



PURPOSE CASE
BUILT STUDY

Constitution Hill Precinct

Government and philanthropic partners redeveloped this infamous site of persecution to preserve history, house South Africa's Constitutional Court, and spur urban regeneration in Johannesburg.

Executive Summary

Organization

Johannesburg Development Agency

Location

Johannesburg, South Africa

Construction Type

Renovation and new construction

Opening Date

2004

Project Area

10.5 hectares (26 acres)

Total Budget

ZAR65 million

The Atlantic Philanthropies Investment

ZAR25 million (\$4.4 million)



The redeveloped Old Fort Prison in the Constitution Hill precinct preserves one of the oldest places of incarceration and human rights abuses in South Africa. Before the heritage site opened in 2004, it was a derelict and neglected former prison complex overlooking Johannesburg. Today, it is home to the Constitutional Court and a collection of museum spaces, symbolizing the country’s successful fight for democracy and serving to honor the nation’s triumph over oppression. The goal of the precinct was to create a link between the past and the future through three interrelated missions: connect the new Constitutional Court to historic sites of pain; preserve, conserve, and restore history on the site; and use the site to spur urban regeneration.

From 1998 to 2004, several organizations and governing bodies planned, managed, and implemented a series of heritage-driven capital and programmatic interventions on the site. The Atlantic Philanthropies played a crucial role in providing seed funding for the renovation of the Old Fort Prison and a supportive role in other aspects of redeveloping the precinct.

The project team rejected traditional curation techniques, redefining the language of memorialization through architectural and exhibition design that engages visitors in an intimate, post-apartheid reconciliatory experience via exposure to a multitude of voices and perspectives. According to one museum curator, the undertaking was “one of the first heritage projects which aimed to tell histories that had been neglected.” The completed precinct respects a place of national trauma while pointing toward the future of a revitalized Johannesburg, embodying the image of a society in transition from a dark history to a bright future.

Despite inexperience with heritage place-making and facing significant financial barriers, project leaders worked to attain this transformation of Constitution Hill. Crowds exceeded expectations in the first two years after museum exhibits opened, subsequently followed by lower attendance levels. In addition to lower attendance, new private investment has not yet occurred, limiting the achievement of goals for the site and causing financial challenges. A member of the project team offered perspective on this reality, saying, “The things that went wrong were because the team took on an innovative and high-risk idea for the development of the site. But we had to do it.”

The project has in many ways already achieved lasting social impact by preserving important narratives, redefining national heritage, and laying the groundwork for urban and cultural renewal. The Constitution Hill precinct allowed the vision for South Africa’s national court to be anchored in a symbolic, powerful moral history and catalyzed a center of redevelopment in Johannesburg. However, the precinct’s potential for impact has yet to be fully realized due to the demands of accomplishing different missions of varying scales under multiple governing bodies, as well as the immense challenge of restituting the legacies of apartheid.

This case study is based on project research conducted by MASS Design Group in August 2015. Funded by The Atlantic Philanthropies, this case illustrates how a capital project can achieve significant public benefit, in this instance reclaiming a site of oppression to reflect and advance a nation’s progress. It also illuminates the opportunities as well as challenges inherent in complex public and philanthropic partnerships.

Purpose Built Series

Capital projects often bring lasting benefits to nonprofit organizations and the people they serve. Given this opportunity, foundations grant more than \$3 billion annually to construct or improve buildings in the United States alone.ⁱ Each capital project affects an organization's ability to achieve its mission—signaling its values, shaping interaction with its constituents, influencing its work processes and culture, and creating new financial realities. While many projects succeed in fulfilling their purpose, others fall short of their potential. In most instances, organizations fail to capture and share lessons learned that can improve practice.

