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To:

The President of the Republic of South Africa
Union Buildings
Pretoria

Copied to:

The Minister of Sport, Arts and Culture
The Minister of International Relations and Cooperation
The Chairperson: Parliamentary Portfolio Committee on Sport, Arts and Culture

Dear Mr President,

Re: Ministerial Interference in South Africa's Pavilion at the 61st Venice Biennale 2026 and the Need for Cabinet Intervention

We write on behalf of the undersigned civil-society organisations concerned with constitutional governance, and necessarily given its place within our Bill of Rights, artistic freedom and the rule of law.

We address you because the ongoing controversy surrounding South Africa's participation in the 61st Venice Biennale goes beyond the conduct of a single Minister. It raises serious concerns about executive accountability, collective Cabinet responsibility, and the constitutional protection of freedom of artistic expression.

The Minister's conduct implicates collective executive responsibility

Public reporting, official correspondence, and the Minister's own subsequent statements establish that the decision to terminate the Department of Sport, Arts and Culture's working agreement with Art Periodic was taken after an open, independent, expert-led curatorial process had concluded, and because of the substantive content of the selected work.

The selection committee for the South African Pavilion – appointed precisely to ensure independence, expertise, and credibility – has issued an extraordinary public statement affirming its *“unequivocal support for the artist, the curator, and their project in the face of political pressure and attempts to silence free expression and compromise artistic integrity.”*

Section 16 of the Constitution expressly protects artistic creativity. Interference triggered by the subject matter of an artwork demonstrably constitutes content-based restriction, which must attract the highest level of constitutional concern.

The Minister's repeated assertion that no “censorship” has occurred because the artist remains free to exhibit elsewhere is constitutionally untenable. The destruction of an independent process, the termination of a mandate, and the effective collapse of South Africa's participation at a major international platform because of expressive content amount to coercive suppression, regardless of whether the artwork is formally banned.

Equally troubling is the Minister's invocation of concepts such as “nation-building”, “social cohesion”, “patriotism”, or “selling the country” as justification for executive control over artistic expression. None of these concepts constitute constitutional grounds for limiting freedom of expression, nor may they be used to retrospectively impose ideological conformity on independent cultural processes.

Executive inconsistency and international positioning

We are further concerned by the evident tension between this ministerial action and South Africa's stated international position, including its legal and diplomatic engagement regarding the situation in Gaza. While this letter does not seek to litigate foreign policy, it is untenable for expression aligned with South Africa's own international legal arguments to be characterised domestically as “divisive” or reputationally harmful, and therefore unsuitable for artistic reflection.

It bears emphasising that even were the artistic expression at issue at odds with South Africa's international positioning, the Constitution's protection of artistic freedom would remain determinative. Artistic expression does not derive its protection from alignment with state policy, but from the Constitution itself. We note the alignment in this instance only to underscore the confused and contradictory nature of the Minister's stated rationale and that far from the art work being “divisive”, it is the Minister who acts “divisively”.

The limits of referral to oversight bodies

We further note that the matter has been referred by the Democratic Alliance to the Public Protector. While oversight mechanisms are important, they cannot substitute for timely executive correction.

The Venice Biennale process is time-bound. Allowing abuse of executive authority to persist while deferring responsibility to oversight bodies risks normalising unconstitutional practice

through delay. Collective executive responsibility requires that Cabinet address manifest abuses of power as they arise, not only after protracted investigation.

The consequences of executive inaction

Presidential and collective Cabinet intervention is all the more necessary in light of the Minister's recent prior conduct, as when he publicly issued threats last year to the chief executive officers of all entities falling under his Department – conduct that was widely criticised as unlawful, intimidating, and incompatible with constitutional governance. That episode attracted no evident reprimand or corrective action from the Presidency or Cabinet. When civil society organisations subsequently called out this conduct, the Minister responded with further threats, including threats to shut the organisations down.

This apparent acquiescence and failure to assert collective executive authority has predictable consequences. It risks emboldening continued abuses of power and must be understood as part of the context in which the present, clearly unconstitutional interference in the Venice Biennale process has occurred.

The role of Cabinet in safeguarding artistic expression

South Africa's constitutional democracy rests not only on courts and oversight institutions, but on a culture of corrective action within the Executive itself.

South Africa has a deep and rich history of artistic expression. This culture has long played a pivotal role in helping South Africa confront violence, loss, injustice, and historical trauma. But the arts have also allowed us to give the fullest possible expression to our myriad selves and they have brilliantly burnished our reputation on the international stage. To instrumentalise this history so that artistic expression is reduced to state branding is to fundamentally misunderstand its constitutional value and its democratic function in expressing who we are and our place in the world.

We accordingly urge the Presidency and Cabinet to intervene decisively to reaffirm the centrality of artistic freedom to South Africa's constitutional democracy; to address and correct the Minister of Sport, Arts and Culture's unlawful and constitutionally impermissible abuse of executive authority; and to ensure that Gabrielle Goliath's work *Elegy* – unanimously selected through an independent, expert-led curatorial process to represent South Africa at the 61st Venice Biennale – is restored to its rightful place and showcased as originally determined.

We look forward to your response.

Yours sincerely,

Nicole Fritz
Campaign for Free Expression

Endorsed by:

Neeshan Balton
Ahmed Kathrada Foundation

Kavisha Pillay
Campaign On Digital Ethics (CODE)

Lebogang Ramafoko
Corruption Watch

Lawson Naidoo
Council for the Advancement of the South African Constitution (CASAC)

Naledi Kuali
Defend our Democracy

Dale McKinley
The International Labour Research and Information Group (ILRIG)

Mark Heywood
Justice and Activism Hub (JAH)

Nersan Govender
Legal Resources Centre (LRC)

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Shakirah Thebus
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Samina Anwary
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Journalists Against Apartheid