

# A Case Study of Constitution Hill

by

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## Introduction

In a post conflict situation, the positive role of museums in portraying identity can help promote national unity, stability and reconciliation within a society. It can serve to identify the nation for others, and facilitate its establishment within the international community. In doing so, it assists in encouraging economic investment, foreign aid and tourism.

Having emerged as the Cinderella of the political world, South Africa as a transient society is faced with various challenges regarding the re-telling and re-presentation of the collective histories and memories of its people. In keeping with issues of redress, the South African government initiated the Legacy Projects that aimed at using memorialisation as a mechanism to re-write the narrative of the country as well as to represent the differing experiences that compromise the history of the country. In reclaiming a previously marginalized heritage as well as acknowledging all those people that were victims of human rights violations and gross injustices in the past, it is envisioned that memorialisation through the Legacy Projects, can contribute to nation building and reconciliation.

Constitution Hill, as a marker of the inhumanity suffered by the majority of South Africans as well as a beacon of hope for reconciliation and nation building, was viewed as having the potential to become a bridge for a once divided nation. Its potential was not only seen as a means for reconciliation between generations who experienced and remember the history but also generations who are alienated for not being a part of that history. Furthermore, Constitution Hill, in its location in urban Johannesburg, provides opportunities for urban regeneration (economic and social empowerment for the surrounding communities) as well as potential to reclaim urban memories and spaces.

Since Constitution Hill is still in its initial development phase, the following case study will concentrate mainly on the social development of the site through the lenses of history and memory. By focussing on the history of the site; the vision and mission for the site; core values of the site, consultation with the Hillbrow community as a part of the associative communities; and the challenges that the site faces, it will be shown that Constitution Hill can, if created to meet the needs of the community within which it finds itself, achieve its potential as a vehicle for civic engagement and reconciliation.

## **Methodology**

The case study uses information that was gathered from various sources. It uses a feasibility study that was commissioned by CSVR and conducted by Deloitte and Touche in April 2002, for an Apartheid Museum in Johannesburg. The study looked at the feasibility of three sites viz. Constitution Hill and Newtown Precinct in Johannesburg and the Old Synagogue in Pretoria. In this study it was recommended that Constitution Hill, as a result of its strategic location and historical significance, would be the most feasible site for an Apartheid Museum. This feasibility study formed much of the baseline information for the Ochre Feasibility Study.

Other information was gathered during CSVR's work on the Heritage, Education and Tourism (HET) team for Constitution Hill. The information includes qualitative interviews that were conducted during October 2002 with major stakeholders within the area around the Constitution Hill precinct. The stakeholders (associative communities) included people presently residing in Hillbrow; informal traders; sex workers; migrants; ex-prisoners; potential tenants; students; various departments at University of Witwatersrand; cultural institutions around the precinct; constitutional court judges etc. The interviews focussed mainly on the memories of informants regarding the site, content and infrastructure needs, and attitudes of stakeholders with regards to themes outlined in the Constitution. The information that was gathered in this process was then fed into the HET Feasibility Study Report that was produced by Ochre Communications. The feasibility study report, therefore, also informs much of the case study.

Additional interviews around memorialisation and symbolic reparations were conducted in June 2003 with individuals working within the fields of public memory, victim support groups and officials from government departments. The information gathered from these interviews was used to further enhance and support the information outlined in the HET Feasibility Study Report.

## **Background**

In 1995 a momentous decision was taken to locate the Constitutional Court of South Africa in Johannesburg's inner city within the heritage site that made up the Johannesburg Fort and its surrounding prison buildings. The Fort has a complex history that dates back to as early as 1892, and has been the site of human degradation and suffering. Built under the Zuid Afrikaanse Republiek, the Fort served mainly as a prison and for a short period of time as a military defence post. The Fort served as a prison for a range of people, both criminal and political prisoners, and included Boer leaders who were incarcerated during the South African War in the late 1800s, Indian leaders who were active in the Passive Resistance Campaign as well as liberation fighters that fought against the Apartheid state from the 1950s until the mid 80s when the Fort was closed. Given this history, the potential of the site as a place of memory, linking communities and individuals to historical processes in the path towards democracy, lies in the physical juxtaposition (through the prisons) of the abuses of the past and the hope for the future (as seen through the Constitutional Court).