To help funders and their nonprofit partners make the most of capital projects, The Atlantic Philanthropies and the S. D. Bechtel, Jr. Foundation commissioned *Purpose Built*—a multifaceted study by MASS Design Group, a nonprofit architecture and research firm. In 2015 and 2016, MASS conducted interviews, reviewed literature, and examined a diverse set of completed projects around the world; each project was supported by one of the above funders.

The study generated a set of core principles as well as tools for those considering or conducting capital projects:



Introducing the Purpose Built Series is an overview of the study and its core principles.



Making Capital Projects Work more fully describes the *Purpose Built* principles, illustrating each with examples.



Planning for Impact is a practical, comprehensive tool for those initiating capital projects.



Charting Capital Results is a step-by-step guide for those evaluating completed projects.



Purpose Built Case Studies report on 15 projects to illustrate a range of intents, approaches, and outcomes.

See the full *Purpose Built* series online at www.massdesigngroup.org/purposebuilt.

i Foundation Center, *Foundation Maps* data based on grants made in the United States, 2006-2015.

The goal of the precinct was to create a link between the past and the future through three interrelated missions: connect the Constitutional Court to historic sites of pain; preserve, conserve, and restore history on the site; and use the site to spur urban regeneration.



Above. The museum's exhibits juxtapose heroic anti-apartheid narratives with the experiences of ordinary people. This exhibit depicts female political prisoners who returned to the site to share their experience in the Women's Jail.

Cover. A view of the Old Fort Prison from its surrounding ramparts.

Introduction

When South Africa's apartheid regime ended in 1994, the country created a democratic constitution to protect the rights of all South Africans and ensure that the horrors would never be repeated. South Africa appointed 11 Constitutional Court Justices to uphold its new Constitution and Bill of Rights. The Justices had the additional responsibility of selecting a site that would serve the functional and symbolic needs of a new Constitutional Court. In 1996, after visiting several locations, Justices Johann Kriegler and Albert "Albie" Sachs settled on the site of a deteriorating prison complex in the middle of Johannesburg with the hope that its poignant history would enable South Africa's future to be in dialogue with its past.

The Court initiative led to larger ambitions for the entire site, which soon became known as the Constitution Hill precinct. This site had been hollowed out during the apartheid era, as people left the area in the 1980s due to apartheid policies and growing poverty. The complex included five infamous structures integral to the country's long experience of oppression spanning colonialism to apartheid: the Old Fort Prison, the Number Four and Five Prisons, the Awaiting Trial Block, and the Women's Jail.

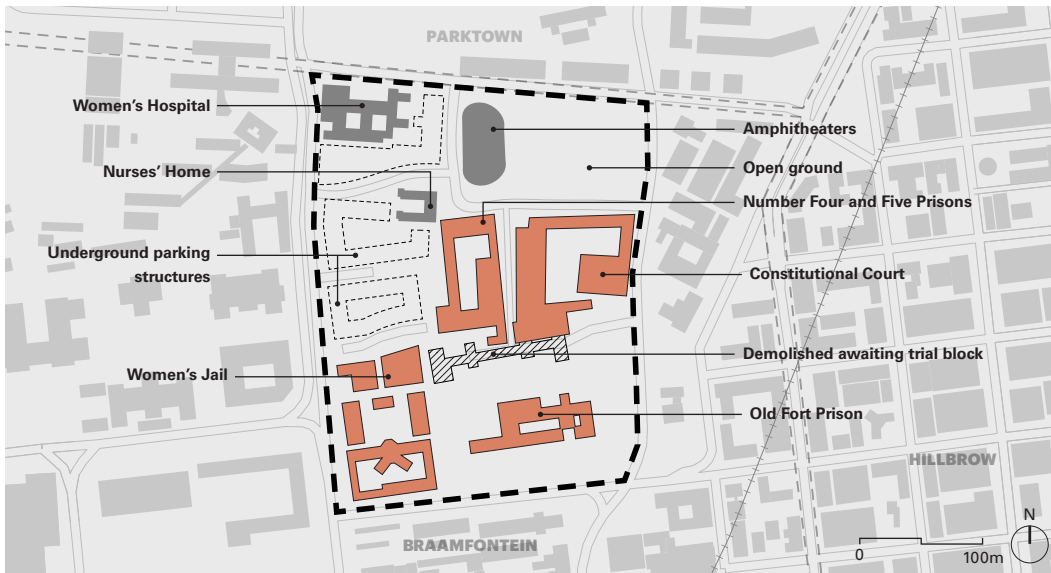
While many wanted to demolish this place of terrible injustice and suffering, the Constitutional Court Justices insisted that its history

