

APPLYING DIPLOMATIC, INFORMATION, MILITARY AND ECONOMIC  
INSTRUMENTS OF NATIONAL POWER TO FINDING A SOLUTION  
TO THE TANZANIA- MALAWI BORDER DISPUTE

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General Studies

by

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## ABSTRACT

APPLYING DIPLOMATIC, INFORMATION, MILITARY AND ECONOMIC INSTRUMENTS OF NATIONAL POWER TO FINDING A SOLUTION TO THE TANZANIA-MALAWI BORDER DISPUTE, by Agnes Barnabas Majani, 89 pages

This thesis focuses on the border dispute between Malawi and Tanzania that has been for decades without resolution. The border dispute between these two countries is traced from 1890 during the colonial era and concerns Lake Nyasa. Both countries share the Lake, and each claims its ownership. Tanzania is claiming that the correct boundary runs down the middle of the Lake whereas Malawi is claiming the whole part of the Lake to the peripheral. This study uses qualitative research methodology using Cameroon-Nigeria and Guinea Bissau- Senegal as comparable cases to examine as examples to what might be the best solution to the border dispute between Malawi and Tanzania. It seeks a solution using the instruments of national power Diplomacy, Information, Military and Economic.

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## ACRONYMS

AU	African Union
AUBP	African Union Border Programme
BBC	British Broadcasting Corporation
DIME	Diplomacy, Information, Military and Economy
DRC	Democratic Republic of Congo
EALA	East African Legislative Assembly
ECOWAS	Economic Community of West African States
ECPF	ECOWAS Conflict Prevention Framework
EEZ	Exclusive Economic Zone
ICJ	International Court of Justice
MOU	Memorandum of Understanding
OSBP	One Stop Border Post
PCA	Permanent Court of Arbitration
SADC	Southern African Development Community
SG	Staff Group
STR	Simplified Trade Regime
TPA	Tanzania Ports Authority
WW 1	World War 1
UK	United Kingdom
USA	United States of America
UNCLOS	United Nations Convention on the Law of the Sea
UNSC	United Nations Security Council
VOA	Voice of America



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## CHAPTER 1

### INTRODUCTION

#### Background

Border disputes, both maritime and land, have been a great challenge to many countries in the world. Disputes and conflicts have been experienced at large in Africa, Central and Latin America, and the Middle East. For example, the dispute between Israel and Palestine has been contested for decades, yet no solution has been reached despite previous peaceful agreements that have been made. Most of the disputes are associated with colonial era effects. Others have emerged as a result of resources that are currently being discovered such as oil, gas and minerals. In Latin America for example, territorial disputes were experienced such as those between El Salvador and Honduras in 1969, Argentina and the United Kingdom in 1982, Ecuador and Peru in 1995, Argentina and Chile in 1978, Bolivia and Peru in 1970, Colombia and Venezuela in 1987 (Dominguez et al. 2003). In Asia the current maritime border disputes are in the East and South China sea and involve competition over resources found under the sea such as natural gas fields between countries of Japan, Philippines, Vietnam and China.

In Africa such disputes are rampant with some being resolved and others not. The states with disputes or conflicts have had their diplomatic relationship and security cooperation affected to the extent that some of the countries like Kenya and Rwanda recently called back their ambassadors due to border disagreement issues. The border disputes in some of the African countries which are inactive include; Mali and Burkina Faso since 1963, Ghana and Burkina Faso since 1964, Equatorial Guinea and Gabon since 1972, Malawi and Tanzania since 1967 and Ethiopia and Eritrea since 1952. The

experiences indicate that current border disputes tend to be ignited as a result of economic issues such as the discovery of natural resources. Though these disputes seem to be currently inactive, they are likely to erupt any time new resources are discovered. In the same vein, the dispute between Malawi and Tanzania had been inactive for decades and an adequate effort was not put into resolving the dispute until oil prospects emerged. In that aspect this study seeks to explore what would be the best solution to the border dispute between Malawi and Tanzania by looking at the national instruments of power in solving this issue.



Figure 1. Tanzania with Neighboring Countries

*Source:* CIA 2019.

Tanzania is a sovereign state bordered by the Republic of Kenya and Uganda to the north, Rwanda and Burundi to the northwest, the Democratic Republic of Congo (DRC) to the west, the Republic of Zambia to the southwest, the Republic of Malawi and the Republic of Mozambique to the south. It also shares the waters of the Indian Ocean with the Republic of Seychelles to the east and the Republic of Comoros to the southeast. As for the bordering neighbors, Tanzania does have embassies in all bordering countries, namely, Nairobi (Kenya), Kampala (Uganda), Kigali (Rwanda), Bujumbura (Burundi), Kinshasa (DRC), Lusaka (Zambia), Lilongwe (Malawi), and Maputo (Mozambique). As of today, Tanzania is having good diplomatic relations with all these countries, though there still exists a border dispute between Malawi and Tanzania (Republic of Tanzania 2018).

The disputed border is in the Lake Nyasa. The borders on this lake are shared among the three countries of Malawi, Mozambique and Tanzania. Each country calls the same lake different names such as lake Nyasa in Tanzania which was the name used since the colonial period. Malawi calls it lake Malawi and Mozambique calls it lake Niassa. Malawi and Mozambique also had a dispute over this lake but in 1954, Britain and Portugal signed an agreement making the middle of the lake the boundary with the exception of Chizumulu and Likoma islands. These islands were kept by Britain because they were used for religious missionary activities yet they still belong to Malawi (Mayall 1973). Moreover, a study by Tiyanjana Maluwa on “Oil Under Troubled Waters,” points out that there were prior conversations between Portugal and Britain around June 27, 1951, and then later Portugal sent a delegation to express its offer concerning the border between the two countries. Britain considered this proposal and the

border of Mozambique and Nyasaland in Lake Nyasa was recognized as running along the Median Line of its waters (Maluwa 2016). To stress his point Maluwa asserts that “the ascription of authority over the islands to the United Kingdom was quid pro quo for British cooperation with the Portuguese over projects affecting the Shire and Zambezi rivers, both of which flowed from the former’s colonial territories into the latter’s. Likoma Island, which was used as a mission station by Britain’s Universities’ Mission to Central Africa, and the nearby islet of Chizumulu, were thus incorporated into the Nyasaland protectorate. Under Article 1(2) of the Agreement of 1954, the United Kingdom retained sovereignty over these islands with full, unrestricted and unconditional rights of access and sovereignty over a belt of water two sea miles wide surrounding each of the islands. To this day, the islands have remained uncontested part of Malawian exclaves: Malawian territory surrounded by Mozambican waters” (Maluwa 2016, 364).

The history of the border between Tanzania and Malawi can be traced back to the 19th century during the colonial period. The border was first demarcated by Great Britain and German through the Heligoland Treaty of 1890. The Anglo-German Treaty of July 1, 1890 stated:

to the south by the line that starts on the coast of the northern border of Mozambique Province and follows the course of the Rovuma River to the point where the Messinge flows into the Rovuma. From here the line runs westward on the parallel of latitude to the shore of Lake Nyasa. Turning north, it continues along the eastern, northern, and western shores of the lake until it reaches the northern bank of the mouth of the Songwe River. (Wilhelmine 1890, 2)

That demarcation gave the whole of the Lake as part of the then Nyasaland which is Malawi today. Tanganyika by then did not have a problem with that demarcation. At that time Tanganyika, the predecessor of Tanzania was a German colony; and Nyasaland, the predecessor of Malawi was a colony of Great Britain. Figure 1 below shows the

demarcation as of 1892 where the boundary of the disputed lake was in the peripheral as indicated in amber color and was not in the middle. However, the map shows other countries such as the Portuguese colony of Mozambique demarcated in pink and British colony in gray. The demarcation shows that the boundary for Nyasaland was on the east of the lake which does not concur with the statement as in the Treaty of 1890. It shows the lake as isolated from both countries hence brought misunderstanding between the disputing parties due to an unclear demarcation.



Figure 2. The Map of Germany - East Africa in 1892

*Source:* Rochus 1892, 1.

The League of Nations gave Great Britain a mandate over Tanganyika, which later led to changes in the demarcation after the end of the First World War (WW I), where the League of Nations gave Great Britain the former German colony of Tanganyika and it became under the League of Nations Mandate System in 1922. The controversy of exact boundaries seemed to exist even from early times after the signing of the Treaty of 1890 as it confused both parties. Browne, affirms that; the status of the lakeshore boundary had not always been clear to the Nyasaland Government even though it had been clearly agreed in the Anglo-German Treaty of 1890. The British Central African Order in Council of 1902, established the perimeters of the Protectorate as the territories of Africa situated to the west and south of Lake Nyasa, and bounded by Northeastern Rhodesia, German East Africa, and the Portuguese territories. The Nyasaland Order in Council, 1907, maintained the same territorial limits except for substituting the name Nyasaland Protectorate for British Central Africa (Browne 1972).

If boundaries were interpreted by this explanation as was stated, Nyasaland seems to consist only of the land area found to the east and west of the Lake itself. In 1933, an official Nyasaland Government handbook gave the description for the boundaries of the North Nyasa district as on the north by the Songwe River and Tanganyika Territory downstream, from the line of water parting between the watersheds of Lake Nyasa and the Zambezi River (which forms the boundary between Nyasaland and Rhodesia) to its mouth and Lake Nyasa; hence by a straight line due east to a point midway between the western and eastern shores of Lake Nyasa. It was said that “the description reflects the official opinion of the Nyasaland administration regarding the median line of Lake Nyasa as the boundary separating the two countries. This practice was followed from 1922 to



1938 with few exceptions, on all government maps produced of Nyasaland. From 1946 onwards, the Nyasaland Government once again returned to using the eastern shore of Lake Nyasa as the boundary between the two countries. This was also true between 1953 and 1963, while Nyasaland was part of the Federation” (Browne 1972, 56-57).

