

# Addressing Lake Nyasa-Malawi Border Dispute between Tanzania and Malawi: From Independence to Present

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## ABSTRACT

This paper has addressed the on-going problem of Lake Nyasa-Malawi border dispute between Tanzania and Malawi, and analysed the issue from independence to present. This exploratory qualitative research has studied and answered three fold questions; why Tanzania haven't used violence over Lake Nyasa-Malawi border dispute, how to define and re-define borders as peacebuilding effort, and what are the possible way(s) forward to curb with the withering problem. The findings from documented analysis revealed that Tanzanian leaders use non-violence approach and defensive doctrine to resolve emerging disputes. While Malawi uses Heligoland treaty to define its border over Lake Nyasa-Malawi, Tanzania uses international law to defend its claim over the median line over the Lake. Re-defining border as peacebuilding effort is an important mechanism as borders in Africa are not our creation therefore it is important to re-define our borders to avoid threat of peace. This research suggests the following measures to curb with withering problem, no harm principle that requires states to exercise due diligence in the utilization of shared water resources to avoid significant damage to other basin states where the lake flows in the southern part, the doctrine of no man's land, and finally resolving disputes is tough and complicated but Africa must unite and do away with borders.

**Keywords:** *Border Dispute, Heligoland Treaty, Lake Nyasa-Malawi, Tanzania and Malawi*

## Introduction

Tanzania was formerly known as Tanganyika before it achieved its independence from the British colony on December 9, 1961. Few years later it was formed as a sovereign state in 1964 through the union of Mainland Tanganyika and the island of Zanzibar and officially known as United Republic of Tanzania (Adolfo, 2021). Mwalimu Nyerere then became the first President of country. Geographically, Tanzania is located in the Eastern part of Africa bordered by neighbouring countries; Rwanda, Burundi and Democratic of Congo (DRC) in the west, Kenya and Uganda in the North while Malawi, Mozambique and Zambia in the South (Bryceson, 2021). On the other hand, Malawi officially the Republic of Malawi is a landlocked country in the South-eastern Africa that was formerly known as Nyasaland before it gained its independence on July 6, 1964 from the

British colony. Dr. Kamuzu Banda was then the first elected President of the Republic of Malawi. Lake Nyasa as known in Tanzania, Lake Malawi a name known in Malawi and Lake Niassa in Mozambique is the Africa's third largest lake that lies between three countries; Tanzania, Malawi and Mozambique. The name Lake Nyasa was given by David Livingstone who discovered the Lake in 1859 (Kenneth, 2016).

## 1.1 Problem Statement

The border dispute between Tanzania and Malawi is not a new discussed problem but rather it has been an emerging case from time to time. Border disputes have become a common issue in Sub-Saharan Africa. The Tanzania-Malawi dispute is a quintessential African border dispute with its origins mired in colonial history (Oduntan, 2017). As evident by most research scholars, who have argued that border

disputes are as a result of colonial legacy such as Anyu (2007), Shah (2010), Mayall (1973) and Zotto (2013) share this perspective blaming colonialism for the emergence of border conflicts.

Tracing the root cause of Lake Nyasa-Malawi Border dispute started in 1964 when Malawi renamed the Lake from Nyasa to Lake Malawi. According to Whiteman, (1970), President Banda did change the name from Lake Nyasa to Lake Malawi in December 1964 (five months after independence) without consulting any of the leaders of the neighbouring countries that share the Lake. He did not inform President Nyerere of his intentions to change the Lake's name. President Nyerere ordered the banning of all maps in Tanzania with name 'Lake Malawi' (Kenneth, 2016). Later in early 1967, Mwalimu Nyerere the President of Tanzania decided to officially notify Malawian government that the boundary of the lake is considered to run through the middle of the Lake. The Malawi government then responded that it had received the notification and a further reply was to follow. However, later that year President Banda of Malawi publicly rejected this claim and later deployed patrol boats on the Lake (Mayall, 1973).

On the following year after the first step of communications, there was extreme tensions between Malawi and Tanzania. Direct communication between the two leaders deteriorated and they attacked each other through the media. It all began after Banda at a rally claimed parts of Tanzania as Malawi territory. He claimed that areas of Njombe, Tukuyu, Mbamba Bay, Manda Bay and Songea belonged to Malawi. He added that the people on that side of the lake should surrender the land near the lake to him. Nyerere responded through the TANU newspaper 'The Nationalist' by calling Banda an insane man. He also argued that the eastern shore was constantly mobile. Banda responded by calling Nyerere a coward and a jelly fish. He then threatened to put patrol boats on the lake. The Tanzanian government

launched a military and education program in villages surrounding the lake and also started to invest in improving social services in the area (Che-Mponda, 1972). By the end of the year, the Tanzanian government said that it was no longer going to discuss the lake border issue until Malawi had a sensible and sane leader (Kenneth, 2016).