should be reclaimed. Former Justice Sachs described the group's conviction:

We chose that site because of the intensity of the memory and the meaning of constitutional justice for fundamental human rights. We fiercely resisted the idea . . . of just getting rid of the site. [Others] were saying, 'It's a site of pain, it's horrible, it's a vicious nightmare of memories of the past—get rid of it.' And we said, 'No.' We need to tell the story of the journey from darkness to light . . . to capture that vicious energy and turn it into positivity . . . to convert swords into ploughshares.

As the project team moved toward the opening of Constitution Hill, its members knew that making a physical and psychological connection between the site's past, present, and future required transforming the deteriorating prison complex into a heritage site. But there was no funding for such a project.

Heritage—particularly post-colonial heritage—was not a political priority at the time. As one member of the National Monuments Council of South Africa recalled, the Council realized that "the building of the Court could be a catalyst for the caring of the heritage of this site." In addition, investment in the redevelopment of this area of Johannesburg held regenerative economic potential for the post-apartheid city.



Left. The Constitution Hill precinct was once considered a “black hole” that community members tried to avoid. Today, it houses the Constitutional Court as well as museum, heritage, and organizational office spaces.

Project Mission

In this context, the overarching goal of the precinct was to create a link between the past and future of South Africa through three interrelated missions: connect the Constitutional Court to historic sites of pain; preserve, conserve, and restore history on the site; and use the site to spur urban regeneration.

The ultimate vision of the precinct included several programs to achieve its goal: the site would house the Constitutional Court; one of the prisons would be demolished to make space for the Court, some of the prisons would be converted into museums, others renovated to accommodate commercial and retail space; and infrastructure would be built to support new investments as well as public spaces for community programming.

Process

The process of redevelopment for this mixed-use precinct began with the building of the Constitutional Court and refurbishment of other areas on the site. All three tiers of government—national, provincial, and local—supported the overall precinct development, providing a combination of financing, management, and land. At the national level, the Department of Public Works and Department of Justice

and Constitutional Development provided ZAR70 million; these agencies continue to own and operate the Court building. The province, through the Gauteng Economic Development Agency’s strategic investment arm, Blue IQ, invested ZAR364 million and contributed a pocket of land. The city, through the Johannesburg Development Authority (JDA), provided most of the land and ZAR35 million, and was appointed managing body of the project.

In total, ZAR469 million in public funding was made available to support the development of the Constitutional Court. However, the additional estimated ZAR416 million needed to “complete [the] commercial, residential, and heritage, education, and tourism components of the development”¹ was unavailable due to the nation’s lower political priority for these components.



Above. An aerial photograph of the precinct from the east. The precinct is intended to preserve history and attract commercial investment.

At a turning point, the JDA met with The Atlantic Philanthropies,ⁱⁱ which committed ZAR25 million to support building renovations as well as exhibits and educational programming in the former prison complex. Atlantic’s funds enabled the creation of a place for remembrance and reconciliation. Former Justice Albie Sachs writes about the relationship with Atlantic, saying, “We met counterparts in the philanthropic world who were as besotted as we were about responding not just to humanity’s needs, but to humanity’s dreams.”² JDA used this seed investment as leverage to secure additional funding, gaining support from additional philanthropic sources.

