

## **Duala – Confrontations of „Res Nullius“**

By Ulrike Hamann

### **Intro**

Several European rulers met at the Berlin conference in 1884 to conceptualize and legalize formal constructs for their colonial ambitions at the African continent. The effects of this meeting were the legalization of occupation and foreign interventions into the lives and politics of African communities. To make the then following atrocities like occupation, topping of governments and self-ruling societies legal, they adopted European concepts like “res nullius” and “sovereignty” for their colonial ambitions. The conference also marked the formal German entry into colonial politics.

These colonial aspirations were, of course contested and resisted against, everywhere where the Europeans tried to grab the power over land and people. This resistance was not only armed like in the Herero and Nama war against the Germans in 1904 but also discursively challenging, and happened as much in the discursive field as in the material realm.

Because jurisdiction was determined to legitimate and accompany the European interests, it was a courageous attempt to question it on the political and jurisdictional field. This text is approaching such a struggle against the German colonial government in Cameroon, which was not silenced even after twentyfive years of colonial ruling in 1910.

### **A historical background of struggle**

The people of Duala had been merchants for hundreds of years. They organized the trade from the coast to the inner territories. Huge and influential trading houses of export-import had been established. The leaders of the different houses met according to the current demands at the General Assembly – the *Ngondo*<sup>1</sup>. It was there, at the *Ngondo*, that decisions were taken after discussions and spokespersons were elected to represent the common interests. The contact to European merchants had a long history. Therefore, when some German trading companies offered a contract in the summer of

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<sup>1</sup> For this information I am especially thankful to Jean-Pierre Félix-Eyoum, Bavarian based member of the Bonamanga group of Duala. In two longer telephone-calls, the author and teacher from Bavaria, Germany, who grew up in Douala, Cameroon, explained the democratic character of these assemblies, which is not represented yet to full extend in the associated literature in the English or German language yet. See for further reading on the Bonamanga: Jean-Pierre Félix-Eyoum, Stefanie Michels, Joachim Zeller. 2011. "Bonamanga. Eine Familiengeschichte" (French/German) *DEPO.deutschland postkolonial* 2

1884 – even before the Berlin conference – many of the different heads of the trading houses agreed to a “Treaty of protection”. Some authors argue – as the historian Stefanie Michels – that in the perspective of the Duala signatories, it was the Germans who subjected under Duala protection<sup>2</sup>. But these contracts/treaties had an impact on Duala societies, which had not been foreseen. The Germans, step by step, took over the power of legislation and ruling. Most of the Duala elites still agreed with the Germans doing the administrative work. But protests against the methods of forced labor and cutting off the civil rights started. After twenty-five years of colonial ruling in 1910 the situation in Duala city became explosive. The elected spokesperson to represent the Duala interests at that time was Rudolf Duala Manga Bell<sup>3</sup>. He had studied the German bureaucracy also from within Germany before he became the spokesman of the Duala people. During the years of German ruling in Cameroon, there were several petitions launched by diverse Duala groups against German forced labor practices and treatment of prisoners as well as workers<sup>4</sup>.

### **Colonial Conflict about racist segregation**

In 1910 the local district officer of Duala City, Hermann Röhm, worked out a plan to segregate the city along a color line. He argued: [SLIDE]

»[The segregation] finds its justification in the meaning and antagonism of the white race against the black. Therefore it has to be demanded imperiously, to avoid at least as long as possible the *danger of political and social equality we face here in Duala*«<sup>5</sup>

This quote displays the fear that too much conviviality would establish the idea of political equality within the colony. Therefore, a separation along a colour line would have to be executed. The envisaged segregation between black and white in Duala marked the visible end of Duala-German partnership.<sup>6</sup> This urban planning included the expropriation of the Duala-owned land and evictions from an area with more than 1000

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<sup>2</sup> see Michels 2013

<sup>3</sup> His Duala name was Duala Manga and the name he gave to the Germans was Rudolf Bell. He was part of the Bonamanga group from Duala, one of the most influential Duala parties at that time. (For further reading see Jean-Pierre Félix-Eyoum, Stefanie Michels, Joachim Zeller. 2011. "Bonamanga. Eine Familiengeschichte." *DEPO.deutschland postkolonial* 2)

<sup>4</sup> See Austen/Derrick 1999

<sup>5</sup> Hermann Röhm: Denkschrift über die Forderung für Erwerb von Eingeborenenland, 1910, BArch R 1001/4427, my translation

<sup>6</sup> Cf. Ralph Austen, Jonathan Derrick: Middlemen of the Cameroons Rivers; Duala historians have also described the shared history on these terms – cf. Iye Kala Lobe: Douala Manga Bell.

houses as well as the expulsion of all Duala inhabitants into areas of swamp far away from the river.