Tiyanjana Maluwa, in his study “Oil Under Troubled Waters?” also provided some legal aspects of the boundary dispute between Malawi and Tanzania over Lake Malawi (Nyasa) as he asserts; “it was evident that certain public acts by both the British and German governments in the post-1890 period points to an acceptance by both sides that the boundary between Nyasaland and Tanganyika was formed by the median line and not the eastern shore as stipulated in the 1890 Agreement” (Maluwa 2016, 364).

Table 1. Summary of Events from Colonial to Independence Time

Event/Country	MALAWI	TANZANIA
Boundary	Whole Lake	Median Line of the Lake
Authority	Anglo-German Treaty of 1890	Britain
By Whom	Britain	Britain
Date/Period	1 July 1890	1919-1961
Independence	1964	1961

*Source:* Created by author.

Tanganyika became independent in 1961 and took over the country from Britain with the inherited map that indicated the lake border as the median. Malawi became

independent in 1964 and immediately claimed that the whole lake and some parts of Tanganyika such as Mbeya and Songwe regions belonged to Malawi. The two countries tried to resolve the dispute controversy in 1967 and it failed due to Malawian president disagreement over the issue

Figure 3 below indicates the two boundaries claimed by each country. The boundary claimed by Malawi is the one of Anglo-German treaty of 1890 which gave whole part of the Lake to Malawi though other maps continued to show that the boundary was in the middle of the lake Nyasa. The boundary that Tanzania claims is the median line which was inherited from Britain in 1961 when Tanganyika became independent.

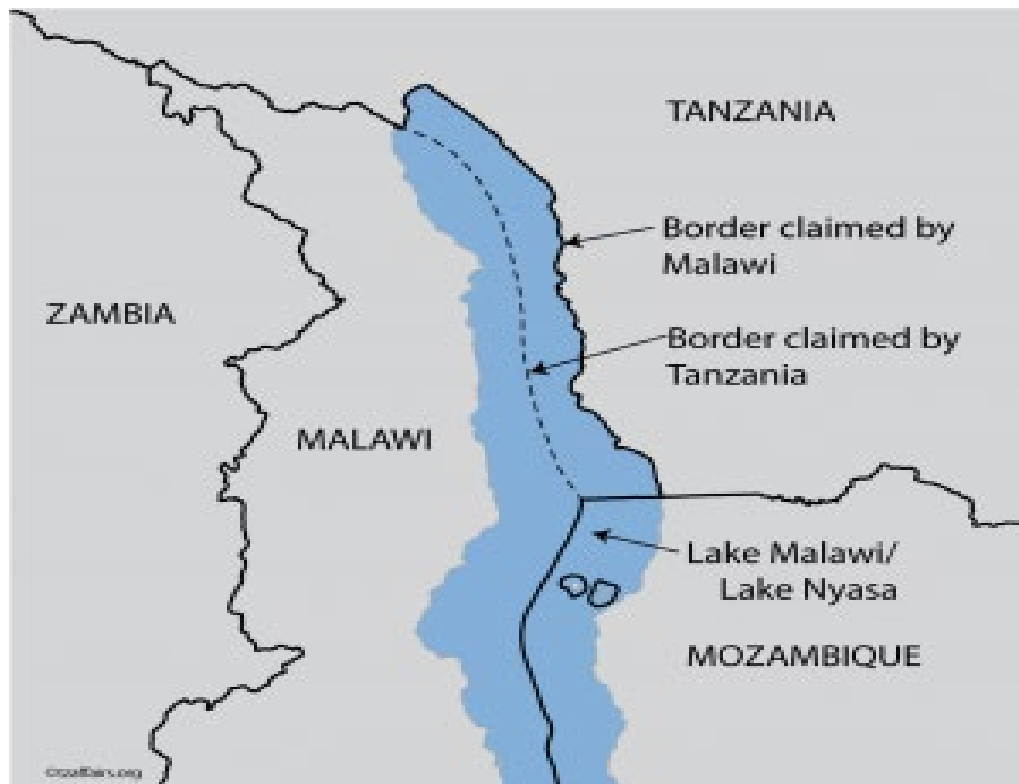


Figure 3. Diagram of the Disputed Tanzania-Malawi Border

*Source:* Tanzanian Affairs 2012, 1.

Studies such as “Where Politics Borders Law” of the Malawi and Tanzania dispute affirms that, in 1924 the British government issued a State Department report which included a geographical and historical note regarding colonization and territory in the area, and was accompanied with a map that showed the boundary between current-day Malawi and Tanzania. The boundary line down the middle of the lake, confirmed the intent at the time that the border ran through the middle of the lake and not around the

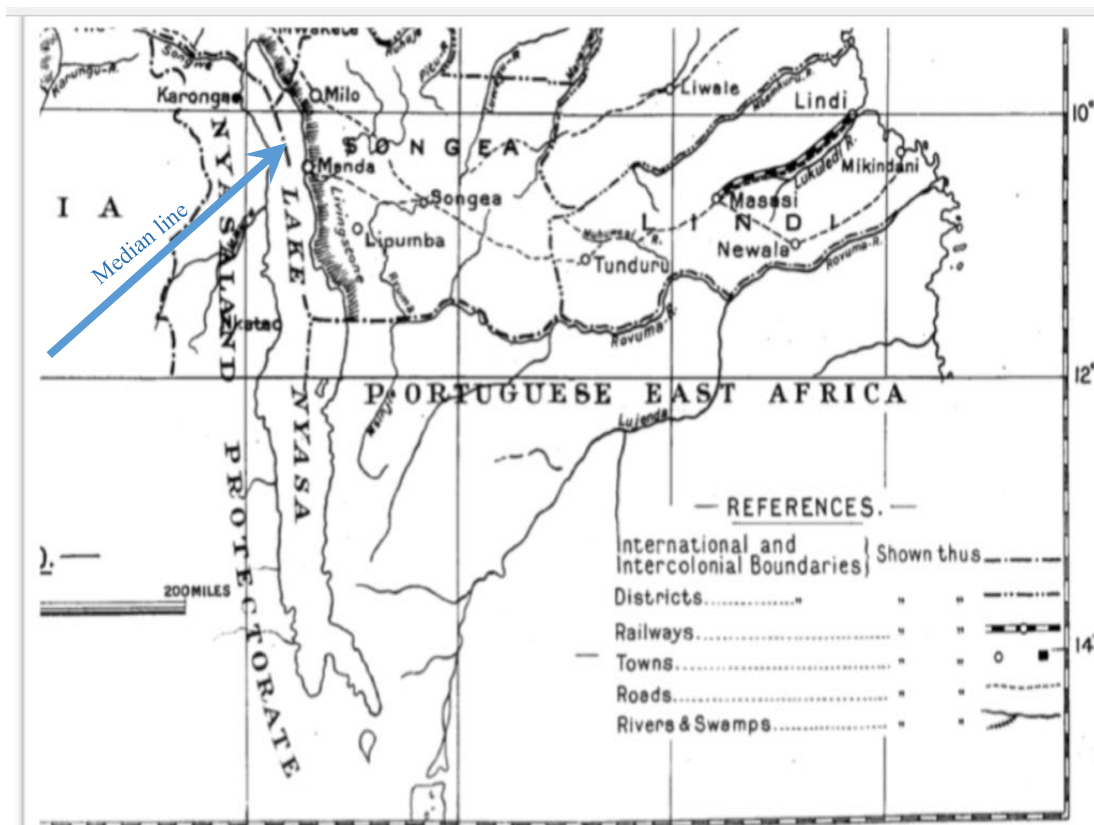


Figure 4. Map of the Lake Nyasa from the British Colonial Office in 1924

*Source:* Mahoney et al. 2014, 2.

periphery as Germany defined it. Britain established the boundary from 1919 whereas at that time it was controlling both sides of the Lake, and referred to the boundary as a median which is the one existing to date and which continues to be under dispute. Malawi demands the ownership of the whole of the Lake as was established in 1890 during the German colonial era whereas Tanzania maintains that the boundary should be the one that Britain established in 1919 which runs in the middle of the Lake as indicated in the Figure 4 above (Mahoney et al. 2014).

Both countries have interests in the dispute, but it was never a strategic concern since they have been sharing the lake for fishing and agricultural activities for many years. Since 1967 the boundary issue was not a significant concern to either country to motivate a resolution until the prospects of oil reserves existing beneath the northern shoreline of the lake, which is on Tanzania's side, emerged. A resolution for the long-standing dispute was not sought in the past, and instead the presidents deferred the dispute to their successors. However, in 2012, the dispute was reignited when Malawi issued a license to a United Kingdom (UK) Company known as Surestream to explore for oil in the North eastern part of Lake Nyasa which Tanzania claimed to be part of its territory. Figure.5 below indicates the place of oil exploration that led to ignition of the dispute in 2012.



Figure 5. Map Showing the Oil Exploration in Disputed Lake Nyasa

Source: Krieg 2012, 1.

That action led Tanzania to send military patrols along the lake shores who Malawi blamed for threatening and harassing Malawian fishermen, and thus refused to negotiate over the border. The former president of Tanzania Jakaya Kikwete on his monthly national address in September, 2012 said that “If the residents of towns and villages along the lake are told that the body of water is no longer theirs, they won’t

understand because for generations they have used the lake... It is our opinion that our countries do what the Anglo-German boundary commission did not do.” insinuating that Malawi and Tanzania should agree on sharing the lake. On the other hand, the former president Joyce Banda replied back and ordered Malawi to get out of the dialogue on October 2, 2012 and she said “When I left the country, I was of the view that the matter was resolved, but now the matter looks bigger than I thought. While in New York, I wrote to Tanzanian state officials telling them that there is no point of going on with the dialogue.” These statements by two strategic and political leaders indicate not only prolonging the dispute, but as parties to it they were not in agreement or in a position to ensure the dispute is resolved.