From that time of tensions, there was no communication regarding the border dispute again. It is the time that the researcher calls it a "passive phase". A phase where there wasn't any blames, tensions, or conflict over the lake Nyasa-Malawi border conflict. According to Kenneth (2016), Banda placed gunboats on the lake from 1969 to 1970s. The boats had Boer commanders which meant that he had obtained the support of apartheid South African government. About the same time the Tanzanian government sent troops to Manda Bay to protect the Tanzanians living in the area. The issue was never raised by the two leaders or their successors not until 2011 when Malawi gave license to Sure Stream Petroleum Oil. The dispute escalated on 2011 when it was reported by Masina (2012) that Malawi's late President Bingu wa Mutharika granted British company Sure Stream Petroleum rights to explore the Lake for oil and gas. The move infuriated Tanzania, as it raised dispute case again which claims 50 percent of the lake (the median line). The government in Arusha is demanding a halt to all exploration activities until the question of ownership is resolved (Masina, 2012).

On one hand, Baye (2014), Collier and Hoeffler (1998), and Herbst (2000) have argued that the presence of natural resources (especially gas and oil) have led to the increase of border disputes as nations expect to benefit from these resources. There have been many disputes that turned into full-fledged conflicts as a result of discovery of natural resources. Some of these are Ethiopia-Eritrea over Badme (1998-2000) and Cameroon-Nigeria over Bakassi (1994-2006). There have also

been skirmishes between Kenya and Uganda over the Mgingo Island on Lake Victoria which is rich in fishing resources. On the other hand, Bannon and Collier (2003) have argued that discovery of natural resources increases the risk of conflict especially in oil resource rich low income countries. They have argued that violent secessionist movements are more likely to take place if there are valuable natural resources such as oil (Bannon and Collier, 2003: 4). Therefore, this long term persistent dispute has affected lives of the people residing in both areas of lake shore causing tensions and threat to peace in their daily lives. For stance: As Malawi argues that its economic life, culture, folklore, and sentiment as a nation are inextricably linked to the Lake. Tanzania derives considerable value from the Lake too. It supports a large number of artisanal fishermen and there are shoreline communities that have ancestral burial places that now lie under the Lake (Oduntan, 2017).

Table 1 below shows the historical summary of Lake Nyasa-Malawi border dispute between Tanzania and Malawi. Starting from when the lake was discovered by David Livingstone in 1859 to 2021 when the dispute is still ongoing.

**Table 1: Historical Summary of Lake Nyasa-Malawi Border Dispute between Tanzania and Malawi**

YEAR	HISTORICAL SUMMARY
1859	David Livingstone Discovers Lake Nyasa
1890	Heligoland Treaty
1961	Tanganyika Independence
1964	Union of Tanganyika and Zanzibar to form the United Republic of Tanzania
1964	Malawi Independence

1964	The dispute began when Malawi renamed the lake from Nyasa to lake Malawi
1964	Malawi refers to Cairo Resolution to support her claims
1967	Mwalimu Nyerere officially notified Malawi government on the border issue
1967	Malawi government rejects the claims over the lake's boundary
1968	Tensions between Tanzania and Malawi
1969-2010	Passive phase
2011	Malawi gives Lake Nyasa exploratory rights to Sure Stream Petroleum
2011	Tanzania raises the dispute case again
2012-2021	Ongoing Lake Nyasa- Malawi border dispute

### 1.2 Research Objectives

This research has studied the following threefold objectives: **first**, to explore why Tanzania haven't used violence to resolve the Lake Nyasa Tanzania and Malawi border dispute. **Second**, to examine how is it essential to define and re-define borders as peace-building effort. **Third**, to identify the possible way(s) forward to curb with the withering problem.

### 1.3 Research Questions

This study has examine the following threefold questions: **One**, why Tanzania haven't used violence to resolve the Lake Nyasa Tanzania and Malawi border

dispute? **Two**, how is it essential to define and re-define borders as peacebuilding effort? **Three**, what are the possible way(s) forward to curb with the withering problem?

#### **1.4 Significant of the Study**

This study is significant in peacebuilding and border dispute studies. This research has used the peace perspective knowledge and literature to argue that if borders are to be defined and re-defined, then most likely there will be less border disputes and threat to peace. The historical background of this study, news and report used has made this study significant as it gives the in-depth understanding of the problem.