Once the Court’s design process was underway in 1998, JDA released a tender for development of the heritage site as well as creation of an organization and business plan to manage the entire precinct after its completion. Ochre Communications was awarded the project to develop the heritage site and create an entity as well as business plan to manage the precinct after it opened. Lauren Segal, then project manager at Ochre, described the situation, saying, “It was a backwards feasibility study in a sense: ‘How are we going to make this feasible?’ instead of ‘Are we going to do the project?’ It was happening—the Court was coming, and it couldn’t be surrounded by derelict facilities.” With the support of The Atlantic Philanthropies, the JDA could advance the project’s dual mission

ii *At that time, Atlantic was still anonymous—Atlantic started working in South Africa in 1992, with the intention of focusing particularly on human rights. It was not until 1997 that Charles F. “Chuck” Feeney was revealed as Atlantic’s donor.*

of responding to the need for a heritage site as well as establishing a node of development to transform and connect the site to the larger Johannesburg community.

The project team was aware that South Africa lacked deep experience with cultural projects. Consultants were brought in from the United States and Canada to advise the team, and today many of the local team members have continued in professional roles within the country’s cultural sector.

DEVELOPING A HERITAGE SITE

To turn the Constitution Hill precinct into a heritage site, Ochre focused on creating a multidimensional visitor experience through the preservation, conservation, and restoration of a historic place. According to a project curator, the museum that was to be created in the Old Fort Prison should relate to a variety of visitors: from the Justice whose “interrogation of issues is always informed by the past,” to the “person who agreed with or was complicit with apartheid,” to the young person who “can’t believe that this took place here.” The museum exhibits would include a variety of voices and perspectives in presenting how apartheid affected an entire culture—speaking to diverse audiences and addressing the urgent need to advance peace and reconciliation for the country. This represented a major departure in approach, as heritage was traditionally presented in South Africa through top-down curation, relying primarily on the voice of experts and colonial modes of communication within museums.



Left. The exhibit design in the Number Four Prison allows visitors to experience history authentically and directly.

The project team strategy would radically challenge the language of memorialization used by the colonial and apartheid regimes in South Africa. A museum curator said that, instead of using “bronze sculptures of apartheid luminaries in heroic poses,” Constitution Hill would be “one of the first heritage projects which aimed to tell histories that had been neglected.” This shift in design language reflected both risk and innovation, and became a signature element of the project.

Two ends of the struggle against apartheid were essential to the heritage and future use of the Old Fort Prison. First, and famously, were narratives of political prisoners and heroes such as Nelson Mandela, Mahatma Gandhi, and Joe Slovo. The site would also present an opportunity to convey the narratives of ordinary people prosecuted under race laws for simply being in the wrong place at the wrong time.

“My grandmother had taught us to say goodbye when we went to shop in town, because we never knew if we would come back or not. We used to say, ‘If you don’t see me, check for me at Number Four.’”

Former prisoner Nolundi Ntamo, who was incarcerated for a pass offense (the failure to carry or produce the required government pass or identification), recalled, “My grandmother had taught us to say goodbye when we went to shop in town, because we never knew if we would come back or not. We used to say, ‘If you don’t see me, check for me at Number Four.’”³ The stories of black and white wardens as well as criminals would also be included in narratives presented at the site. The candid and open incorporation of the ordinary person’s experience marks Constitution Hill precinct as a unique heritage site in South Africa.

The intent to reveal the narratives of both anti-apartheid heroes as well as ordinary people would be reflected through architectural language and exhibition language. Both aimed to capture the passage of time in order to link South Africa’s past oppression and degradation to its future hope and democracy. Each language would also contribute to a larger vision. The architectural language would serve the dual purpose of housing history while also attracting commercial investment. The exhibition language would give voice to the voiceless and respond to different visitor perceptions of truth; it held the opportunity to transform communication of South African history.

