe there should be the greatest possible degree of 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.

Finally, we reiterate our now longstanding concern regarding the current composition of the AGC and the absence of formal representation on this structure of (1) your office, (2) the Municipal Council and (3) the national government, as stipulated in the Deed of Donation. This is a matter that was formally communicated to your administration in 2022 (see attached correspondence), and which we believe now needs resolution and action in dialogue with the AGC. We believe the current situation not only renders the City and the AGC vulnerable in the

face of the type of legal challenge and public campaign currently in front of us, but it also undermines the AGC's ability to effect its duties in a consequential way.

We have noted the Mayor's commitment to restoring the role of his office on the Art Gallery Committee as reflected in the meeting of October 16 with Webber Wentzel and their clients, and request that this matter now be expeditiously resolved in dialogue with the AGC. We also note our recommendation to your administration that in the current context, it could well make pragmatic sense for the representative of the national government on the AGC to be drawn from the staff of Ditsong Museums in the context of the role of that institution in the relocation project, and as a national institution falling under the remit of the national sphere of government (as a successor entity to the Union referenced in the original Deed).

We reiterate our commitment to the ongoing duty of care to the Johannesburg Art Gallery and collection, and to working with the City to effect same. We look forward to addressing critical issues in a focused and timely manner, and working with the team of the JAG, the AAJCT and the Jozi my Jozi initiative on these urgent concerns.

Yours sincerely



Joseph Gaylard (interim chairperson)

On behalf of the members of the Art Gallery Committee of the Johannesburg Art Gallery:

Melissa Goba

Molemo Moiloa

Nontobeko Ntombela

Pfunzo Sidogi

Public Statement: Current situation regarding the state of the Johannesburg Art Gallery collection and infrastructure

Art Gallery Committee of the Johannesburg Art Gallery

6.12.2024

The Art Gallery Committee (AGC) of the Johannesburg Art Gallery (JAG) is a structure established by virtue of the 2013 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 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 the greatest possible degree of 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 welcome the City's steps to partner with appropriate 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