The argument was supported by an excessive scientific racism, that argued for racial hygiene. Shortly before this conflict in Duala (1910) began, anthropological research on biological determinism had produced a conjuncture of discourses on race in the German empire that reflected the colonial politics of belonging and citizenship. The historian Fatima El-Tayeb has presented and analysed this discourse in her comprehensive analysis of the German contribution to racist theory and practice during colonial times. Tied to this shift, one can recognize that during the years 1906/7, the sheer number of publications on race theories exploded.

To ensure *white* supremacy, extensive scientific research on biological differences was performed that was especially intensified after the Herero-Nama-war. The war had severely damaged the self-image of German moral and cultural superiority, and produced the craving to “prove” the alleged superiority otherwise.

Within this attempt to justify race biologically, the colonial bureaucrats of Duala city tried to find “scientific” reasons, why there must be a separation of living between Black and white. They attempted to evict more than 25.000 people<sup>7</sup> and relocate them in the swamps around the city, far away from the river, which sustained the living of the traders.

As soon as this plan became known in Duala, the political representatives protested against it. Duala Manga Bell became the elected representative and spokesman of all Duala groups. Most discussions about the strategies against the segregation were held within the Ngondo, the General Assembly of all the influential groups of Duala. The Duala representatives who launched formal protests against the colonial government, since the latter turned out to be the source of the conflict, searched for an institution that was above the colonial administration, which they saw first in the German parliament. One of the Duala’s main arguments in presenting their objections to the German parliament was a straight negation of the racial hygiene discourse. They did so by re-defining the duty of the Government to be not ›racial differentiation‹, but rather it should be the best interest of all citizens.

I have on other occasions demonstrated, how the arguments of the Duala elegantly deconstructed the racist arguments of the colonial government in detail. Today I want to

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<sup>7</sup> Ngoso Din im Interview: n. n.. 1914. "Der dualesische Gesandte. Unterredung mit dem geheimen Gesandten der Dualaneger." *Berliner Tageblatt* 180: 08.04.1914

focus on one part of the argumentation, that engages with the colonial treaty that built the legal base of the colonial relations to the Germans.

### **The Argument**

After more than 25 long years of colonial rule, the Duala revisited the original colonial treaty to further their argumentation against the segregation plans. Even though this treaty was meant to steal the power over their land and people, they used exactly the notions that should verify the exchange of power for their own argumentation. Therefore they drove on two concepts that were essential for the institutionalization of colonialism: *res nullius* and *sovereignty*.

“Sovereignty” was an abstract construct that was part of all contracts or treaties between African and European representatives to be handed over from the first to the latter. It was, according to the European jurisdiction, paradoxically also something, that could not be hold by Africans per definition. Because to be a sovereign one must rule over a nation state – what was than a recent European political construct. Therefore the very notion of sovereignty was Eurocentric *per se*.

The other important construct – “*res nullius*” – was an older concept from a European history. In Roman law it meant an ownerless object that does not belong to any citizen. It can be appropriated by the first person who finds it. This notion had been adopted for the legislation of colonialism – and was transformed into *terra nullius*. It defined land that was not subject to the sovereignty of any nation state – which could only be European, as we have seen. So *sovereignty* and *res nullius* went hand in hand.

In contrast to this tricky conceptualization, the Duala signatories of the Treaties of 1884 managed after tough negotiations to include some reservations to the aspirations of the German traders and later of the German government<sup>8</sup>. The modified treaty reads:

[SLIDE]

We have conveyed our rights of Sovereignty, the Legislation and Management of this our country to the firms mentioned under the following reservations:

3. that the land cultivated by us now and the places, the towns are built on, shall be the property of present owners and their successors (1884, printed in Rüger 1968: 259)<sup>9</sup>

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<sup>8</sup> The initial contract for protection was signed between Duala and German trading houses. The German government adopted the duties and rights of the traders soon after.