To allow this expression, the exhibit design features would be subtle, so viewers could experience history authentically and directly through evidence and testimony. One designer explained, “We didn’t want



Above. Visitors tour the Constitution Hill Precinct.

people to be looking at [our panels] and saying, ‘Well, that’s a hip piece of design.’ We wanted people, rather, to be looking through that.”

CONNECTING PAST, PRESENT, AND FUTURE THROUGH THE POWER OF ARCHITECTURE

As part of the plan to advance its vision for the Constitution Hill site, Ochre helped create a Heritage, Education, and Tourism Commission. To achieve the ambitions described above, the team first needed to prevent further decay of the prison facilities. One of the designers on the Commission recalled that, “the buildings were our first exhibit. The buildings themselves speak the history and are a prompt for reflection about memory.” Since the site would serve both cultural and commercial functions, the deteriorating facilities were reviewed and designated for future use—some spaces were deemed sacred and others would be renovated for new purposes.

Herbert Prins, the architectural heritage consultant for the project, cited the process of determining sacred and non-sacred spaces as the necessary first step to restoring a building. “Restoration involves research, analysis, and synthesis. Part of the preparation is the determination of the history and social significance of a place. You’re not merely restoring building fabric—you’re trying to restore and resurrect memory.” According to one designer, the team worked hard to ensure that the site would not sanitize history: “We weren’t going to erase the past, but we were going to offer another perspective on the past, [to create] this coexistence [of] past, present, and future visions.”

DESIGNING THE EXHIBITIONS

The Constitution Hill exhibitions provided an opportunity to juxtapose heroic anti-apartheid narratives (i.e., Mandela and Slovo) with familiar and widely shared traumatic experiences of ordinary people. “At least one member of almost every family living in the



Left. A simple plaque commemorates the former Awaiting Trial Block.

Below. A group of students attending an outreach program at Constitution Hill walk the ramparts of the Old Fort.





Above. The Old Fort Prison now includes a temporary exhibition space.

townships around the city disappeared into Number Four for a period of time,”⁴ noted Segal.

The curatorial team struggled with the question of how to give voice to those who had historically been denied one, while also disallowing a passive consumption of trauma. They sought to create spaces that could help people develop capacity for empathy and reconstitute their own sense of the history of this place and the era it represented. Their approach focused on self-representation based on first-person speech, and avoided the voice of the expert.⁵ The team facilitated events such as *Mapping Memories*⁶ and *We the People*,⁷ engaging former prisoners and wardens, community members, and historians to capture personal narratives through sound, video, and storytelling that, according to one curator, “[could] never be satisfactorily represented by an object.”

MAKING SPACE FOR HEALING AND RECONCILIATION

From the beginning of the process of converting the prison complex into a heritage site, the Constitution Hill precinct project itself contributed to South Africa’s post-apartheid reconciliation, stimulating catharsis and validation for many people. This process is related in *Number Four*, a book about the project:

During the [planning] workshops, memories that had been buried for years rose to the surface. For some, the workshops brought back the pain and suffering that the prisoners had endured and opened fresh wounds. For others, the collective telling and retelling of the prison experiences started a process of healing and brought a sense of closure to their [own] experiences.⁸

CREATING A CATALYST FOR DEVELOPMENT

Hillbrow, a neighborhood in the inner city of Johannesburg, was historically home to many migrants and had been hollowed out during the 1980s. Constitution Hill—for years an increasingly dilapidated site at the edge of Hillbrow—contributed to decline in the city. Following its selection as the home of the Constitutional Court, the government incorporated the site into a larger strategy to develop five nodes of vitality in the Gauteng Province. Members of the Constitution Hill precinct development team anticipated that large government investment in the site would not be ongoing and set out to create opportunities and incentives for private investment that could subsidize the cost of site maintenance and operations over time.