This paper thus focuses on how Tanzania can apply diplomatic, information, military and economic instruments of national power in finding a solution to the Tanzania- Malawi border dispute, and what will be the effects on these instruments of national power if the dispute remains unresolved. This study also focuses on exploring examples of amicable resolved maritime disputes between the countries of Cameroon-Nigeria and Guinea Bissau-Senegal as case studies. This study is done in light of promoting the good relations between the countries of Malawi and Tanzania for the people’s well-being, peace, security, stability and sustainable development in the region of Southern African Development Community (SADC).

### The Purpose of the Study

The purpose of this study is to discern how applying Diplomatic, Information, Military and Economic instruments of National Power for Tanzania in a coherent strategy might lead to finding a solution to the Tanzania- Malawi Border Dispute.

### The Problem Statement

There has existed a long-standing boundary dispute between Tanzania and Malawi. To date, this boundary dispute over the ownership of Lake Nyasa (Lake Malawi) has not been settled, and an agreement has not been reached. Both countries share the Lake, and each claims its ownership of the part of the Lake; with Tanzania claiming the existing boundary that runs down the middle of the Lake as the right demarcation, whereas Malawi is claiming the entire Lake to its peripheral (Brewin 2017).

The boundary issue was never a significant strategic concern to either country to motivate a resolution until likelihoods of oil reserves existing beneath the northern shoreline of the lake emerged. A resolution for the long-standing dispute had not been sought in the past, instead it had been deferred to successive presidents until 2012, when the Malawian government awarded searching rights to a British oil company to carry out prospecting in the area. Following this action of awarding the British oil company prospecting rights, tensions between the two countries began to escalate. Tanzania considered the Malawian move as unilateral and illegal, and responded by escalating military patrols along the lake and deployed more troops. Both sides reported violence and harassment to civilians by accusing each other, however, all those reports were geographically confined to lakeshore communities (Lalbahadur 2016).

## Research Questions

### Primary Question

1. How might the Tanzania instruments of national power Diplomacy, Information, Military and Economy(DIME) be synergistically applied to resolve the border dispute between Malawi and Tanzania?

### Secondary Question

2. What would the diplomatic, military and economic effects be if the border dispute between Malawi and Tanzania remains unresolved?

## Assumptions

1. This research assumes that war over the border dispute is not an option unless used as a last resort. That the dispute should be resolved amicably through an application of all of the instruments of national power without significant military conflict although the military instrument of power might be used.
2. That a third country or outside judicial body should not enter into the dispute on behalf of either country, as direct negotiation is better in terms of time and cost as compared to third party involvement.
3. That Tanzania and Malawi wish to find a peaceful solution to the dispute.

## Definition of Terms

Oduntan defines border or boundary as “the physical limits of a state’s geographic, territorial and usually national jurisdictional extents”. On the other hand “border or boundary dispute covers the disputes over territorial extents of contested frontiers or borderlines” (Oduntan 2015, 69) .



According to Merriam-Webster dictionary, the Exclusive Economic Zone (EEZ) is defined as “the area of sea and seabed extending from the shore of a country claiming exclusive rights to it”.(www.merrim-webster.com). Also the Exclusive Economic Zone (EEZ) is a concept adopted at the Third United Nations Conference on the Law of the Sea (1982), whereby a coastal State assumes jurisdiction over the exploration and exploitation of marine resources in its adjacent section of the continental shelf, taken to be a band extending 200 miles from the shore (OECD 2019).

### Limitations

The researcher was limited to documents and did not have access to personal interviews of government officials who are or have negotiated this problem.

### Scope and Delimitations

The study is confined to the maritime border dispute between countries of Malawi and Tanzania.

### Significance of the Study

This research will benefit the government of Tanzania by providing insights that could lead to solve the dispute amicably. The study is also significant to the military as it will give insights for conducting operations in support of a peaceful solution. On the side of Malawi, this study is crucial for its economic development especially in their imports through Dar es Salaam port and interstate border trades between the two countries.

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

The purpose of this study is to determine how diplomatic, military, information and economic instruments of National Power can be applied in finding a solution to the Tanzania- Malawi border dispute. Chapter 1 introduced the problem of border disputes in a broader perspective that includes different parts of the world then focused on the specific dispute between Malawi and Tanzania. It also pointed out the root cause of the problem of this study. This Chapter seeks to review relevant literatures on the same nature or related problem as that of Malawi-Tanzania. The study focuses on the instruments of national power diplomacy, information, military and economy. Although this study uses Nigeria – Cameroon and Guinea Bissau – Senegal as comparable case studies, that research is presented in chapter four as a component of the data.

#### Diplomacy

The role of diplomacy as an alternative and at the same time complementary mechanism to adjudication in the settlement of disputes is robust. Generally, the central theme is the collaboration and link between diplomatic and judicial means of settling international disputes. Studies like one by Ian Brownlie on “The Peaceful Settlement of International Disputes”, identifies and explains types of instruments apart from adjudication in the peaceful settlement of international disputes. He asserts that, “the first and classical mode of settlement is negotiation, which involves a direct and bilateral process”. Furthermore, the study emphasizes its synergy with adjudication, and adds that

negotiation can produce a settlement in accordance with legal criteria or with a combination of both legal and political criteria” (Brownlie 2009, 25). Another study on “Diplomacy as the Alternative Dispute Resolution of the Ancients” also confirms that diplomacy has been one of the oldest methods used in border dispute resolution. The diplomatic approach in solving such disputes, requires both parties to be ready, committed and willing to come together for negotiation that will influence the significant agreements thus prevents conflict (Dinkle 2011).

Berridge in his study on “Diplomacy in Theory and Practice” also provides that “bilateral diplomacy is relevant in the contemporary world in that usually when negotiations take place, it is much easier on a face to face basis whereby leaders do come together and discuss issues of importance” (Berridge 2005, 121-122). Moreover, Allee and Huth, affirm that “the two sides to a dispute have the flexibility to fashion out their desired terms of settlement, and at the same time exercise considerable control over the settlement outcome, by negotiating directly” (Allee and Huth 2006, 24). They additionally point out that there are many benefits when direct negotiations are conducted as both sides are able to control, at least in part, the information required for the negotiating process, including setting of time of finishing or concluding the settlement (Allee and Huth 2006, 24).

Many studies designate the use of a diplomatic approach in resolving disputes as being the right path to follow as it prevents the unnecessary conflicts among disputed countries. This articulates that a diplomatic approach is the best way to finding solutions for current border disputes in Africa including Malawi and Tanzania. Walker in his study on ‘Why Africa Must Resolve its Maritime Boundary Disputes’ affirms that, “at the

moment the African continent is characterized by lots of maritime boundary disputes. Unless these are resolved through negotiation or other diplomatic measures and acceptable means, it will jeopardize the continent's short and long term implementation of maritime policies and strategies" (Walker 2015, 2).

The validity of agreements reached between the two parties is usually accompanied with formal papers that are prepared and signed by legal experts, and are used as references for the purpose of abiding with such agreements. This involves some legal requirement in order for agreements to be implemented. The legal assistance or requirement can be within the disputed parties or involve the outside international legal experts. This proclamation is supported by Okonkwo in his study on 'Maritime Boundaries Delimitation and Dispute Resolution in Africa', which asserts that "the practice of delimitation of maritime boundaries could be categorized into four parts: first is under the provisions of international laws; second is the delimitation by agreement; third is the national legislation and fourth is the judicial decisions (Okonkwo 2017, 56).

Okonkwo also asserts that; the improper demarcation of maritime boundaries tends to be the main reason to why states are involved in frequent conflicts. From this point of view, the United Nations Convention on the Law of the Sea 1982 (UNCLOS) suggests that the disputed parties should look for diplomatic ways to resolve their dispute such as negotiation or other means. Moreover, it requires that if the diplomatic approach fails then parties may decide to take the dispute or conflict to the Court or Tribunal having jurisdiction over their problem (Okonkwo 2017).

It is said that in Africa there are about 800,000km concerning border demarcation issues with only 30 percent being delineated and demarcated (Oluoch 2017). The table

below illustrates and summarizes some of the disputes in Africa where among the 17 border disputes revealed, six are not resolved and eleven were resolved. Seven among the resolved were decided by agreements between the disputed states and the remaining four were resolved by ICJ ruling. Moreover, the territorial border disputes were 10, and maritime, excluding Malawi and Tanzania, were six. Three of them were resolved through the agreement between the disputed states and the other three were resolved through the ICJ ruling.

Table 2. Summary of Some African Border Disputes, 1950-2000

Serial Number	Conflicting parties	Conflict period	Conflict Resolution	Agreement Status
1.	Ethiopia /Somalia (territorial)	1950–61; 1963–77; 1977–78	Managed in 1964, 1967 and 1968	Not Implemented
2.	Cameroon/ Nigeria (maritime)	1963– 2002	Agreement in 1976; ICJ award in 2002. Effectively ceded by Nigeria in 2008	Implemented
3.	Algeria/Tunisia (maritime)	1961-1970	Agreement in 1970	Implemented
4.	Algeria/Morocco (territorial)	1962-1970	Agreement in 1970	Implemented
5.	Ethiopia/Kenya(maritime)	1963-1970	Agreement in 1970	Implemented
6.	Cote d'Ivoire/Liberia(territorial)	1960-1961	Agreement in 1961	Implemented
7.	Mali/ Mauritania (territorial)	1960-1963	Agreement in 1963	Implemented
8.	Chad/Libya (territorial)	1935-1994	ICJ award in 1994	Implemented
9.	Guinea Bissau/Senegal (maritime)	1980-1992	ICJ award in 1992 (referred by the UK)	Implemented
10.	Dahomey/Bissau and Niger (territorial)	1963-1965	Agreement in 1965	Implemented
11.	Kenya/Somalia(maritime)	1962-1984	Agreement in 1984	Implemented
12.	Tunisia/Libya(maritime)	1990-1994	ICJ award in 1994	Implemented
13.	Mali/Burkina Faso (territorial)	1963; 1974–75; 1985–86	No Agreement/ not active	-
14.	Malawi/Tanzania (maritime)	1967-	No Agreement/ Not active	-
15.	Ghana/Burkina Faso (territorial)	1964-1966	No Agreement/ Not active	-
16.	Equatorial Guinea/ Gabon (territorial)	1972-	Colonial Agreement/ Not active	-
17.	Ethiopia/ Eretria (territorial)	1952-1992 1998-	No Agreement/ Not active	-

Source: Ikome 2012, 4.