According to Peter Stark, in his brief to the Johannesburg Development Agency, the power of Constitution Hill comes from the intersection of geology, geography, politics, inspiration and terror (Stark, 2001). In its historical function as a fort and prison, the Fort brings

together the politics of racial oppression as seen from as far back as British colonialism to the South African Afrikaner policies of Apartheid. As a site of terror, the Fort, as a product of the society within which it was located was a site of human rights violations, overcrowding, brutality and segregation. While "number four" was notorious to many Black South Africans especially, it also provided a source of inspiration for activists who found themselves within its walls. It was a space within which the cultural life of the resistance movement was most vibrant – a space of solidarity and enduring spirit.

It was in recognising the social, economic and heritage potential of the site, that Constitution Hill, as a Legacy Project, was handed over to the Johannesburg Development Agency (JDA) in 2000, to oversee the design and development of the site. The development included that of the Constitutional Court as well as the heritage, educational, commercial and tourism aspects of the site (Ochre, 2002). In July 2002, the JDA through a tender process, appointed a team of consultants led by Ochre communications to develop a feasibility study and business plan for the Heritage, Education and Tourism Sub-project.

### **Constitution Hill as a Heritage Resource**

According to Bickford memorials have the potential for truth seeking and notions of "never again;" they may serve as a form of symbolic reparations; a mechanism for reconciliation; and a space for civic engagement and ongoing dialogue (Bickford, 2003). It is within the context of the potential for civic engagement and ongoing dialogue around public memory, information and education that Bickford locates the Constitution Hill project.

In keeping with issues around civic engagement, the HET team identified three core resources that should be developed on the site to ensure that Constitution Hill can reach its potential as a living memorial site within a post conflict South Africa. However, these resources are not viewed merely as the material culture of the site as viewed through the actual buildings but are located within the social and political imperative that the site brings to life (Ochre, 2002). The three core resources identified in the Ochre Feasibility Study as the central potential of the site are the:

- Civic significance of the site – Since the site is the home of the Bill of Rights and the Constitution of South Africa, it has the potential to espouse the core values viz. dignity, equality, freedom, democracy, rule of law, social justice and reconciliation, that are outlined in these founding documents. The site therefore has the potential to engage both the foreign visitor and the domestic visitor to locate the historical events of the site to the historical forces within their own communities.
- Material culture of the site – the physical buildings located on the site; house the stories and voices of over a hundred years of history within their walls. The Fort, the prisons and more recently the Constitution Court provide the story of a country that has experienced a double oppression through colonialism and Apartheid and has still come out victorious as one of the most celebrated democracies in the world.
- Socio-economic context of the site: Constitution Hill is located in the inner city on the borders between Hillbrow and Braamfontein. As a space that is of both material and civic significance, it has the potential to draw on and make meaning of urban public memory and refer its visitors to other experiences and interpretations of the city. Furthermore, it has the potential to regenerate one of the first South Africa cities, Hillbrow, that defied the Group Areas Act and policies of racial segregation,

as it was one of the "grey areas" of the country that celebrated diversity.

### **Vision and Mission for the Site**

"We stand on the ramparts of today, looking back at the history of the 20th Century and forward to the possibilities of the 21st Century. Constitution Hill shows us how the openness of the present is built upon the strictures of the past, thereby modelling a sense of possibility for the future." (Ochre, 2002)

In identifying the potential of the site, and in keeping with the principle that Constitution Hill can become a destination for heritage, education and tourism, the HET team developed a vision around what it would like the site to become. The vision for Constitution Hill has been proposed as:

- A global beacon for constitutionalism and human rights – As a site that houses the Constitutional Court, it is envisioned that the site narrates the stories of the struggle for freedom, the birth of democracy, the human rights that still remain under threat both locally and internationally and the role of all South Africans to nurture this democracy for the future.
- A catalyst for Johannesburg's inner city development – It is envisioned that the site, in its location, presents an opportunity for a vibrant place of exploration, debate and generation of ideas that can be tested against the experience of the history of our country. Furthermore, in its vibrancy, the site can become the threshold to urban Johannesburg, encouraging economic development and urban city regeneration.
- A lekgotla where we can talk to each other and to the world – With references to traditional African methods of problem solving, where a village came together to discuss and debate the problem at hand, the Constitutional Court design was won on the basis of the court being an "under the tree" model of justice. It is envisioned that Constitution Hill as the broader environs of the Court, become a place of constructive debate and dialogue for all citizens.
- A vantage point which gives us a perspective on the past, a vista on the future and thus an understanding of our society in transition.
- A refuge where our diversity is celebrated and our rights protected.