<sup>9</sup> Foto

[http://upload.wikimedia.org/wikipedia/commons/thumb/7/73/Bestaetigung\\_Schutzvertrag\\_Kamerun.jpg/428px-Bestaetigung\\_Schutzvertrag\\_Kamerun.jpg](http://upload.wikimedia.org/wikipedia/commons/thumb/7/73/Bestaetigung_Schutzvertrag_Kamerun.jpg/428px-Bestaetigung_Schutzvertrag_Kamerun.jpg) oder [http://commons.wikimedia.org/wiki/File:Bestaetigung\\_Schutzvertrag\\_Kamerun.jpg](http://commons.wikimedia.org/wiki/File:Bestaetigung_Schutzvertrag_Kamerun.jpg)

In addition to this modified treaty, which reserves the rights of the land, the Duala signatories even managed to include wishes into an additional document which reads:

[SLIDE]

»Our wishes is that white men should not go up and trade with the Bushmen, nothing to do with our markets, they must stay here in this river, and then give trust so that we will trade with our bushmen. We need no protection; we should like our country to annex with the government of any European Power. We need no alteration about our marriages, we shall marry as we are doing now. Our cultivated ground must not be taken from us, for we are not able to buy and sell as other country. [...] We are the chiefs of Cameroons«.

As we can see here, the signatories acted as dignified partners that were able to protect their rights and negotiate as equals with the Germans. To state “we need no protection” also makes the notion of protection void, which the Germans intended.

In 1913 the 3<sup>rd</sup> generation after the original signatories argued on the basis of these rights that were conceded with the Treaties. In a protest note, which the Duala launched against the segregation plan, when the Germans looked to expropriate this land, the Duala spoke of a breach of contract and considered signing a contract with another European power. Thus, they disagreed on a central aspect of the treaty that became relevant in European interpretations of it. They stated:

“according to the mentioned Treaty, the German Empire by no means gained the full and absolute sovereignty over the sphere of power of the Duala, because the latter reserved all rights on the land for themselves. An occupation in the sense of ›res nullius cedit occupanti‹ therefore does not exist”<sup>10</sup>

We can see here, two important statements: first that *res nullius* was not applicable, and second that *sovereignty* was never ceded. This very important and elegant argument included two points: By insisting on the connection of *res nullius* and *sovereignty* they on the one hand reversed the European trick of defining African political structures. While the Europeans tried to state, that no nation-state and therefore no sovereign were present on the African continent, they tried to define the land as *res* or *terra nullius*.

And secondly in the reverse reading of the Duala protest note the latter state, that because the Germans acknowledged the ownership and cultivation of the land – the sovereignty could have never been German – therefore the colonizers never owned the real power. With this elegant argumentation went a destruction of the Eurocentric notion of sovereignty from the perspective of the Duala, because they contradicted the German colonizers with their own commitment to the treaties.

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<sup>10</sup> Chiefs of Duala: “Beschwerde gegen den Enteignungsbeschluss des Kaiserlichen Bezirksamts Duala vom 15. Januar 1913” 20.02.1913, Federal Archive, BArch R 1001/4428, My translation from original German

From the European perspective the ceding of sovereignty by African leaders in the Treaties was important not in relation to the African signatory but in relation to a third party: other European powers, as the expert on International Law Jörg Fisch explained. The acknowledgement of the sovereignty over an African territory of one European sovereign by the others was important to avoid to fight wars over their colonial ambitions. This acknowledgement was called external sovereignty whereas the internal sovereignty against the people who lived there remained ambivalent. It had to be enforced by “effective occupation” (Krasner 1999), which had to be realized by authority and control. And the key between authority and control was the legitimacy of the authority in the eyes of the local representatives, as the political scientist Stephan Engelkamp noticed. The collaboration of the local authorities was central for the imposition of colonial rule. Therefore the legitimacy of the colonial authority was dependant on the approval of the local authorities. The notion of ruling or power by a contemporary of the failure of German colonial ruling, Max Weber can help us here (Weber [1922] 1976: 218ff), to understand the precariousness of the colonial power of the Germans shortly before it ended. Weber states that ruling needs its legitimacy from the allowance of the ruled in order to work effectively.

As Stefanie Michels argued convincingly<sup>11</sup>, the Duala signatories must have had little reason to suspect the offered Treaty in 1884, , because the people of the West Coast must have seen the “Treaties” in a long tradition of contracts with foreign traders. She argues, that from the perspective of the Duala it must have been the Germans that sought protection from the Duala. Therefore the Germans subjected under the authority of the Duala representatives. Authority was played out on several levels before colonialism. Duala jurisdiction - before the Germans came to colonize - addressed besides civil law and penal law also the character of certain spaces. The value of land and space was relative to its distance to the water. Exactly the control over the land next to the water was the authority that the Duala signatories of 1884 reserved for themselves. If the Germans now – in 1914 – tried to steal this land from them by eviction and dispossession – it became in the eyes of the Duala a fundamental breach of contract. To represent the Duala interests in Germany, the secretary of Duala Manga Bell, Ngoso Din, was sent to Germany in spite the German border control. He went there to find allies and to represent the Duala perspective also with a German layer. They launched

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<sup>11</sup> See Michels 2013 > ins Litlink!!!

several petitions in the German parliament in Berlin and even reached a temporal stop of the evictions.