## Military

Territorial disputes increase the possibility of war and have a higher probability of leading states to war than any other kinds of disputes. The more significant the claim, the more likely there will be militarized conflict in such disputed parties. Militarized conflicts are associated with previous unsuccessful attempts to settle disputes. Militarized interstate disputes increase the likelihood of war (John and Marie 2001). For a nation or state to be designated as secure, it should not only be able to protect its people, but it should also ensure the safety of its territories, particularly in this case, maritime boundaries (Okafor-Yarwood 2015). It is asserted that “for many African States, national security has become a very important issue that cannot be compromised, and curbing maritime boundary challenges remain one of the surest ways to strengthen the security imperatives. It has rightly been argued that, deepening boundary uncertainties are inhibiting maritime security cooperation with potential for regional instability” (Ali and Tsameny 2013, 95).

On the other hand, experiences from many border disputes both territory and maritime, shows none of or very rarely such disputes were resolved by the use of military as an instrument of National power. Military aspects have been considered destructive, costly and tend not to solve problems but rather escalates, freezes or make them dormant for a certain period of time. A good example for military use is the dispute between Colombia and Venezuela in 1987 when the National Army of Colombia placed two corvettes on the disputed water. Venezuela’s President reacted immediately by ordering military to send troops including F-16 aircrafts to the disputed area. The situation was

known as “the Caldas Corvettes Crisis, which put both countries on the verge of an unprecedented military conflict” (Tovar 2015, 2).

It is asserted that “the Caldas illuminated Venezuela’s patrol in a hostile manner; therefore, the order was given immediately to point guns defensively to be prepared for counter attack. Although the Venezuelan president had ordered this unprecedented military movement, striking the corvettes and starting a regional war was never contemplated. At the time, Venezuela was considered as a role model in the region, as it had not been involved in any war during the 20th century. Diplomatic actions were soon carried out to avoid a military conflict and nine days later, the Caldas corvettes returned to Colombia.” (Tovar 2015, 2). Thus, this indicates the use of military could not solve the problem as they had to conduct diplomatic resolution which included the negotiation committee and neighborhood commission for border integration in finding the permanent solution. The negotiation committee consisted of the representatives from Colombia and Venezuela was successful for both parties to the dispute. They mutually benefited from economic activities such as investments in both countries as soon as the dispute was settled.

Gent on his study on ‘the Politics of International Arbitration and Adjudication’ as it asserts; “generally, the costs involved with the militarization of conflict increase the incentive of states to resolve their disputed claims. Thus, it is not surprising that arbitration and adjudication of territorial, maritime, and river claims are more likely when there has been a militarized interstate dispute on the issue in recent years” (Gents 2013, 74). However, lawful dispute resolution is uncommonly applied as part of the peace process of an armed struggle. Whenever it is used in such situations there are normally

absence of trust or reliance between the disputed parties that would be crucial for an effective legal procedure. In addition, peace processes commonly spin around multidimensional problems such as that of political will. Therefore, parties to dispute are mostly unwilling to give up decision control to a legal body during peace negotiations because it lessens their aptitude to use issue linkage to find a politically suitable conciliation solution to the conflict (Gents 2013).

### Economic

Border conflict greatly hampers the economic activities for sustainable development of the disputed countries. This is due to the fact that when there are such conflicts, the investments and other economic activities are reduced to minimal or prohibited and this affects economic development. Territorial claims, ideology, colonialism effects, nationalism, religion and availability of natural resources have been the main causes of conflict throughout different places in the world including Africa. The study on the “Implications of Bakassi Conflict Resolution for Cameroon”, asserts that, “struggles for the control of valuable natural resources have remained a persistent feature of national and international affairs for decades. Additionally, in helping some of the most corrupt and oppressive regimes to remain in power, natural resources have been fueling conflicts within and between African countries” (Baye 2010, 9). It is said that such conflict situations normally take the form of territorial disputes over the possession of oil-rich border areas, factional struggles among the leaders of oil-rich countries, and major inter-state wars over the control of vital oil and mineral zones. The close connection between oil and conflict derives from three essential features of petroleum namely: (1) its vital importance to the economic and military power of nations; (2) its



irregular geographical distribution; and (3) its imminent changing center of gravity (Klare 2004).

Africa's maritime boundaries, in accordance with the relevant international regimes, encompasses territorial waters, contiguous zones, continental shelf and exclusive economic zones (EEZ). The exclusive economic zone consists of an area which extends either from the coast, or from the seaward boundaries of the constituent states ranging from 12 to 200 nautical miles (370 kilometers) off the coast. Within this area, nations claim and exercise autonomous rights and exclusive fishery management authority over all natural and continental shelf fishery resources (OECD 1998).

The appropriate delineation of maritime boundaries has important strategic, economic and environmental implications. The need for protection of natural resources among the African countries is of paramount importance because of the economic benefits that lies ahead of them. Currently many African countries are discovering natural resources such as oil, minerals and gas. Leaders take advantage of these resources to promise better economic situations and solution for poverty. Border conflicts are emerging, even those which were inactive tend to be reignited as a result of discoveries of significant natural resources in those countries. The African continent has 54 States, and among them only 15 are land locked. More than 70 percent share either sea, lake or river waters, and this makes many littoral states depend heavily on the maritime economy. With such situations, any act, natural or human that interrupts the maritime waters has significant effects on the economy and livelihood of the many people who depend on water for their livelihood. These include African coastal inhabitants who depend more on fishing activities than agriculture for their wellbeing.

Moreover, it is asserted that, competitions among the leaders of oil-rich countries provide them with economic advantages that other countries with no such resources have. That is why natural resources seem to be the heart of maritime border disputes that result in major inter-state wars over the control of vital oil and mineral zones. The importance of maritime boundaries in Africa has become attractive with the enlargement of national limits of maritime jurisdiction over the past six decades. A unit of sea may be worth more than a unit of unproductive land, essentially when it contains oil and gas on it as it draws more attention from different angles of economic development (Klare 2004).

#### Other Studies of Similar Disputes Problems

There are many studies by different scholars who used the national power instruments as a framework in describing how the problems of the related nature were resolved. For instant, Okano in his study on how to deal with border Issues, A Diplomat-Practitioner's perspective asserts that;

In the normal course of diplomatic negotiations, each state begins by presenting its first bid based on its legal position, and the two states then try to find a common ground between them. In the real world of diplomacy, it is rare that through negotiations one party manages to get 100% satisfaction and the other party loses completely. The end result tends to be somewhere in between. The rulings of international arbitrators or tribunals sometimes present their decisions so clearly that it becomes evident which state is a winner, and which state is a loser. However, many rulings are inclined toward an intermediary solution. (Okano 2004, 47)

As one observes the positions of the parties to dispute, it is possible to perceive the range of resolutions that can certainly be attained by negotiations or a third party pronouncement. This means that the principal negotiation focus has to be on the progress, and negotiators must have the necessary skills that enable them to understand negotiation terms and where to begin. It is for these reasons that disputed countries are so cautious,

and need sufficient time to satisfy themselves before reaching an agreement with regard to the terms of reference to be submitted to the next level or the Court of Justice (Okano 2004).

It is asserted that, Latin American nations have a long history of border disputes, some arising from poorly defined and sometimes shifting boundaries of the Spanish regimes during the colonial period, and others are more of particular or recent concerns. Wars were fought during earlier periods, but during the 20th century full-scale conflicts were diminishing and became relatively rare. Some of the factors to which these trends have been attributed include: relative isolation from the competition of great powers which are obvious in other parts of the world; dispute resolution mechanisms such as arbitration; the existence of regional institutions to preserve the peace; and involvement by the United States in facilitation for resolutions. While these factors are positive, they can also create a moral risk that states will push their claims too far, and end up in conflict (Dominguez et al 2003).

It is also pointed out that democratic politics have helped, however, to settle some of the most intractable territorial disputes in South America. For instance, the final settlement of the Ecuador-Peru dispute in 1998 as is asserted “Ecuador lost much more than Peru but accepted the outcome. The reason is that Ecuadorian leaders conducted an active domestic diplomacy to explain their policies, consulted widely, and secured consent before the treaty signing, even though this process slowed down the negotiations, a behavior consistent with what is known as a sophisticated negotiation. Ecuador’s ratification of the treaty was especially impressive because its national legislature was deeply fragmented among many political parties and President Jamil Mahuad lacked a

disciplined parliamentary majority. Many Ecuadorian politicians, not just Mahuad's administration, became committed to peace" (Dominguez et al 2003, 2). This suggests that even though the dispute resolving process can take a long time, it is of much worth when it ends with an amicable resolution.

Another study on "Escalation and Resolution of Border Disputes and Interstate Conflicts in Africa," in reference to Malawi-Tanzania case, argued that the leadership commitment and political will are the key aspects not only in resolving political issues but also in solving border disputes. Blaming the colonial era as a cause at this particular moment has no rationality. The proper decision should be considered based on the current situation since clinging to colonialism as the root cause for conflicts in Africa, will not solve the problem. It is therefore vital for the African leaders to accept responsibility and act promptly to find solutions for their problems. Leadership commitment is crucial for ensuring their peoples welfare since they have legitimate authority to decide on behalf of their nations (Msafiri 2011).