In keeping with the vision, Constitution Hill is envisaged to have two central missions:

- Urban regeneration: As a multi – media, mixed – use heritage precinct, one of Constitution Hill's fundamental mission is engage with its environment and contribute to the Johannesburg inner city regeneration.
- Civic growth through historical perspective – By physically animating the values of the Constitution within the heritage precinct, it is expected that Constitution Hill can allow visitors to draw on and engage with lessons learnt from the past to fulfil the dreams for the future.

### **Consultation**

As can be noted from the vision and mission outlined above, much of the success of Constitution Hill as a heritage site that engages with issues of public memory within a

context of democracy, is dependent on local and public participation and community ownership. In recognising that the success of the site depended on the voices of the surrounding community, the HET team undertook to study the communities within which Constitution Hill is located as well as engage the associative communities around issues of their needs, values and hopes for the development of the Constitution Hill site.

### **Hillbrow Profile**

Since the early 1940s Hillbrow, as the centre of nightlife and entertainment, has been the cosmopolitan hub of Johannesburg. Today, it has evolved to become the 'Afropolitan' centre of Johannesburg. The population has increased rapidly from 30 000 to 100 000 over the past five years and population demographics show that males represent at least two thirds of the population which is aged between 15 – 39 years. It is estimated that more than half of the population are illegal immigrants of African origin (Ochre, 2002).

As a population that is constituted mainly of migrants, the transient nature of the population poses various challenges to community organisation. Furthermore, Hillbrow has historically been notorious for its reputation of drugs, prostitution, violent crime and homelessness, all of which are further exacerbated by overcrowding. With the increase of migrants into the city, xenophobia, perpetuated through violent attacks and overtly discriminatory attitudes towards foreigners, has become another central challenge to community organisation. Despite the impressions of lawlessness that pervades, it has been noted during the feasibility study that many of the Hillbrow residents are in fact families and young workers and students, both local and migrant that have come to Johannesburg to seek income and opportunity (Ochre, 2002).

### **What do the people of Hillbrow think about Constitution Hill?**

The research conducted with the people of Hillbrow highlight several key areas that could impact on the Constitution Hill development. Firstly, most respondents were unaware of the history of the Fort or the developments happening at the Constitution Hill site, however, people responded positively to seeing the site, and participating in the process of its development. It was noted that Constitution Hill could play a central role in regenerating the community as well as be a symbolic object of pride for the residents. Despite the view that there is an inherent lack of a cohesive 'community,' most respondents highlighted the need for community spaces such as recreational facilities, libraries, community meeting spaces etc. Furthermore, all respondents indicated their concern around the high rates of crime in the city, however, it was also noted by respondents that crime would decrease if civic pride were instilled in the community. Most residents demonstrated their xenophobic attitudes overtly while migrants alluded to their ongoing victimisation by South Africans living in Hillbrow (Ochre, 2002). It is this perpetuation of xenophobia within the Hillbrow environment that can be viewed as the most significant factor that undermines the values of the Constitution and threatens notions of reconciliation.

### **How can Constitution Hill fulfil its national obligations?**

Despite engaging with associative communities around the Constitution Hill development, there has been no engagement with the broader South African nation. The consultation with the nation at large remains an imperative, as Constitution Hill is a Legacy Project and

therefore one of national significance. Furthermore, Constitution Hill as a home to the Constitutional Court needs to become a reality as a symbol of liberation and democracy for all South Africans. During recent interviews conducted with victim support groups such as Khulumani and Khumbula, most respondents argued that Constitution Hill, did not represent all South Africans nor did it acknowledge the role of ordinary people in the struggle for democracy. The site was viewed, along with other Legacy Projects such as Freedom Park, as inaccessible and geographically bias towards Gauteng.

