

LOCATING THE CITY IN WINDHOEK: REGIMES OF THE LEGAL AND OTHER ASPECTS

Ellison Tjirera¹

PhD Candidate, University of the Witwatersrand,
WiSER Fellow

Addressing a critical lacuna in studies of Windhoek, Ellison Tjirera argues that the affective and material habitation of its spaces by residents contradicts its legal exclusion from full status as a city. Reading its colonial past alongside its post-colonial present, he explores the ways in which Windhoek's emerging built environment reflects official desires for the "city to come" that may or may not be in concord with those of its denizens.

SETTING THE SCENE

Windhoek is one of those urban centres in Africa South of the Sahara, which has evaded sustained attention and academic interest within the rubric of urban studies in Africa. This raises some questions: Is it (Windhoek) some mundane and negligible urban centre in the south-west of Africa not worthy of writing into the register of urban studies / cities on the continent? Did Windhoek or Namibia for that matter, assume a peculiar trajectory after decolonisation? And what is the character of this trajectory? These questions acknowledge contributions from a number of interlocutors who, I argue, fell short of adequately 'writing the city (Windhoek) into being'.²

David Simon is one writer who has demonstrated sustained academic interest in Windhoek. He has been writing about Windhoek since the 1970s and his PhD dissertation (Simon 1983) was on this city that

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currently has roughly 326 000 inhabitants (NSA 2013). Among other aspects, Simon touched on issues of 'informal' trading, desegregation and urban apartheid, urban planning conundrums and urban poverty within the rubric of urban change in Windhoek (Cf. Simon 1984; 1986; 1985). For the purposes of this article, I will focus on what could be called the 'regimes of the legal' regarding the making and/or status of Windhoek. This focus is rendered important by the express belief that apart from giving cities their legal status, local government law dictates whether or not cities can conduct their own affairs without interference or only with express sanction from the state legislature (Frug and Barron 2008, p. 3). Indeed, local government law specifies which services will be provided locally and which will be provided by others (op. cit.). It follows that city dwellers have to operate within the parameters of legal provisions of one sort or the other. However, as I will discuss later, a city is by and large defined by the unwritten popular imagination of the city dwellers rather than by the law. But first, a little bit of history of Windhoek is worth sketching.

The modern beginnings of Windhoek date back to 1890 with the arrival of the German *Schutztruppe* (occupying forces) under the command of Curt von François and the construction of a fort (Cf. Gewalt 2009: 259; Dierks 2002: 73; Hartmann 2004: 28), the *Alte Feste* (old fortress), as it is popularly known. It is the oldest surviving building in Windhoek (see Figure 1) and was declared an historical monument in 1957.³ History has it that in the mid-19th century,



The *Alte Feste*. Courtesy of Wikimedia Commons

control over Windhoek was contested between Jonker Afrikaner's Orlam Nama and the OvaHerero under Samuel Maharero (Simon 1995, p. 139). Windhoek's literal meaning in Afrikaans is 'windy corner' and its origin is thought to be a contraction of *Winterhoek* – a mountain range in the Western Cape behind Jonker Afrikaner's home town (op. cit.). The OvaHerero people call Windhoek *Otjomuise* (steaming place) while the Nama christened it *|Ae||gams* (hot springs) (Cf. Pendleton 2006: 3; Hartmann 2004: 27). Both names are a reference to the many hot and warm springs surrounded by clouds of evaporating water which marked the site until the 1950s (Heywood and Lau 1993, p. 19).