In attempting to understand the effect of territorial factors in causing and intensifying interstate conflict, some studies claim that "military deeds involving territorial disputes, tend to escalate and provoke the military response by other parties, and thus never resolve the problem. It is also argued that, territorial disputes tend to be more recurring than other types of disputes as one can note that borders disputes are most likely to occur when the territory in question has strategic location, high economic value, or shared linguistic/ethnic groups" (Hansel 2000, 84).

## The Role of the International Court of Justice

The International Court of Justice (ICJ) is regarded as the highest court in resolving legal cases of all kinds including border disputes. It should be noted that submission of cases to the ICJ should be regarded as the last resort after other ways have failed. However, African countries view the ICJ in different perspectives, one being positive and the other as negative. The positive perspective is in the belief that ICJ is an independent entity that is there to provide fair and legal justice while the negative perspective is that, it is not fair in judgement due to the influence of some colonial powers since they fund the ICJ proceedings, which affect the time taken in the conduct of ruling process as a whole. This leads to some of the African countries to not prefer ICJ when the cases are to be transferred to it due to the long time taken to rule out cases and the mistrust of the process.

In ensuring fairness to disputed parties, the ICJ has been using international legal doctrine and the case laws that are decided from disputed states as principles in solving the same type of problems. For instance, as a result of implications of the dispute between Slovenia and Croatia in the North Atlantic, ICJ created a basis for some establishment principles. Such legal principles on maritime delimitation have undergone a consolidation in the cases of the International Court of Justice and Arbitral Tribunals includes: “Equidistance; Equity and the Equitable; Single Maritime Boundary; Proportionality; Relevant Circumstances; Geographical Circumstances; Non-geographical Circumstances; Socio-economic Circumstances and Special Circumstances” (Degan 2007, 601).

This was also affirmed by another study on “Maritime Boundaries Delimitation and Dispute Resolution in Africa” as it asserts that the ICJ has been applying these principles which relate to the demarcation of maritime boundaries between States that share water bodies. Those principles are used for the purpose of reaching an agreement that brings fair outcomes (Okonkwo 2017). The ICJ stated its opinion on negotiations that, the parties must negotiate with the intention of reaching an agreement and not just assume such negotiations are mere formality or a kind of pre-conditions that will avail it of immediate application of certain delimitation methods. Therefore, parties must engage in meaningful negotiations since ICJ depends more on the consent between the parties to dispute. Determining the legal grounds for the delimitation of African maritime boundaries following the above principles, generally recognized in international law, it should be the case rather than an exception. ICJ intervention on border issues has been experiencing challenges in finding solutions to different African countries that have border problems due to a lack of willingness and readiness among the disputed countries.

As mentioned above, such challenges faced by the ICJ allows the United Nations(UN) to intervene and compels the disputed states to comply as a member in order to cooperate with ICJ. The purpose of the United Nation which is an international organization and a political body, is to ensure peace and security within its members all over the world through the United Nation Security Council. Compliance is required by the disputed states or countries as long as they are UN members. The United Nation (UN) Charter therefore envisions that disputes of a legal nature involving states would normally be referred to the International Court of Justice (ICJ). The ICJ receives

submissions of cases from states (“contested cases”) or through requests from authorized U.N. bodies and agencies for advisory opinions.

The Court is constituted under a separate statute, of which all U.N. member states are considered signatories. Only states may bring contested cases before the International Court of Justice. Optionally, states may declare that they accept the compulsory jurisdiction of the Court without special agreement in cases brought by other states that have accepted the same obligation. Optional declarations of this sort may be made unconditionally, or on the basis of reciprocity or for a temporary period of time (Article 36:1; 93:1).

It is affirmed that ICJ decisions or rulings face implementation challenges due to lack of any enforcement mechanism. This leads to disrespect by one of the disputed party thus prolonging the process. In occasions where the dispute could threaten the international peace and security, then the U.N. Security Council would always intervene to ensure compliance by both parties to the dispute. Another challenge faced, is when the parties to the dispute need further judicial action, such as an interpretation of the decision or a ruling to be made clear, but they receive a negative response from the Court (Odenton 2004).

Moreover, the International Court of Justice has been blamed many times for the decisions that it has been making on the issues from developing countries, mostly in sub-Saharan Africa. It is likely for reason that African countries have been unwilling to submit their problems, including territorial disputes to the Court as compared to Latin America countries. It is well affirmed that, “the bases of this critical attitude toward the ICJ involves the history and composition of the Court, as well as its primary reliance, in

territorial cases, on the *uti possidetis* (meaning that sovereign states should have the same borders that their preceding dependent area had before their independence) principle applied on the basis of treaties and practice dating from the colonial period” (Odenton 2004, 738).

The reference to a recent article by an African scholar provides a useful reflection of objections to the International Court of Justice and the Permanent Court of Arbitration (PCA) organizations, procedures and doctrine, especially in regards to territorial cases. African states perceive the ICJ as European centered type that does not fit Africa, hence it is observed as “institutionalized bias against the interests of African States and continuing damage to the reputation and relevance of the courts (including the ICJ and PCA) to developing states in general, this has resulted in a situation where foreign states would not settle their disputes in Africa and African states shy away from international arbitral institutions. Actually, the author argues that the time is ripe for the discarding of *uti possidetis* in relation to the resolution of African disputes” (Odenton 2004, 745).

### Summary

Border disputes, both land and maritime, have been a stumbling block to peaceful and economic gain to countries all over the world. Disputed states had been taking significant efforts in trying to solve their problems. However, some of those countries have been able to solve their disputes amicably through negotiations and formal agreement. Others have never reached such agreements. The root cause for the problem of border disputes in most countries, especially in the African countries, are relatively connected to or traced from the colonization period when the European countries divided the continent for their own interests. On the other hand, some of those border disputes are



caused by the discoveries of natural resources which seem to be crucial for the economic development. The consequences for unresolved disputes seem to affect the diplomatic relations among disputed parties and thus hampers peace and security, stability as conflicts involve military actions, and hinders sustainable economic development in those countries.

The literature reviewed affirms that, border disputes have been hindering development and have affected the security of those countries from strategic to individual levels. In many cases border disputes tend to be the main problem that leads nations to threaten or go to war. Whenever states go to war, social relations and interactions among the people are always impacted. Peace and security and general conditions collapse to a great extent. The Malawi and Tanzania border dispute also is one of the problems that started during colonial era in 1890 over the demarcation of maritime border in Lake Nyasa. This study seeks to explore how the instruments of national power diplomacy, information, military and economic might be synergistically applied to resolve the border dispute between Malawi and Tanzania.

## CHAPTER 3

### RESEARCH METHODOLOGY

#### Introduction

This study determines how applying Diplomatic, Information, Military and Economic (DIME) instruments of National power can lead to finding a solution or affect the process of amicable resolution to the Malawi-Tanzania border dispute. Chapter 1 introduced the problem of border disputes from the broad perspective of different parts of the world, then narrowed the focus to the specific dispute between Malawi and Tanzania. The root causes of the border dispute between the two countries under study were pointed out. Chapter 2 reviewed relevant literature of the same nature or related problem as that of Malawi and Tanzania. The study focused on the instruments of national power diplomacy, information, military and economic. Although this study uses Nigeria – Cameroon and Guinea Bissau – Senegal as comparable case studies, the research is presented in chapter four as a component of the data.

This chapter outlines the research methodology used for conducting the research. The researcher uses qualitative case study methodology to answer the primary question which is how might the instruments of national power Diplomacy, Information, Military and Economic be synergistically applied to resolve the border dispute between Malawi and Tanzania. The focus is on two case studies of Cameroon-Nigeria and Guinea Bissau-Senegal where the researcher looks at the roles played by the instruments of national powers diplomacy, information, military and economic in the settlement of the dispute using document analysis. The study also looked at the roles, procedures and legal requirements played by the international bodies such as United Nations (UN),

International Court of Justice (ICJ), African Union (AU) and Southern African Development Community (SADC) in finding solution to the dispute.

Various studies have explored different types of case study methodologies with the purpose of analyzing phenomena. Studies like one on case study methods tried to relate the methodology and measurement as it states; “a case study is a general term for the exploration of an individual, group or phenomenon” (Sturman 1997, 61). This implies that, “a case study is a comprehensive description of an individual case and its analysis; that implies the characterization of the case and the events, as well as a description of the discovery process of these features which is the process of research itself” (Mesec 1998, 45). Another study also defined case study based on a critical review that sought commonalities of various case study definitions as: “Case study is an in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, program or system in a real life (Simons 2009, 21).

Additionally, the study emphasized that a case study should not be seen as a method in and of itself but rather a design frame that may incorporate a number of methods. It is in agreement with the phenomenon and highlighted that a “case study is not a methodological choice, but rather a choice of what is to be studied by whatever methods we choose to study the case. In so doing, we can study it analytically, holistically, hermeneutically, culturally, and by mixed methods, but we concentrate, at least for the time being, on the case” (Stake 2005, 443). Moreover, it is asserted that “Qualitative research is inductive and reflective in nature, and therefore the researcher does not begin with a theory to test as it is in quantitative. It observes patterns and trends from particular cases under investigation and theories developed during data analysis.”

(Wounds 2009, 4). Furthermore, he states that qualitative research approaches can involve the engagement between the researcher and the participants. This engagement enables the researcher to see the world through the eyes of the participants and enables him or her to understand at a deeper level the participants' perceptions related to the phenomena under investigation (Wounds 2009). The researcher under this perspective was able to discuss with some of the persons who participated in the Bakassi Peninsula dispute of Cameroon-Nigeria and Guinea Bissau-Senegal dispute and obtain insights on how the disputes were resolved.

It is argued that, a case study is an empirical survey that examines an existing phenomenon within its actual life perspective, particularly when the limits between phenomenon and context are not definitely proven and in which many sources of evidence are employed. This case study thus supports detailed and exhaustive investigation of the current phenomena and hence answers the how and why questions. The exploratory case study strategy therefore helps the researcher to concentrate on the issues that are vital to indulge the system being investigated (Tellis 1997). This is well affirmed by the study on 'Case Study as a Research Method' as it enables the researcher to explore and investigate the contemporary real-life phenomenon through detailed contextual analysis of a limited number of events or conditions, and their relationships (Zainal 2007). Moreover, he asserts that; "case study as a methodology, helps explain both the process and outcomes of a phenomenon through complete observation, reconstruction and analysis of the cases under investigation" (Zainal 2007, 2).