#### **1.5 Scope/ Limitation and Delimitation of the Study**

This research is only limited to study two following things. First, the Lake Nyasa border dispute and second, Tanzania and Malawi as two countries involved in the lake border dispute. For delimitation, this study has not covered the following things. First, any other country expect Tanzania and Malawi and second, any other lake border dispute.

### **Literature Review**

#### **2.1 Tanzania- Malawi Lake Nyasa Border Dispute**

In this section the researcher has reviewed the literature based on Tanzania- Malawi Lake Nyasa border dispute. In the first account, Anyu (2007) argues that most of interstate conflicts in Africa are the result of boundaries drawn by colonial powers during the scramble for Africa in the 1880s. He also agrees with Shah (2010) that the impacts of colonialism, specifically the creation of Africa's state borders, have created prolonged border disputes. More so, Zotto (2013) claims that documents regarding the Tanzania- Malawi dispute have shown disparities between the Heligoland Treaty by the Germans in 1890 which established the boundary between the current Tanzania and Malawi, and what was actually drawn on contemporaneous maps. These

discrepancies were never looked at during the rest of the colonial period and hence led to the post- independence border dispute. This dispute has not been solved since the 1960s because of the failure of the colonial governments to solve the discrepancies (Zotto, 2013: 38).

On one hand, based on colonial accord the "Heligoland Treaty of 1890", Malawi claims ownership on the whole or entire lake expect for the portion controlled by Mozambique (Phatladira, 2017). In addition to this claim, Malawi also claims that its position is also backed by the 1964 Cairo Resolution to freeze African territories along the borders inherited at independence from colonial powers to cement African unity (Oduntan, 2017). On the other hand, Tanzania disagrees with Malawian claims and argues that the border runs down the middle of the waters basing her arguments on international law (Kenneth, 2016). Tanzania relies on the tradition within international law that a median position on the lake is the boundary giving both states large parts of the lake. Examples of these include Lake Geneva's median line between France and Switzerland, the Great Lakes shared between Canada and the US and Lake Chad on the borders of Chad, Cameroon, Niger and Nigeria (Oduntan, 2017). Ms Kasiga the spokesperson in the Ministry of Foreign Affairs from Tanzania said apart from Lake Nyasa, Tanzania has two other great Lakes that passes through other countries. Lake Tanganyika which is bordered with Democratic Republic of Congo (DRC) and the border is the median line but also Lake Victoria which is bordered by Uganda and Kenya which also the border is the median line, therefore the same international law applies for Lake Nyasa (Kasiga, 2017). Kenneth argues that border disputes in Africa have often led to extreme conflicts because governments are unwilling to make concessions on questions of territorial integrity (Kenneth, 2016). Meanwhile Ms Mindi Kasiga the spokesperson in the Ministry of Foreign Affairs from Tanzania opines and said the issue of border dispute is addressed

while the government takes measures on how to resolve the present dispute. During her speech Ms Mindi refers to the dispute that was there between Malawi and Mozambique over the same lake border and she said it was resolved therefore it shall be in Tanzania (Kasiga, 2017).

## **2.2 Definition of Terms**

In this section, the researcher has explained the concepts used for this research so as to give a clear meaning to the audience.

### **2.2.1 Border Dispute**

For the purpose of this research a “border dispute” refers to a disagreement between two or more states due to their claim of a part of or a whole territory that is based in at least one of these states (Kornprobst, 2002: 370). Such disputes have been caused by the presence of natural resources (such as minerals, water sources, gas and oil). If they are not resolved, they may easily turn to full-fledged conflict, war and violence (Kenneth, 2016). In this research the examined border dispute is between Tanzania and Malawi over Lake Nyasa.

### **2.2.2 Tanzania**

Tanzania is located in the Eastern part of Africa bordered by neighbouring countries; Rwanda, Burundi and Democratic of Congo (DRC) in the west, Kenya and Uganda in the North while Malawi, Mozambique and Zambia in the South (Bryceson, 2021). For this study, Tanzania is among the two studied countries and the central theme of the study as it is involved in the lake border dispute.