REGIMES OF THE LEGAL VERSUS POPULAR IMAGINATION

In 1909, Windhoek gained municipal status before being proclaimed a city in 1965.⁴ Veracity of the latter is suspect, and for this reason I am treating the 'fact' concerning the year in which Windhoek was supposedly granted city status with a caveat as supporting proclamation(s) and/or ordinance(s) proved elusive. One of the Namibian dailies ran a story on 16th

September 2013 quoting the Minister of Regional and Local Government, Charles Namoloh, reminding *Windhoekers* if not Namibians, that Windhoek is not a city (Immanuel 2013). According to Namoloh, Windhoek is yet to gain official recognition as a city. He maintains however, that the government is working towards gaining this recognition (op. cit.). The Minister was backed by a Windhoek based lawyer, Etuna Josua, who argued that the term “city” does not exist in Namibian laws as it was used in repealed pre-independence legal provision(s) (op. cit.). As I demonstrate later in the article, reference to the aforementioned legal provision(s) in search of Windhoek as a city is a legal myth. Not surprisingly, this ‘*un-citying / de-citying*’ of Windhoek is contrary to *vox populi* as the box below shows.

**BOX 1
REACTIONS TO ‘WINDHOEK IS NOT A CITY’**

The Namibian [online version],
September 16, 2013.

“Old policies/acts need to be amended. This need to be corrected asap. City of Windhoek just sounds great”... - Sheni Shiwa.

“Windhoek is acceptably known and recognized as a city and it will remain in the hearts of the people, although the law says otherwise”- Mae-Tako.

“That is so confusing, if then Windhoek is not a city. But how to be called the cleanest city Africa, if it is not a city?” - Helao Silas.

“So the Windhoek city police is an illegal entity or what does this mean?”- Kakunde

“I don’t know why you have got time to waste, who discovered this now after 23 year of Independence...now who is responsible for that mess??” - Shaya Platform Junior.

“Oh shame to hear this surprising news, Honourable Namoloh let’s make it very fast and change where we can and call it a city officially cause Windhoek is our capital city.” - Barnes Uwu-khaeb.

“So we don’t have a capital city, uf shame, let’s turn Windhoek municipality or whatever is called into a city honourable minister. I suggest Swakopmund to be the second capital city.” – Varry.

“What is the fuss about? Windhoek is a City and no two-ways about it. The only City in Namibia for that matter and the cleanest City in Africa. Whatever people are saying about it, these are just polemics!” – Popepy.

Comments by readers of *The Namibian*⁵ clearly indicate how jealously the status of Windhoek as a city is guarded by the ordinary people. The fact that some readers fume at the statement that Windhoek is not a city to an extent of declaring it a ‘mess’ in need of swift correction is revealing. Therefore, the Minister’s assertion was a legalistic exercise which nonetheless does not negate Windhoek’s ‘*cityness*’ and as such is

tangential for our purpose. I am using cityness in the sense that AbdouMaliq Simone does, that is, ‘the city’s capacity to provoke relations of all kinds’...and cityness being ‘the city as a thing in the making’. “[A]t the heart of city life is the capacity for its different people, spaces, activities, and things to interact in ways that exceed any attempt to regulate them” (Simone 2010: 3).

After gaining political independence in 1990, Namibia passed numerous laws to align its statute books with new realities while at the same time asserting its statehood. On 28 August 1992, the Local Authorities Act No. 23 was signed into law (GN 166/1992, GG 470). It repealed the Municipal Ordinance 13 of 1963 as amended by Municipal Amendment Ordinance 29 of 1965 – whose provision(s) arguably granted Windhoek city status – and a raft of no less than 91 apartheid era proclamations and ordinances. Surprisingly, a close reading of the Municipal Ordinance 13 of 1963 as well as the Municipal Amendment Ordinance 29 of 1965 makes no reference to the word ‘city’ (Cf. Laws of South West Africa 1963 (1964, pp. 138 – 489); Laws of South West Africa 1965 (1966, pp. 130 – 137)). It thus appears that Windhoek was never proclaimed a city in law as the Windhoek based lawyer Etuna Josua and the writer Brenda Bravenboer would like us to believe. However, the origin of this legal myth is worth digging into. A preliminary scrutiny of the laws of the then South West Africa shows that the principle Municipal Ordinance 13 of 1963 was amended no less than 21 times between 1964 and 1988, devoid of any hint at declaring or proclaiming Windhoek as a city. Nonetheless, road signs pointing in the direction of ‘Windhoek City’ are ubiquitous and it would be bizarre to contend that all these inscriptions are nothing but a fortuitous misnomer. On the other hand, when people are heading towards the