### Data Analysis

While in quantitative research analysis the major findings are normally discovered using quantitative and statistical measurements, qualitative analysis summarizes the mass of data collected to describe the investigated phenomenon, to articulate what it means and to understand it. Thus, in qualitative case study research data analysis is done by using the document analysis procedure (Hancock 2002). Data in this research will be analysed with relation to how the application of instruments of national power in the Cameron-Nigeria and Guinea Bissau-Senegal case studies were used in finding solutions to their problems as it might well be useful for the Malawi-Tanzania dispute.

## CHAPTER 4

### ANALYSIS

#### Introduction

The purpose of this study is to determine how applying Diplomatic, Information, Military and Economic (DIME) instruments of National power can lead to finding a solution or affect the process of amicable resolution to the Malawi-Tanzania border dispute. Chapter 1 provided the introductory part to the border dispute problem and identified the root causes for both land and maritime border disputes. Chapter 2 reviewed some related literatures to the study in light of the concepts and outcomes established from those studies as they might bring meaningful concepts for reference. Chapter 3 discussed the qualitative case study methodology that the researcher used in this study. This chapter analyzes two case studies; Cameroon-Nigeria being case study 1, and Guinea Bissau-Senegal being case study 2 with the focus on examining how diplomacy, information, military and economy instruments of national power played a role in resolving those border dispute by comparing the two case studies. The researcher also sought to point out efforts taken by the international organizations including the United Nations (UN), International Court of Justice (ICJ) or Permanent Court of Arbitration (PCA), African Union (AU), Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC) in finding solutions to the dispute.

### Case Study 1: Cameroon and Nigeria

The origin of the Cameroon and Nigeria conflict is traced back to 1913 during the colonial period when Germany colonized Cameroon and the Bakassi Peninsula belonged to Cameroon while Britain colonized Nigeria. After the defeat of German in World War I, its colonies were given to France (Cameroon) and Britain. Britain's territory extended from Nigeria to the Bakassi Peninsula which had belonged to Germany. The British influence over the Peninsula and the Nigerian population is still evident in the tribes such as Ijow and Ibibio who have occupied the disputed area since then. The Bakassi Peninsula that is rich in oil reserves became the primary cause of the dispute. Both Cameroon and Nigeria gained their independence in 1960. They identified the Bakassi Peninsula as a strategic area for future economic development due to its richness in oil resources.

Cameroon, however, maintained that the area belonged to them, though they never occupied the area by establishing communities, meaning that they counted Bakassi peninsula as their territory without physical occupation. As discussed with one of the Cameroonians who was a leader of Cameroon troops during the conflict; he stated that Cameroonians did not occupy the area because of terrain which is heavily dominated by mangrove swamps but they were aware that the area belonged to them in accordance with colonial treaties. On the other part, Nigeria, which is considered the first among the overpopulated countries in Africa, had an estimated population of about 60,000 people who extended their region and occupied the Bakassi area. They established communities even before independence of both countries, and they are still there to date.

## Diplomacy

The diplomatic relationship between Cameroon and Nigeria had been tense for a long time since these two countries were disputing over the dominance of the Bakassi Peninsula which was rich in natural resources of oil. The Peninsula had strategic importance for economic development, and military influence advantages due to its location. That made the two countries enter into conflict over the ownership of the Bakassi Peninsula. Due to frequent clashes between the two countries, the dispute escalated causing loss of both civilians and military personnel during the conflict. Cameroon sought negotiation to end the conflict but to no avail since Nigeria was unwilling to enter into an agreement that would lead to loss of access to the oil reserves and hinder them from explorations as well as their economic development. Some consensual efforts to resolve the conflict were reached in 1981, 1993, 1994 and 1996 but they did not succeed. In 1981, Cameroon was accused of killing five soldiers from Nigeria. The Nigerian president took a diplomatic move of going directly to the president of Cameroon for discussion over the issue which they solved in an amicable way. Later in the following year, the conflict reignited. Cameroon decided to take the dispute to the International Court of Justice in 1994 after Nigeria deployed military troops in the area. The matter took eight years in the International Court of Justice and in 2002 the ICJ awarded the Bakassi Peninsula to Cameroon. Nigeria did not accept the decision, as it regarded unfair, and thus demanded a referendum.

The United Nations (UN) Secretary General had to intervene to find an amicable solution. After the ruling by the ICJ, the office of the UN secretary general attempted to convince Nigeria to accept and abide with the decision. Using Diplomacy and



information, there was a meeting arranged between the presidents of the two disputed countries. By so doing, those strategic leaders agreed on ensuring peace and security in the area and requested a commission that would oversee the implementation of the agreement. The UN formed a commission that had representatives from both sides of the conflict as agreed by the Presidents of Cameroon and Nigeria. The Commission was led by the special representative of the UN Secretary General Ahmedou Ould-Abdallah. The Commission which included the representatives from both countries conducted eight meetings alternating between Cameroon and Nigeria. The mixed Commission roles were: to resolve the issue of land delineation boundary between the two countries; ensure the removal of civil Nigerian administration, military withdrawal from both countries as well as police forces. and finally demilitarize the Bakassi Peninsula. Also there was a need to safeguard the rights of the affected populations in both countries, though the area was mostly occupied by Nigerians (Baye 2010). In finding a solution to the conflict, the Nigerians who lived and established communities in the disputed area of Bakassi were given the freedom to vote, and to choose Cameroonian citizenship. That proposal would solve the problem by taking Nigerians and Bakassi Peninsula to be part of Cameroon but most Nigerians chose to maintain their original citizenship.



Figure 6. The Disputed Bakassi Peninsula

*Source:* BBC 2008, 1.

#### Information (Role of the Media)

The role of media in any dispute or conflict is very crucial because it informs both parties involved in the dispute on what is going on as they are trying to reach a particular agreement or solution. Information can have a positive impact and can result in a mutual agreement, or it can have a negative impact if the information is not well perceived and therefore it can affect the achievement of the desired goals. Throughout the Cameroon-Nigeria dispute period, both local and international media were involved in reporting the development of the ongoing dispute. The dispute became intense when a Cameroon national radio station reported that Nigerian military patrol violated Cameroon's territory by penetrating the Bakassi peninsula and attacking the Cameroon Navy.

The Southern Cameroon Information Bulletin of March 8, 1996, stated that “the Bakassi war between Cameroon and Nigeria escalated when Cameroonian soldiers who occupied Ambazonia (Southern Cameroon), shot and killed a Nigerian in Victoria, Ambazonia. When the corpse of the fallen Nigerian was conveyed home, a battalion of Nigerian soldiers disguised themselves as onion merchants, and took off in a boat for Cameroons. When they were stopped at the border by a Cameroon patrol team, they opened fire killing several Cameroonian soldiers.” Africa Confidential magazine additionally published an article that pointed out the disputed parties encountered serious challenges to their integrity as nation states. That led some of the Nigerian ethnic groups to ask for the break-up of the Federation, yet other Cameroonians in the area wanted the Bakassi's future to be negotiated.

Table 3. Content Category, 1999-2009

Content Category	Guardian	This Day	Champion	Vanguard	Daily Times	Total
History of the dispute	2 (5.3%)	2 (14.3%)	2 (3.4%)	1 (7.1%)	3 (12.5%)	10 (6.8%)
World Court judgment	12 (31.6%)	2 (14.3%)	10 (17.2%)	4 (28.6%)	2 (8.3%)	30 (20.3%)
Bakassi people's reaction	7 (18.4%)	4 (28.6%)	6 (10.3%)	8 (57.1%)	3 (12.5%)	28 (18.9%)
Nigerian Citizens reaction	6 (15.8%)		12 (20.7%)		6 (25%)	24 (16.2%)
Experts view	7 (18.4%)	4 (28.6%)	24 (41.4%)		3 (12.5%)	38 (18.12%)
Effects of the dispute on diplomatic relations	4 (10.5%)	2 (14.3%)	4 (6.9%)	1 (7.1%)	7 (29.2%)	18 (12.2%)
Total	38 (100%)	14 (100%)	58 (100%)	14 (100%)	24 (100%)	148 (100%)

Source: Chukwudi et al 2018, 8.

Table 3 above indicates how media contributed to inform the public concerning the Bakassi peninsula dispute ranging from the history of the dispute to its effects on diplomatic relations between Cameroon and Nigeria. The news was unfavorable to Nigerian citizens as they had to decide on whether they should vacate the peninsula or change their citizenship to be Cameroonians for them to stay.

Some of the international media also reported on the dispute between Cameroon and Nigeria. For instance, in an article titled “Showdown Over Bakassi,” Reuters News reported that there were new clashes between Nigerian and Cameroun militaries over the Bakassi Peninsula. Reuters noted that Nigeria had constantly accused Cameroonian forces for attacking its locations in the peninsula. Cameroon denied this information and maintained that Nigeria was the aggressor (*Post Watch Magazine*). On May 6, 1996, envoys reported that over fifty Nigerian combatants had been killed, and a number of them were taken as prisoners. However, there was no information obtained to account for the Cameroonian casualties (*New York Times* 1996).

The British Broadcasting Corporation (BBC) also reported on the Bakassi dispute as it developed. For example, one of the reporter pointed out that the real border between Cameroon and Nigeria had never been clearly defined. Additionally, it reported on the dialogs between the Presidents of Cameroon and Nigeria in the meeting chaired by the UN Secretary General Kofi Annan that was held in Geneva- Switzerland. The two Presidents dialogs were on the efforts of resolving their differences after the ICJ ruling which awarded the Bakassi peninsula to Cameroon. The Nigeria's President Olusegun Obasanjo at first did not agree to the ruling, but later agreed to negotiate for the culmination of the dispute (BBC).