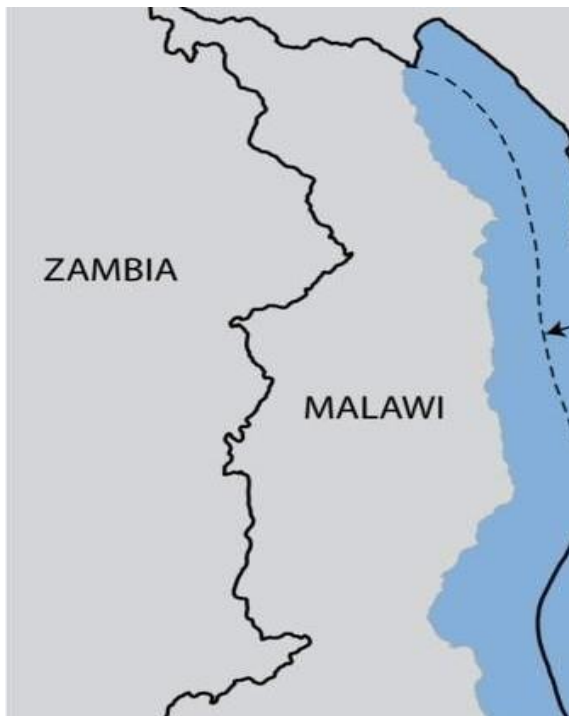
### **2.2.3 Malawi**

Malawi is a landlocked country in the South-eastern Africa that borders three countries Tanzania, Zambia and Mozambique respectively. For this study, Malawi is among the two studied countries and the central theme of the study as it is involved in the lake border dispute.

## **Methodology**

Research methodology is essential to any research study. According to Loru (2020), research methodology is a systematic theoretical analysis of the methods applied to any field of the study. This is exploratory qualitative type of research. Exploratory research addresses the why and how questions. It explores the study in-depth either by the use of primary or secondary data. This study has addressed the why and how question and has used secondary method to answer the research questions. Qualitative research involves collecting data from either text (written) or speech (oral) and analyse the findings through the use of words. The study has used a case study design. This is because the researcher has only studied one problem which is Lake Nyasa border dispute between two countries which are Tanzania and Malawi. This study has used secondary source of data. The secondary data is referred to as second hand data. Data that has been reported or documented. Therefore, this study has used document analysis. In reference to secondary source of data used for this study are published articles, news and reports. For the findings, data has been analysed manually based on research question themes: non-violence, define and re-define borders and suggestions respectively.

### **Figure 1: Lake Nyasa-Malawi Border Dispute between Tanzania and Malawi**



Source: By Afrika News, May 18, 2017

### Findings

This study has used document analysis such as reports, published articles and news to answer the following threefold research questions that guide this whole study.

#### 4.1 Why Tanzania haven't used violence over Lake Nyasa-Malawi Border Dispute

The term peace is mostly used to largely mean the "absence of violence." According to Johan Galtung, he describes three dimensions of violence which are interdependent namely direct, structural and cultural violence. While stating these three dimensions of violence, Galtung rejects the narrow view of violence as the intentional harm done by an actor to someone else. Rather, he notes that violence is present when human beings are being influenced so that their actual somatic and mental realisations are below their potential realisations. Therefore, violence is defined as the cause of the difference between the potential and the actual development. Based on these dimensions of violence, the idea of peace is expanded to include negative *and* positive aspects of peace. Negative peace is defined as the absence of personal violence, while

positive peace is defined as the absence of structural violence (Galtung, 1969). From Galtung's theory of violence and peace, there is absence of all three dimensions of violence in Tanzania over Lake Nyasa-Malawi border and this is because of the following reasons;

First, Tanzania uses defensive doctrine in matters concerning disputes such as the Lake Nyasa-Malawi border dispute. This doctrine doesn't use violence as the means to resolve the problem instead allows the military department to protect its land and people by non-violent means as its first option. In case the enemy decides to attack and use violent over resolving the problem that's when Tanzania uses offensive doctrine such as in 1970's on "Kagera war" which was the war fought between Uganda under President Idd Amin dada and Tanzania under President Julius Nyerere from October 1978 until June 1979. The main reason for the cause of Kagera war was border conflict Idi Amin claimed that some parts of Kagera region were not supposed to be in Tanzania but in Uganda. The invasion of Uganda troops with full weapons in Tanzania in the region of Kagera caused humiliation, death and destruction to Tanzanians. The government of Tanzania was informed and President Julius Nyerere sent a message first to the invaders to stop entering into Tanzania territories, but with countless times his message was ignored. On November, 2, 1978 Mwalimu Nyerere said among his memorable quotes to date, I quote "*Uwezo wa kumpiga (Idi Amin) tunao, sababu ya kumpiga tunayo na nia ya kumpiga tunayo*" meaning "we have the power to conquer Idi Amin, the reason and the purpose" therefore it is in such incidents and with last option that Tanzania uses offensive doctrine to overcome the problem as such as it was in Kagera war (Abdallah, 2021).