In order to create a node of vitality that would attract investment and cause ripples of development in Johannesburg, the site needed to have a unifying urban strategy that linked the variety of structures on the hill to each other while also linking the precinct to the city. Several former prison facilities were converted to house temporary art and culture exhibitions, and an exterior courtyard was designed to host large public events, such as a rally or a post-parade gathering. Office spaces were constructed to support the precinct management team and to house like-minded organizations such as other institutions of democracy or human rights such as nongovernmental organizations. Parking facilities and improved interior roads provided infrastructure for future private investment. The JDA and Blue IQ, with the guidance of Ochre, jointly created the Constitution Hill Development Company (CHDC) to manage ongoing operations and maintenance on the site.

Impact

The redevelopment of this prison complex involved an urgent need to protect a decaying heritage site, a high-risk intent to transform it in a way that would heal rather than divide the nation, and a need to help spur local economic growth. These daunting challenges drove the project team.

PRESERVING IMPORTANT NARRATIVES

For the first two years after exhibits opened, visitor numbers were high—particularly from Braamfontein, the wealthy, predominately white neighborhood to the west. Crowds exceeded expectations, temporary exhibition spaces were always full, and the courtyard was frequently the scene of events. Students from schools in surrounding communities made regular trips to Constitution Hill, although



Above. A group of students visiting the precinct pause in front of a quote from Mandela.

schools in other provinces in South Africa seldom visited the site. Fhatuwani Rambau, education and public programs coordinator at Constitution Hill, reported that the site expected over 175,000 visitors in 2016, but other respondents remain doubtful that the precinct can continue to pull in substantial visitors without additional investment.

Notably, as crystallized in the remark of a project team member, the site has been able to preserve “stories that were in danger of being lost,” capturing and sharing with the world the human rights abuses that were experienced and known only by a segment of the population. The process of documenting and sharing these stories has reinforced the vision of post-apartheid reconciliation and reparations put forward by South Africa’s Truth and Reconciliation Commission. Additionally, the new language of memorialization displayed through the architectural and exhibition design has reinforced other efforts to create new dialogues about the role of heritage sites in post-apartheid South Africa.⁹

LOST MOMENTUM FOR FURTHER DEVELOPMENT

Although the development of the precinct has strengthened local communities’ relationship with the site and generated economic activity in the surrounding area, the magnitude of these effects was, at the time of this study, less than anticipated by most interviewed. As summarized by a member of the project team, the development of the precinct opened “the black hole in the city” and has—along with the presence of the University of Witwatersrand and the anticipated public transit line near the site—contributed to increased development and investment in Johannesburg. This interviewee described the impact as enormous, believing that Constitution Hill promoted a “ring of development” in adjacent areas, including a new health precinct and a revitalized park opposite the site. Others had a more tempered perception of the effect on development near the site. A Johannesburg urban planner felt that due to a variety of economic

and social challenges in Hillbrow, the regenerative effects of the Constitution Hill precinct have been felt more in Braamfontein, an already wealthy neighborhood.

Despite the presence of built infrastructure on the site, the precinct has thus far failed to attract additional private developers; the reason for this failure is thought to be due to challenges navigating the interests of multiple landowners, as well as the lack of agency that CHDC (as a private company) is legally allowed to have over publicly-owned land. Also, since the goals of participating entities were tied to their respective leaders, some organizations changed their goals as leadership transitions occurred over time. Former Justice Sachs described the Justices as “watch[ing] with a measure of dismay [while] that really positive energy of things was being lost”—a comment on the lackluster response from hoped-for developers. The lack of private investment increased the burden of the CHDC in sourcing income to operate and manage the heritage aspects of the site, which were never intended to be self-sustaining.

Conclusion

In renovating the notorious Old Fort Prison to stand next to South Africa’s new Constitutional Court, this capital project preserved an important heritage site while helping the nation connect its legacy to its future and contributing to urban development in inner Johannesburg. The multiple, missions, parties, and dynamics involved in the Constitution Hill precinct will all shape the degree to which this project achieves its full intended impact.