## Military

When Cameroon took the dispute issue to the International Court of Justice, it definitely requested the court to adjudicate and pronounce that “by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligation under international law treaty and customary law; and that the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law” (Alobo 2016, 110). As pointed out earlier, the Bakassi Peninsula had both military and economic strategic advantages due to its location and that was the reason for Nigeria sending its military troops by the end of 1993 and occupying the disputed area of the Bakassi Peninsula.

The conflict erupted, Cameroon reported harassment, and sent its military troops in responds to Nigerian troops. The conflict escalated to the extent of fighting between the two forces that led to loss of more than 200 military personnel, equipment and civilians from both sides. For instance, during the last raid by Cameroon on the Bakassi Peninsula, Nigeria reported that about 30 Nigerians were killed and 117 were wounded. There was also destruction of 8 houses and 4 boats. The government of Nigeria considered that the Cameroonian surprise attack was an invasion of its territories since it knew the residents of the Bakassi Peninsula were Nigerian citizens and not Cameroonians. Therefore, the brutal attacks intensified with more military counter attacks. Cameroon did not refute the attacks, instead it claimed that the facts concerning the numbers of casualties were exaggerated (Babatola 2012).

After the ICJ awarded the Bakassi Peninsula to Cameroon in 2002, Nigeria did not withdraw its troops since they did not accept the ICJ ruling. The situation escalated and the war prospects increased, but the UN and other third party's (including United States of America, Britain, Germany and France) intervention prevented it. However, Nigeria did not withdraw its troops until 2006 after the ICJ ordered both countries to withdraw their troops under the Green Tree Agreement.

### Economic

The strategic objective for Nigeria concerning the possession of the Bakassi Peninsula was the discovery of oil reserves and other natural resources in the area. This was identified as the main cause of the conflict between Cameroon and Nigeria. Other significant objectives like good fishing environment and its strategic location were factors. Prior to the conflict, Nigeria's economy depended on the oil extraction. Nigeria is one of the largest oil rich countries in Africa. The discovery of oil in the Bakassi Peninsula would contribute more to its economic development, thus the area had great economic advantage and Nigeria did not want to relinquish it easily. Due to that fact, one of the Mixed Commission tasks was to ensure or oversee the development of projects that promote joint economic ventures and enhance cross-border cooperation for the mutual benefit of both countries (Baye 2010).

### Final Solution

To facilitate the expedition of this dispute resolution, the Mixed Commission created sub commissions and working groups which were comprised of professionals in legal fields from both countries and representatives from the United Nations. The purpose

was to hasten the process. These groups reported every step of the implementation to the Presidents of the two countries. Finally, the agreement between the two countries was reached and was known as the “Green-Tree Agreement”. Successful and powerful diplomatic actions and the good office of the UN Secretary General, Cameroon was able to secure the Green-tree Agreement with Nigeria on June 12, 2006, witnessed by Britain, France, Germany, and the United States.

In that agreement, Nigeria was given three months to pull out their military troops, and set conditions for allowing a transition period of two years which was given for the Nigerians to hand over the administration of Bakassi Peninsula to the Cameroonians. After the agreement, the Nigerians who lived in the Peninsula were required to be under a special command for four years after which Cameroon would take full control, and they would have the option whether to stay or not. “According to the then Nigerian President Olusegun Obasanjo, the Green-tree Agreement was a great achievement in conflict prevention, which practically reflected its cost-effectiveness when compared with the alternative of conflict resolution. He urged that it should represent a model for the resolution of similar conflicts in Africa and the world at large” (Baye 2010, 25). In 2008 Nigerian completely withdrew both police and civilian administration from the disputed area of Bakassi Peninsula.

### Case Study 2: Guinea-Bissau and Senegal

The maritime border dispute of Guinea Bissau and Senegal, like many other disputes in Africa, is traced from the colonial era when European countries divided the African continent. The disputed maritime boundary is on the exclusive economic zone (EEZ) along the Gulf of Guinea that is of strategic and economic importance for both

parties due to its richness in variety of natural resources. Guinea Bissau was colonized by Portugal, and Senegal was colonized by France. The border dispute existed during the colonial period when the two countries of France and Portugal were in control of the respective countries. To solve the dispute, the two colonies signed an agreement in 1960 which demarcated the maritime border between Guinea Bissau and Senegal. However, the indigenous people did not accept such an agreement but they could not decide on the issue since they had no freedom or right to do that. Later, the two countries became independent from colonial rule. Senegal was the first country to become independent in 1960 and Guinea Bissau followed in 1974. Before Guinea Bissau became independent, Senegal complained about border violations by the Portuguese colonial government which was still inhabiting Guinea Bissau. Senegal raised its concern to the UN which intervened by warning Portugal. There was no solution because Portugal refused to comply. Thereafter, the maritime dispute between Senegal and Guinea-Bissau, was further ignited after the discovery of oil in the disputed part of the Atlantic shelf along the Gulf of Guinea area.

### Diplomacy

As a result of an agreement entered by France and Portugal in 1960 concerning the maritime border, Guinea Bissau and Senegal took the previous colonial agreement to the Arbitration Tribunal for review. The two countries wanted justification on whether the agreement was legally binding, and if not, then the Arbitration Tribunal should decide and define the proper demarcation. The action was propelled by the perception that the colonial agreement served the interests of colonialists and not the interests of the indigenous populations of the respective countries. While the Court proceedings were



going on, Guinea Bissau submitted the following request for the court consideration:  
“what should be, on the basis of the international law of the sea and of all the relevant elements of the case, including the future decision of the Court in the case concerning the Arbitral ‘award’ of 31 July 1989 to Guinea-Bissau and Senegal” (ICJ 1991, 1).

After a review of the agreement the Arbitration Tribunal came up with the decision on July 31, 1989 that the agreement was legally binding as far as parties to the agreement were concerned. Senegal did not concur with the Arbitration Tribunal decision as it seemed not favorable to their side since it favored the interests of colonialists. The court president then had to call for a meeting to discuss what should be the way forward. The president of the court held the meeting with representatives from the disputed parties on 5 April 1991 which led to a preliminary agreement that not any action should be taken until the first complains were decided by the ICJ. The disputed parties agreed to abstain from any activity on the disputed area and waited for the court decision. On 12 November 1991, the court gave its judgement over the case indicating that it had looked over the case and suggested that the elements of the dispute that were not settled in the Arbitral Award of 31 July 1989 be solved first. The parties to the dispute agreed to settle the dispute by negotiation method and the process started immediately. The process took about four years and was completed by an agreement known as “Management and Co-operation Agreement”.

In a meeting with the President of the International Court of Justice on 1 November 1995, the parties to the dispute “notified ICJ of their decision to discontinue the proceedings. By a letter dated 2 November 1995, the Agent of Guinea-Bissau confirmed that his Government, by virtue of the agreement reached by the two Parties on

the disputed zone, had decided to discontinue the proceedings. By a letter dated 6 November 1995, the Agent of Senegal also confirmed that his Government agreed to that discontinuance. On 8 November 1995, the Court made an Order recording the discontinuance of the proceedings and directing the removal of the case from the Court's List" (Maritime Delimitation re Guinea-Bissau v. Senegal, dated 12 March 1991). Lastly, Guinea-Bissau and Senegal resolved their dispute in an amicable way through negotiations and on 14 October 1998, both parties signed an agreement in Dakar, Senegal. Primarily using the cases of Guinea-Bissau and Senegal, the paper highlights that joint maritime development agreements could be a better option for resolving existing maritime boundary disputes in the region, rather than outright delimitation requests (Okafor-Yarwood 2015).

#### The Role of the Economic Community of West African States (ECOWAS)

The Economic Community of West African States (ECOWAS) is a regional organization of 15 West African countries founded in 1975. Guinea Bissau, Nigeria and Senegal are members however, Cameroon is not a member. ECOWAS mission is vested to promoting integration in the fields of economic activities in areas of industry, transportation, agriculture, energy, trade, natural resources and many others. It also has four sub-organizations namely the Commission, Community Parliament, Community Court of Justice and the Bank. Moreover, the organization has a framework known as ECOWAS Conflict Prevention Framework (ECPF) which is responsible for operational prevention of conflicts within member states. It is also responsible for ensuring member states do not enter into conflict by providing early warning, conciliation, mediation and

others means that prevents the use of force or military in solving such conflicts (Oduntan 2015).

The ECPF consists of 14 components intended to reinforce human security and it has conflict prevention which is among other things; “early warning, preventive diplomacy, democracy and political governance, human rights and the rule of law, media, natural resource governance, cross-border initiatives, security governance, practical disarmament, ECOWAS Standby force and peace education to the region” (Oduntan 2015, 132). However, ECPF did not intervene during the conflicts between Cameroon-Nigeria and Guinea Bissau-Senegal because the case was taken to the ICJ without first seeking the ECPF intervention. It only played a role through establishing a peace radio station known as cross-border radio for Guinea Bissau and Senegal after the two states have agreed on stopping the conflict.