Second, Tanzanian leaders prefer to use non-violent approach as a means to resolve presence of conflicts or disputes present in the country. In this case of Lake Nyasa-Malawi border dispute it is

often repeated by the Tanzanian leaders that despite the fact that this dispute have been an ongoing problem but peaceful means is the best method to overcome the problem. For example in 2017 Ms Mindi Kasiga the spokesperson in the Ministry of Foreign Affairs from Tanzania said there is no need to go into conflict and using violence to resolve this dispute. Ms Kasiga said Malawi is our neighbour and we must have and maintain good friendly relations with our neighbours despite the dispute (Kasiga, 2017).

Third, Tanzania peaceful means to resolve Lake Nyasa Border Dispute the title on Tanzania Daily News July 20, 2014 reported the fourth President of Tanzania Jakaya Kikwete has maintained that Tanzania will not engage in any war with Malawi as a means to resolve Lake Nyasa boundary dispute. "It is possible to get a solution over the issue of boundary on the Lake without engaging in wars. Tanzania does not see the need of war," he said stressing that it is possible to clear off the disputes through sensitive mediations between the two (Malawi and Tanzania) and any other boundaries. Last example Abraham Kinana (2013), a Tanzanian Politician said people who live at the Lake shore have relatives at the other side of the Lake and therefore we are brothers and sisters, how can we fight in such matter. Kinana said if we can avoid violence and conflict then it is better to live in peace. He concluded and said there will be no conflict despite presence of the dispute between Tanzania and Malawi (Kinana, 2013).

This principle of non-violence approach was used by Mwalimu Nyerere the first President of Tanzania whose legacies are still followed by other preceding leaders in Tanzania. Mwalimu Nyerere adopted the use of this theory from Mahatma Gandhi the father of Indian nation who is famously known from his philosophy. Gandhi didn't only influence Mwalimu Nyerere but also Nelson Mandela on his philosophy of non- violence. Gandhi believed non-violence is the weapon for the strong, needs an individual to be courageous to use this form of approach

to achieve their end goal for example resolving conflicts or disputes, fight against colonialist. But also Gandhi objects to violence because "the evil it does is permanent, the good is temporary". Meanwhile in the opposing side Frantz Fanon argues for the necessity of violence, and asserts that violence can be the used an approach and means to peace. Fanon argues this in regard to colonialism.

#### **4.2 Defining and Re- defining Borders as Peace-building Effort**

Before colonialism African countries had no borders, Tanzania by then known as Tanganyika didn't have borders until the colonial period arrived. First where the Germans who ruled during the first world war and later the British who took over after the end of world war one until Tanganyika achieved its independence. Therefore, the societies defined themselves as Tanganyika as people were loyal to their chiefs, but culture, traditions and kind of activities are what defined one society over the other. For example pastoralists society, agriculturalists society and mixed society.

In the book of "*SIAM MAPPED: A HISTORY OF THE GEO-BODY OF A NATION*" Thongchai Winichakul wrote that borders were the idea of Europeans and it was during colonial period that Europeans emphasized on boundaries. The rulers who were the Kings didn't know where the borders are as it wasn't a major criteria to define a nation. Thongchai demonstrates that in late 19<sup>th</sup>C kingdoms like Thailand was intensive and without clear defined boundaries. He added and said by then the South-East Asian countries used the term "Mandala" a borrowed word from India to describe their kingdoms. But this system clashed when Europeans came in the period of colonialism, they emphasized for borders. For instance when the British approached Siam and requested for cooperation in demarcating the border; Siam however thought there is no need to do so and told the British "just talk to the villagers in the area they

will know where the boundaries should be” (Thongchai, 1997).

On the other hand, Benedict Anderson on his book of “Imagined communities”, among the features of defining a nation is a boundary. Anderson defines the nation as, “an imagined political community – and imagined as both inherently limited and sovereign...It is imagined because the members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion” (Anderson, 1983, p.6). “The nation is imagined as limited because even the largest of them, encompassing perhaps a billion living human beings, has finite, if elastic, boundaries, beyond which lie other nations. No nation imagines itself coterminous with mankind...It is imagined as sovereign because the concept was born in an age in which the Enlightenment and Revolution were destroying the legitimacy of the divinely-ordained, hierarchical dynastic realm...Finally, it is imagined as a community because, regardless of the actual inequality and exploitation that may occur in each, the nation is always conceived as a deep horizontal comradeship” (Anderson, 1983, p.7). On his second edition Anderson incorporates Thongchai idea of mapping and he argues that in Asia and Africa the administrative and educated came to identify themselves as a colonial national and part of solidarity of models of nation. He also emphasizes the importance of the colonial context on the role of mapping and museum to provide the concept of what he calls the grammar of nationalism and imaginings of dominion (Anderson, 1991).