Videos

For additional information on this case study, see the following videos available at www.massdesigngroup.org/purposebuilt:

Anchoring the Constitutional Court

Developing a Heritage Site

Spurring Urban Development

Lessons from Constitution Hill Precinct

Combine inside knowledge with outside expertise.

Local capacity grows through involvement of external experts: Outside consultants can bring value to capital projects in local contexts where the necessary professional skillsets are limited. Though Constitution Hill was a cultural development project, South Africa had relatively few museum and curatorial professionals with relevant experience. Major consultants in the sector were brought in from the US and Canada, but most of the work required to capture and communicate the history was developed by a local project team, many of whom have gone on to do more work in the cultural sector in South Africa. This experience indicates that training new professionals can be an “investment in the capacity to deliver successful capital projects” within a country in the future, according to one project team member.

In situations where external consultants are brought in to collaborate, it is important to be sure that any local project participants and organizations—even though they might have less professional experience—are empowered in the relationship. This is particularly critical when developing business plans, which often require intimate knowledge of a specific context. “You can’t adjudicate a business plan without local knowledge,” as one project team member said; and local knowledge won’t surface unless those holding it are properly empowered.

See financial realities beyond opening day.

Unanticipated operating and maintenance needs create challenges: All buildings—even those that are well designed—require ongoing work. Constitution Hill precinct—as a heritage site, conference and events venue, tourist destination, and educational setting—requires extensive management and upkeep of facilities. As one project team member said:

You’ve got to think really carefully about the operations of a site. A building is not just a building. A building has to be maintained, and that [requires] an institution around it . . . There was too much reliance that the institution would pop out of the development . . . It is one thing to build a piece of infrastructure; it is another thing to manage it.

Funders can consider the opportunity to help grantees appropriately plan for the demands of operating a completed capital project. This may involve asking the awkward questions about the strength of feasibility plans, business models and management capacity beyond the construction timeline (as one project team member said), or ensuring that there is a party accountable and capable of providing for the ongoing financing and maintenance of the building.

Lessons from Constitution Hill Precinct

Identify the correct metrics for success.

Ultimate impact takes sustained commitment: Implications arising from project implementation may defer the impact of a capital project. Though the Constitution Hill precinct opened in 2004, its full potential has yet to be realized. A number of issues—legal, organizational, and financial, some foreseeable and others unforeseeable—have prevented the site from becoming a major destination and educational resource for national and international visitors.

For example, the original museum curators intended for the temporary collection of exhibitions on the site to be reevaluated every five years and recreated in response to current conditions. This change had not occurred at the time of the research for this case study. South African and international interest in the heritage site may have diminished as the country moved into democracy, and following the passing of Nelson Mandela. While the question of ultimate impact remains open, the work of project partners and funders to preserve the site has successfully secured historic buildings for the future and prevented the loss of an important heritage site.

End Notes

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2. Oechsli, Christopher, et al. *Laying Foundations for Change: Capital Investments of The Atlantic Philanthropies*. The Magnum Foundation, 2014.
3. Segal, op. cit., p. 1.
4. Ibid.
5. Madikida, C. Segal, L. and Van Den Berg, C. “The Reconstruction of Memory at Constitution Hill.” *The Public Historian*, 30:1 (2008), 17-25. DOI:10.1525/tph.2008.30.1.17, p. 20.
6. Ibid.
7. Segal, op. cit., p. 133-144.
8. Segal, op. cit., p. 167.
9. King, T. and Flynn, M.K. “Heritage and the post-apartheid city: Constitution Hill, Johannesburg.” *International Journal of Heritage Studies*, 18:1 (2012), 65-82. DOI: 10.1080/13527258.2011.599404, p. 71-73.

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p. 8 Courtesy of Gideon Mendel/Magnum Foundation. “Students at Constitution Hill.”

p. 10 Courtesy of Gideon Mendel/Magnum Foundation. “Students Visiting the Precinct.”

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