Windhoek is not a city. ©Ellison Tjirera



Tintenpalast. Source: reiseberichte-blog.com



The Reiterdenkmal. Source: New Era 2013

city centre, the references used are town, dorp^a, kOn-doropa^b or kOdolopa^c.⁶

Apart from the fact that most if not all scholarly references to Windhoek invoke the word *city* (Cf. Rogerson 1990; Simon 1986; Frayne 2000; Pendleton 2006; Peyroux 2001), it is also the only urban centre in Namibia with a separate police force called ‘City Police’. Moreover, the highest decision making body of Windhoek’s Municipality is referred to as the ‘City Council’. The foregoing brief fixation on the word ‘city’ is predicated on the assumption that we can indeed analytically speak of Windhoek as a city, the strictures of legalistic definition notwithstanding. “The city is not merely a physical mechanism and an artificial construction – it is a state of mind, a body of customs and traditions, and of organised attitudes and sentiments that inhere in these customs and are transmitted with this tradition” (Park 1925: 1). After all, the city is first and foremost an idea (Mbembe 2013: 10).

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As is evident from the foregoing, the law granting Windhoek its city status does not reside in the *Tintenpalast* (Ink Palace), but is embedded in the imagination of ordinary men and women roaming its streets. Constructed in 1912-1913, the *Tintenpalast* is the building which houses the parliament of Namibia (Cf. Tonchi, Lindeke & Grot peter 2012: 417; Gewalt 1999: 28). Versions of the meaning differ. The building was christened *Tintenpalast* (Ink Palace in German) either because of ink that went into laws of the country or because of enormous amount of paperwork during the construction period.

VIGNETTES OF CULTURAL ECONOMY

Historian Jan-Bart Gewalt offers a provocative case study of Windhoek with regards to how, in his words, “city planning – being the manipulation of urban landscape – can be used to obliterate history” (Gewald 2009: 256). Physical colonial vestiges such as monuments and other artefacts provoke intensely emotive debate in Windhoek. As the Namibian government seeks to rid itself of monuments that glorify the colonisers of yesterday, fierce opposition emerges from Namibians of German descent in their attempt to reassert their place

in Namibia’s history and of Windhoek in particular. Gewalt maintains that “the current Namibian government and the municipality of Windhoek have sought to inscribe upon the landscape a specific understanding and interpretation of the historical past” (op. cit., p. 256). He hastens to recognise the latter is indeed along the lines of varied administrations that preceded the current Namibian administration. The *Reiterdenkmal* (equestrian monument) which was until recently stationed along Robert Mugabe Avenue invited contestations with racial undertones after government mooted plans to relocate it 13 years ago (Cf. Bause 2008; Kaapama 2008; Tjihenuna 2014; Vogt 2008). On 19 August 2009 the *Reiterdenkmal* was moved to make way for the new Independence Memorial Museum, only to reappear shortly after, but some hundred metres away from its previously prominent place (Zuern 2012). However, this was to be a temporary and perhaps iteration of the *Reiterdenkmal* in the realm of public display and social life. In what appears to have been a well calculated move, the equestrian monument was removed from public view on the evening of

December 26, 2013 while most *Windhoekers* were holidaying outside Windhoek or immersed in a laid-back festive mood with their families in the Capital (Smit 2013).

The removal of colonial historical artefacts bespeaks the reconfiguration of the cityscape and not least the shifting sand of power relations within the memory politics of independent Namibia. It is not surprising that when the cityscape undergoes a controlled metamorphosis, some sections of society will be displeased – particularly when this change involves disposing of artefacts important to their identity and sense of history.