In recognising the limitations of the feasibility study and the need for national community support and buy – in for the site, the HET team has proposed the "We the People" campaign which is designed around social mobilisation principles. The campaign is aimed at capturing the voices, stories and hopes of the South African people. This will be done primarily by raising public ownership of the site; public education around the constitution; re-enforcing and publicising the value of heritage and cultural assets of the site and enabling communities to actively engage in the development of the site. The build - up of the campaign is phased and is planned from June 2003 to March 2004. The design of the campaign plans to use social mobilisation techniques such as radio, theatre, oral history, education, commemorative projects, exhibitions and multi media (Ochre, 2002).

## **Challenges**

### **Ownership**

It was evident during the research conducted with associative communities, most specifically in Hillbrow, that many people are unaware of the site. To ensure that the major stakeholders are involved in the process in a sustained ongoing way, it is necessary that stakeholders are updated regularly and involved in the developments on the site. This requires a team that is dedicated to a two-way communication between the community and the team that is involved in the development process.

### **Meeting community expectations**

The feasibility study process, while engaging communities also set up expectations for the people of Hillbrow especially. The Constitution Hill development was seen as improving the quality of life for the people of Hillbrow as well as giving agency to them as a people living in Hillbrow. For Constitution Hill to remain a key symbol of hope for the people of Hillbrow, it is necessary that the development be seen as a process rather than a product. It is only in this way that the high expectations of the people can be met with what is actually delivered.

### **Building community through urban regeneration**

It is clear from the feasibility study research that the people of Hillbrow remain divided. Xenophobia, crime and poverty remain key factors that divide the people of Hillbrow. To ensure that the Constitution does in fact become real to all the people living within the boundaries of Hillbrow as well as to negotiate the gaps between ideal policies and the realities of practice, it is necessary that the socio-economic conditions of the people of Hillbrow be uplifted through the Constitution Hill development. The people of Hillbrow should be the primary benefactors of the site.

## **Memory and representation**

As previously stated the Fort has a history that covers a span of over one hundred years. To ensure that the voices collected represent the experiences of all those that have come in contact with the Fort it is necessary that the national drive to collect stories, engage with all South Africans. The process should represent the voices of 'ordinary' people who were incarcerated on the site and not just the famous personalities such as Nelson Mandela and Mahatma Ghandi, who have been known to be imprisoned on the site. Considering the vast amount of oral history testimonies that have to be collected, and the possible contradictions that may arise from the different experiences and memories, this process should be viewed as offering alternate perspectives of history and experiences of a previously divided nation.

## **Reconciliation**

Constitution Hill is amongst the few Legacy Projects that has the potential for true reconciliation. This is primarily due to the history of the site itself and the range of people (both Black and White) that were imprisoned on the site. It is through the representation of these different histories and experiences that Constitution Hill can provide a space that brings people together to engage in constructive dialogue and discussion around memories and truths that still to a large extent remain hidden.

## **Conclusion**

South Africa has premised its transition into democracy and success towards the reconciliation process on the public acknowledgement of truth (Mellor and Bretherton, 2003). However, due to the subjective nature of truth, it is the responsibility of public institutions such as Constitution Hill to present these various truths and allow for public participation in the truth seeking process. According to Bar-Tal memorials in post conflict societies combine three central characteristics i.e. they are located in a defined place; their infrastructure is durable and they provide symbols for the members of the society; and they materialise the collective memory of the society. While he acknowledges that memorials fulfil the significant functions of remembering the victims of the conflict as well as providing a source of inspiration for the broader society, he argues that monuments also become constant reminders of the losses suffered through the conflict and the malevolence of the perpetrator (Bar-Tal, 2003).

To ensure that Constitution Hill is successful in its mission to promote civic growth, it is therefore necessary that while learning from the past, Constitution Hill does not dwell on the past. Furthermore, as previously stated, Constitution Hill is one of the few Legacy projects that has the power to mediate reconciliation as it contains a vast history within its wall and tells the story of all South Africans. It is necessary therefore, that Constitution Hill portrays the true spirit of reconciliation by giving voice to the different narratives within the country and not merely portraying a nationalist agenda.

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