On the recent news, The President of Kenya, Uhuru Kenyatta calls for “Africa must unite and do away with borders”. To elucidate this phrase, while addressing the business forum in South Africa Uhuru Kenyatta claims that “the issue of borders that create conflicts and disputes among African countries are not their creation instead they are creations

from people outside African continent-the colonizers”. Therefore Kenyatta concluded and said in order to develop African continent and reduce disputes Africa must do away with borders which will re-define the concept of borders from what is present. (Kenyatta, 2021). Referring to the same concept of borders in the work of Ohmae (1990) “Borderless world” scholars instantly criticized the thesis because Ohmae mentions borderless world countless times but never theorizes in his book. He said borders seem to be rigid territorial lines and therefore claims about “Open borders” and especially “No borders” which primarily seemed too general and impossible.

In the work of Africa’s international borders as potential sources of conflict and future threats to peace and security, Francis Ikome (2012) argues that after African states obtained their independence, the artificial and poorly demarcated borders of many countries were considered the most potent source of conflict and political instability. This resulted in heated debates on whether to revise or maintain the colonial borders. The argument split the academic community and policy-makers into two camps, the revisionists and the anti-revisionists.

The revisionists argue for the urgent reconstitution of Africa’s inherited borders and state system to rid states of their sociological incongruity, make them more economically viable and help to resolve the multiple crises of legitimacy, identity, development and integration. As far as they are concerned, the post-colonial African state as a mode of organisation of African societies and communities will always be alien and will continue hopelessly to aspire to acquisition of the attributes of the classic Westphalia state system. The revisionists argue further that because the postcolonial state was preceded by the truncation of the natural evolution of political institutions in pre-colonial Africa, it has continued to express itself in forms that are in great tension with the



well-established and entrenched sociological realities on the ground. They conclude that the problematic nature of the structure of many African states, including their boundaries, institutions and governance, is most clearly reflected in the numerous inter and intra-state conflicts. The only solution, they argue, is to review Africa's colonial borders, as well as the state system this has produced (Ikome, 2012).

On the other hand, the anti-revisionists argue strongly for the maintenance of the status quo, claiming that borders the world over are artificial and that the case for African exceptionalism is therefore weak. Second is that while African boundaries could indeed be arbitrary, they have actually had fewer deleterious consequences, have presented more opportunities for African peoples and have, in some cases, been a greater asset for state consolidation than the border revisionists have been willing to concede. More crucially they argue that while it is true that Africa has suffered from its partitioned nature, the cost of any attempt to adjust the boundaries will far exceed what they see as the mere hypothetical benefits of doing so. Understandably, at the time countries were gaining their independence, the 'anti-revisionist' thesis was more appealing to both the departing colonialists and the emergent African leadership. This is reflected in the incorporation of the principle of the inviolability of national boundaries in the Charter of the OAU of 1963. Among its core principles were the protection of sovereignty, territorial integrity and the inalienable right to the independent (Ikome, 2012).

Paasi argues understanding borders is inherently an issue of understanding how states function and thus: "how borders can be exploited to both mobilize and fix territory, security, identities, emotions and memories, and various forms of national socialization" (Paasi, 2018). Like many other social science concepts, the notion of boundary or border has historically shifted in definition.

However, it generally conveys a sense of imaginary or real lines that divide two pieces of land from one another. When these lines run between two national states, they are described as international boundaries and are usually defined from point to point in treaties, arbitration awards or the reports of boundary commissions. Meanwhile from a legal perspective, international boundaries are the sharp edge of the territories within which states exercise their jurisdictions the lines that mark the legal termination of the territory of one state or political unit and the start of another (Ikome, 2012).

Another defining characteristic of boundaries has been the changing nature of the functions they have performed throughout history, which has been a useful tool to illuminate the nature and pattern of interactions of different domestic and international systems. In the modern state, well-defined borders are not only a key element of the definition of statehood, but their consolidation has been identified as one of three major factors essential for building stable states and societies, the others being the forming of state institutions and the creation of a national consciousness.

Legitimate governmental objectives cannot be clarified or implemented unless the territory where such authority is to be exercised can be defined and understood. It is clear that all states are concerned with borders in their desire to extend their authority and functions of government over a specific territory. While unconsolidated borders, combined with ineffective political institutions and incomplete nationalist projects, have been recipes for instability and conflict, the establishment of more or less stable borders has been identified as a precondition for the building of stable governments and states. The primacy of well-defined and stable borders for state survival and inter-state relations is well set out in SE Finer's admonition: "Tell a man today to go and build a state and he will try to establish a definite and

defensible territorial boundary and compel those who live inside it to obey him.”