PYONGYANG IN WINDHOEK

Apart from the removal of artefacts deemed undesirable in a particular era, reconfiguration of the cityscape involves the installation of new monuments. The question of what is added or created is as important as who is commissioned to undertake the project of creating. In this endeavour, Namibia courted the Democratic People's Republic of Korea. Since its political independence in 1990, the Namibian Government has commissioned the Mansudae Overseas Project – a North Korean construction and design firm – to work on no less than three projects.

The collaboration began with the Heroes Acre Memorial, located about 10 km south of the Windhoek city centre. Inaugurated in 2002, the Heroes Acre honours the liberation struggle and was completed by Mansudae Overseas Project over a short period of thirteen months (Kirkwood 2012: 19). Another project to be executed by the North Koreans followed in the form of the new Namibian State House in the posh suburb of AUSBlick, south-east of Windhoek.



Namibian State House. Courtesy of Wikimedia Commons

The most recent installation to accentuate the presence of North Korea's capital city in Windhoek is the Independence Memorial Museum along Robert Mugabe Avenue. This museum was recently inaugurated on the eve of Namibia's 24th Independence anniversary (NAMPA 2014). On the preference for North Korean architectural projects in Windhoek, Kirkwood insightfully concludes:

[t]he decision by Namibian leaders to award architectural tenders to the Mansudae Overseas Project is not based on economic concerns or preference for Mansudae designs, but is instead motivated by a desire to emulate authority, cohesiveness and directed nature of a visual culture specific to Pyongyang. In Namibia, the construction of Mansudae designed buildings and monuments asserts a decisive break with architecture and memorials associated with colonial regimes, and in doing so foregrounds the authority and modernity of the postcolonial government (2012: iii).



Independence Memorial Museum. ©Ellison Tjirera

CONCLUSION

The fraught history of Windhoek has provided historians with ample fodder to feast on. For this reason, Windhoek has been historicised disproportionately since the 17th century. Alas, what I would call the “sociology of Windhoek”, for lack of a better phrasing, is at best sketchy. Of course the history of Windhoek is an important window through which to theorise its present. In my attempt to “write Windhoek into being”, two issues stand out. Firstly, there exists a schism between the law and what constitutes the ordinary people's perception of what Windhoek is. Legally speaking, Windhoek is not a city – but an unwritten law which proclaimed Windhoek a city exists in the form of popular opinion housed in the moving bodies of ordinary *Windhoekers* and Namibians. At the slightest provocation of being reminded that Windhoek is not a city, ordinary people express outrage and disappointment. Secondly, Windhoek's cityscape bears the imprint of Pyongyang, represented by construction projects awarded to the North Korean firm, from the State

House project to the Independence Memorial Museum which was recently inaugurated and bound to assume a privileged position in memory politics of Namibia.

NOTES

1 PhD Candidate, University of the Witwatersrand, WiSER Fellow. This piece is an extract from my PhD emerging research.

2 I owe this phrasing to Lindsay Bremner (2010) *Writing the City into Being. Essays on Johannesburg 1998-2008* (Johannesburg: Fourthwall Books)

3 Mossolow, Nikolai (1972), *Windhoek. Three historical landmarks* (Windhoek: John Meinert Printing), p. 63. But see Bravenboer, Brenda (2004), *Windhoek Capital of Namibia* (Windhoek: Gamsberg Macmillan Publishers) - who argues that “[t]he ‘Alte Feste’ has never been officially proclaimed as a National Monument (...)”, p. 16. One wonders if the dissimilar ‘facts’ on the same issue is purely a matter of semantics or something else – Mossolow uses the word ‘declared’ while Bravenboer talks about ‘proclaimed’

4 <http://www.sadc.int/member-states/namibia/> Accessed September 22, 2013. See also Bravenboer (2004).

5 Largest English language newspaper in Namibia by circulation with some sections in Oshiwambo (Namibia’s mostly spoken indigenous language with +50% speakers).

6 ^a Town in Afrikaans; ^b to town in OtjiHerero; ^c to town in Oshiwambo.