### **The Aftermath**

The colonial Government was not expecting this kind of legal and articulated resistance. They literally feared the colonial order to break down, as one could also read within the German conservative press, reporting about this Duala resistance at length and with deep racist approach.

The colonial bureaucrat and architect of the segregation plan Herrmann Röhm sought of a violent revenge. Out of the sudden the colonial administration found a “witness” who accused Duala Manga Bell of negotiating with the British. This unproved accusation was enough to arrest Duala Manga Bell and Ngoso Din for High Treason. Even though the alleged conspiracy was never found – in contrast the Duala had reasoned since years publicly about the option of negotiating with another European party if the Germans turned out bad rulers and as they were obviously breaching the contract – the trial against the two Duala spokesmen was prepared.

When the First World War started the colonial administration used the chance to murder the two men under martial law immediately without any proper trial. Governor Karl Ebermeyer ordered their execution on August 18<sup>th</sup>, 1914, in Duala. The last words of Duala Manga Bell were: [SLIDE]

„Unschuldiges Blut hängt ihr auf. Umsonst tötet ihr mich. Aber die Folge davon wird die größte sein. Ich scheide jetzt von meinen Leuten. Aber verdammt seien die Deutschen. Gott! Ich flehe dich an, höre meinen letzten Willen, daß dieser Boden niemals mehr von Deutschen betreten werde!“ (Rüger 1968: 252)

„You are hanging innocent blood. But the implications of this will be huge. I am parting now from my people. But condemned be the Germans. God! I beg you, listen to my last will, that this soil will never be entered by Germans again!“

[SLIDE] This the funeral of Duala Manga Bell

The historian Paulette Read Anderson remembers us, that after the murder of Duala Manga Bell and Ngoso Din more than 200 Duala representatives were killed. Among

others those were: Ludwig Mpundo Akwa, Martin-Paul Samba, Mandola von Gross Batanga, A. Tokoto, M. Mulobi, John Ekwe.

Against the colonial Government's expectations, these political murders did not end the resistance of the Duala. In contrast – they took arms against the Germans and led the British troops into the Duala territory.

The protest notes were always signed by over 30 Duala authorities as:

Dibusi Akwa, Doo Elame, Ekwala Epee, Edingele Meetom, A. Tokoto, Kwedi Edeme, Seme Ekwala, Eyango Same, Njo a Nkunguru, Lotin Same, Kwa Elame, Ngonge Enyenge, Ndama Muaso, Dikonge la Ngalaloba, Ntone Esaka, Joo Ntone, Njo Ngange, Kone Bwindi, Ndumbe Toi, Duala Ngongi, Mbale Eteki, Mudio Koto, Ndemba Mudion, Kum a Mbape, Eslesa Milato, Mikan'a Mukuri, Tukuru a Ndumbe, Epee Ndumbe, Ngwamby Bweny, Mudumbu Ejange, Nonja Nsankon, Ndambwe Jipe.

This murder was the end of German colonial rule.

To end with a Duala perspective on the German colonial government I want to quote Bele Ndumbe, a nephew of Ndumbé Lobé Bell or King Bell, one of the most influential signatories of the protectorate treaty who lived in Berlin in 1890 and gave an interview to the "African Times" newspaper. Bele Ndumbe questioned the very notion that Cameroon ›belonged‹ to Germany:

[SLIDE]

»Belongs? [...] Yes, it belongs to them in a way. They have money, and guns, and an army, and therefore having the might they have the right. But do not imagine that the natives, from my uncle Bell downwards to his humblest subject, feel that the Germans are the masters. If it came to a fight between the two parties, they could, of course, kill every one of us; but they could not make us do what we did not wish to do, and they could not make us give up a single man whom we did not wish to give into their power«. <sup>12</sup>

Thank you!

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<sup>12</sup> African Times (May 1890): Interview with Alfred Bell (Bele Ndumbe). The African Times was a journal published in Great Britain. It was organized and written by African British, African American and West Africans in Britain. It perceived colonialism as a tool for Africans to modernize and industrialize their countries.