The centrality of borders is further underscored by Max Weber’s popular dictum that for a state to be a true state it must claim “the monopoly of legitimate use of physical force within a territory”. It is noteworthy that no state can claim monopoly over any territory that it is not able to define and defend properly. With regard specifically to the African state, the importance of boundaries is not in question. However, as Ikome claims the borders of African states have had a consistently poor reputation. Like the African state itself, African boundaries have been described variously as “arbitrary” and “artificial” colonial constructs, imposed on unwilling and unparticipating African peoples who have either suffered dearly from their impact, or simply ignored them. Arguably, one of the key challenges of African boundaries has been their arbitrary colonial origin, alongside the fact that, despite their formal recognition and reification by African governing elites, they have remained porous, undefended and even un-defendable.

Therefore, to summarize after considering the pre-colonial era where the idea of borders didn’t exist in South-east Asian kingdoms as claimed in the book of Thongchai which same applies to African countries before colonialism. The concept of border came into existence during colonial period where the colonialist demanded for borders and to date among the features that define a nation is a border as stated in the book of *Imagined Communities* by Anderson. In this modern era scholars around the world reconsider how borders should be re-defined after considering them for decades as stable lines that separate and limit states, therefore I argue that the historical approach explaining the concept of borders across history applies an old framework. But it should be noted that, the creation of these borders in Africa context are western approach mostly influenced by European

countries. Henceforth there is a need to re-think a new approach that re-defines the concept of border its nature, elements and it’s dynamic.

### **4.3 Possible way(s) forward to curb with the withering problem**

Border disputes have been a reality on the African continent after post-independence to curb with the withering problem. First, the researcher suggests that the idea of “African solutions to African problems”. The researcher suggests that the Lake Nyasa-Malawi border dispute can be resolved within the African region even though the nature of these borders are not our creations but once Prof Mussa Assad said and I quote “you can’t use the same people to solve the problems they created”.

Second, where natural resources occur in border areas such oil/gas in the Lake Nyasa- Malawi border dispute which led to rise of this ongoing dispute. Governments should consider the option of their joint exploitation by border peoples, with the dividends being shared.

Third, governments and regional organisations should identify and monitor potential sources of tensions among border peoples and intervene timeously in an effort to resolve them before they engulf national governments. This would require the setting up of border based early warning systems linked to the regional early warning mechanisms of the regional organizations.

Fourth, the researcher suggests that for “no-harm” principle that requires states in this case Tanzania and Malawi to exercise due diligence in the utilization of shared water resources that flow within their territory in order to avoid significant damage to other basin states in this case Mozambique where the Lake flows in the southern part.

Fifth, the rule of no man’s land can also be applicable in this study. The researcher suggests that just as India and Nepal have reached an agreement to

resolve differences on reconstructing damaged pillars along the mutual border and clearing the encroachment on the “No Man’s Land. This rule can also be applicable in the Lake Nyasa-Malawi border dispute between Tanzania and Malawi as it will benefit the fishers in both sides.

Finally, resolving disputes is tough and complicated but Africa must unite and do away with borders. Despite the fact that African Union (AU) does exist but there is less effort done by the region in resolving these border disputes.

### **Conclusion**

This research concludes that the problem of Lake Nyasa-Malawi border dispute is primarily driven by historical approach of colonialism. Where borders in Africa are the results of colonial period. Borders in Africa continent were not created by Africans but during the Berlin conference which paved the way to colonialism in Africa. It’s therefore as claimed by Malawi that Lake Nyasa- Malawi doesn’t pass through Tanzania instead according to the Heligoland treaty of 1890 the Lake does fully pass in Malawi and in the southern part borders Mozambique. On the contrary, this research also concludes that Tanzania has the right to access the Lake according to international law that states that a median position on the lake is the boundary giving both states large parts of the lake. Examples are Lake Victoria and Tanganyika these are other two great lakes found in Tanzania which borders other neighbouring countries but the border is considered to be median line.

This research also concludes that natural resource (oil/gas) has been the source of the ongoing dispute between Tanzania and Malawi. The two neighbouring countries have been arguing on concerning the border line of the Lake Nyasa-Malawi since both countries achieved their independence in the 1960’s. But later in the years the dispute became passive until 2012 when Malawi issued license to sure stream petroleum. But also it should be noted that, despite

the ongoing dispute between the two countries the uniqueness of this study was to examine why Tanzania doesn’t use violence on overcoming the problem. Therefore, this study concludes that Tanzania as regarded the safe heaven because of its maintenance of peace. The country has been using non- violence approach in resolving the dispute and this is among Mwalimu Nyerere’s philosophy that other leaders do implement to present in maintaining peace and security of the country.

This research also concludes that despite the fact that the historical concept of border is still relevant but its legal and juridical definition currently does not provide a comprehensive framework. The concept of border has a direct relationship with human history, and its uses echo the build-up of civilizations. More so, the concept of border has evolved throughout history with respect to trends attached to each period. Nevertheless, the current structure of international relationships relies on a legal and juridical system defined in another historical context. Borders have been evolving through a dynamic process across history, but international laws currently define them as a static element. Therefore, this research concludes that there is a need to re-define the concept of border its nature, elements and it’s dynamic.

### **References**

1. Anyu, N. (2007). “International Court of Justice and Border-Conflict Resolution in Africa: The Bakassi Peninsular Conflict.” in *Mediterranean Quarterly* Volume 18 (3).
2. Anderson, B. (1991). *Imagined Communities: Reflections on the origin and spread of nationalism*. Routledge Publishers.
3. Alexander, R. (1999). Science, History and the Kasikili Island Dispute. *South African Journal of Science*. Vol. 95 (8).
4. Bannon, I. and Collier, P. (2003). “Natural Resources and Conflict: What We Can Do”. In *Natural Resources and Violent Conflict*. Washington D.C.: World Bank.

5. Baye, F. (2014). Implications of the Bakassi Conflict Resolution for Cameroon. Cameroon: University of Yaounde.
6. Che-Mponda, A. (1972). The Malawi-Tanzania border and territorial dispute, 1968: A case study of boundary and territorial imperatives in the new Africa. PhD Thesis, Howard University
7. Collier, P. and Hoeffler, A. (1998). On economic causes of civil war. *Oxford Economic Papers*, 50, pp. 563–573.
8. Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3): 167-191.
9. Herbst, J. (2000). Economic incentives, natural resources and conflict in Africa. *Journal of African Economies*, Vol. 9(3).
10. Issaka, M. and Ngandu, K. (2008). Lessons from Bakassi and the Greentree Agreement. In *Pacific Settlements of Border Disputes*. New York: International Peace Institute.
11. Ikome, F. N. (2012). Africa's international borders as potential sources of conflict and future threats to peace and security. *Institute for Security Studies Papers, 2012(233)*, 16.
12. Kornpobst, M. (2002). The Management of Border Disputes in African Regional SubSystems: Comparing West Africa and the Horn of Africa. In *Journal of African Modern Studies*. Cambridge: Cambridge University Press
13. Kenneth, A. N. (2016). *Mediating the Lake Nyasa border dispute between Tanzania and Malawi* (Doctoral dissertation).
14. Kolossov, V., & Scott, J. (2013). Selected conceptual issues in border studies. *Belgeo. Revue belge de géographie*, 1, 2-16.
15. Masina, L. (2012). Malawi, Tanzania Lock Horns Over Lake. Accessed on August 10, 2012
16. Mayall, J. (1973). 'The Malawi-Tanzania boundary dispute', *Journal of Modern African Studies*, Vol. 11 (4)
17. Maundi, M., Khadiagala, G., Nuamah, K., and Zartman, I. (2008). *Getting In: Mediators Entry into the Settlements of African Conflicts*. Washington D.C.: United States Institute of Peace Press.
18. Max Weber, Politics as a vocation, in HH Gerth and C Wright Mills (eds), *From Max Weber: essays in sociology*, New York: Oxford University Press, 1958, 78
19. Oduntan, G. (2017). Why Malawi and Tanzania should stick to Mediation to Lake Boundary Dispute. Accessed July 4, 2017
20. Ohmae, K. (1990). The borderless world. *McKinsey Quarterly*, (3), 3-19.
21. Paasi, A. (2018). Borderless worlds and beyond: challenging the state-centric cartographies. In *Borderless Worlds for Whom?* Routledge Publishers. (pp. 21-36).
22. SE Finer, (1974). State building, state boundaries, and border control, *Social Science Information* 13 (4/5) (1974), 79
23. Winichakul, T. (1997). *Siam Mapped: A History of the Geo-body of a Nation*. University of Hawaii Press.
24. Zotto, J. (2013). Colonial Cartography and the Mandate System: Implications for the Tanzania- Malawi Border Dispute. In *Africa Peace and Conflict Journal*. Vol. 6 (3). Addis Ababa: University for Peace