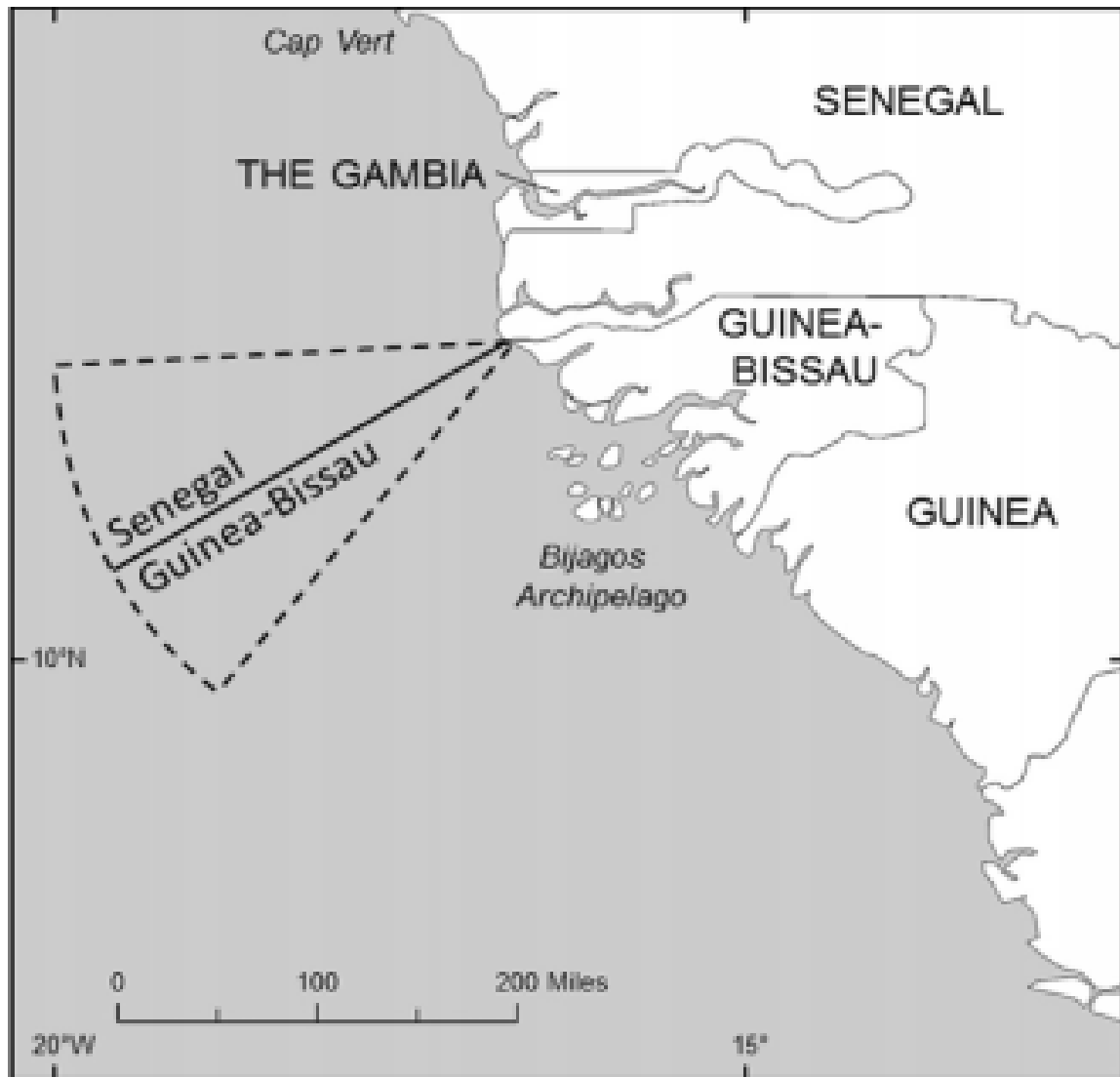


Figure 7. The Guinea Bissau and Senegal Joint Exploitation Zone

*Source:* Okafor-Yarwood 2015, 288.

#### Information (Media)

The British Broadcasting Corporation (BBC) reported on the relations between Guinea Bissau and Senegal as it has been occasionally troubled by border disputes, which came from an agreement made in 1960 between France and Portugal, the former colonial

powers. Senegal had been accusing Guinea-Bissau in the past for supporting the Casamance rebels. Such misunderstanding prolonged the peaceful negotiations, but later the leaders of the two countries were committed to improving relations. The two governments came into an agreement and were united in condemning both groups of rebels, whom they believed were assisting each other (BBC).

On May 23, 1990, news article from Paris titled “Senegal and Guinea Bissau Agree to Pull Back Troops in Dispute” reported on the ongoing maritime dispute between the two states that was under argument over the sovereignty of the disputed waters in the Gulf of Guinea. According to the Senegalese Embassy, Senegal and Guinea Bissau decided to withdrawal troops to a reasonable distance from their common border in order to settle a maritime dispute that had left 17 soldiers dead (AP News). On the other hand, Reuters also reported that the two countries have a history of constant strains around their border, related to disputes over possession of prospective oil reserves and Senegal’s complained that the Guinea Bissau government never attempted to resolve the problem.

### Military

After Senegal became independent from France in 1960, Guinea- Bissau remained under colonization by Portugal for about fourteen years before it became independent. Since that time there had been reports on violations of the border by Portuguese military. Even heavy weapons like artillery were being used over Senegal territory. Senegal raised their concern to the UN seeking condemnation of the actions of the Portuguese Army over Senegalese territory. The United Nations Security Council (UNSC) intervened in the dispute but it could not resolve it. UNSC passed four

resolutions concerning the Guinea Portuguese military condemning the violations over the territory of Senegal, but violations did not cease.

The first UNSC resolution adopted on 24 April 1963 stated, “after hearing of violations of Senegalese territory by Portuguese military forces from Portuguese Guinea, the Council deplored the incident at Bouniak as well as any incursion by the Portuguese and requested that they honor their declared intention to scrupulously respect the sovereignty and territorial integrity of Senegal” (UNSC Resolution 178). The second resolution adopted on 19 May 1965 and it stated, “after a complaint by Senegal against Portugal, the Council deplored incursions by the Portuguese Armed Forces into Senegalese territory and requested that they take whatever measures necessary to assure Senegal's territorial integrity” (UNSC Resolution 204).

The third UNSC resolution adopted on 15 July 1971 stating how “it was disturbed by the longstanding Portuguese violations of Senegalese territory and the recent laying of mines inside that nation which was giving shelter to independent guerrilla rebels during the Portuguese Colonial War. The Council noted Portugal's failure to comply with previous resolutions and demanded that they immediately cease all acts of violence and destruction in Senegal and respect her territorial integrity. The Council included the usual condemnations and requested that the Secretary-General urgently send a special mission of members of the Council assisted by their military experts to carry out an inquiry into the facts of the situation and make recommendations” (UNSC Resolution 294). The fourth UNSC resolution was adopted on 23 October 1972, after reaffirming previous resolutions, the Council expressed its concern that Portugal persistently refused to comply with them. The Council attacked the latest cross-border action by the Portuguese

army against Senegalese territory and demanded that the Portuguese cease any further acts of violence. The Council went on to reaffirm their position that Portugal's continued holding of colonies in Africa was unjust and that the native peoples of those colonies should be allowed self-determination (UNSC Resolution 321). All these resolutions did not achieve the UN goal of ensuring that military activities were culminated.

### Economic

As pointed out earlier by different studies concerning border disputes, one of the causes of border or maritime disputes seemed to be ignited after discoveries of the natural resources such as oil, minerals and gas. This is the case with Guinea Bissau and Senegal where the cause of the maritime border disputes along the Gulf of Guinea upon the Atlantic shelf occurred since the 1980s. At that time Canada and the World Bank financed Senegal to conduct exploration of oil. However, the exploration project could not go further as Guinea Bissau raised the issue of sovereignty of the territory over the disputed area which caused the project to stop. The disputed area was very crucial and of strategic and economic importance for both countries due to its richness in natural resources that are essential for economic development and the welfare of the people living in the area. Moreover, the area is well known for fishing upon that site which not only generates income to people, but also adds to the government revenues through taxes. Thus, the agreement for cooperative management of the resources made by the disputed countries, set a distinctive example in the resolution of maritime border disputes through an amicable way. This was a great achievement for the sustainable development of both countries. In a conversation with an officer from Senegal, he revealed that in maintaining

good relationship between the two states, the President of Senegal promised to share the resources by giving 15% of the oil extracts from the disputed area to Guinea Bissau.

### Malawi and Tanzania Dispute

The relationship between Malawi and Tanzania has remained congenial for a long time despite the ongoing border dispute over Lake Nyasa. As pointed out in Chapter 1 of this study, there has existed a long-standing boundary dispute between Tanzania and Malawi over the ownership of Lake Nyasa which has not been settled and an agreement has not been reached. The dispute had been traced since the colonial era when Malawi claimed the whole Lake belonged to it in reference to the Anglo German Treaty of 1890, and Tanzania claimed that the boundary between Lake Nyasa runs through the median line.

### Diplomacy

Generally, Tanzania shows a positive picture of not only having good relations with its neighbors, within the region including Malawi, but also of having good international relations across the globe. Some scholarly works such as that of Spolad do recognize Tanzania as a friendly neighbor state, which is also actively and positively involved in international affairs such as peace keeping missions both within and outside the African continent. “In Africa, Tanzania is seen to have its major priority as building strong ties with all African countries” (Spolad 2007, 8-9). This enables a positive view of seeing the dispute between Tanzania and Malawi and provide hope of it being settled peacefully, and the people of both countries continuing to enjoy the long-time friendly and traditional ties that had existed for years.



Upholding friendly relations, neighborliness and cooperation between Tanzania and Malawi should be emphasized by both countries through mutual indulgence in the aspects of economic, social and political realisms. Diplomatic processes therefore are necessary for improving friendly relations and cooperation between the two states. Both Tanzania and Malawi do have their interests in the issue of border dispute. However, as Hurd asserts, “both parties should engage in diplomacy to present their interests and behaviors as consistent with the terms of international law” (Hurd 2011, 589-590). With the warm relations that Tanzania and Malawi have, non-coercive diplomacy still remains to be the best option in resolving the boundary dispute. Just as a diplomatic process is key to the world of international relations, then even in this context, a diplomatic process should be considered as key in settling this dispute for sustaining good international relations. The question that remains is as to how should these two sides settle their dispute in a manner that they are able to manage their relations. Is it by effective communication that may either involve negotiations, or that which leads to a bargain for compromise or an agreement.

The most important thing here is in the international relations for peace and stability as the key factor in relations between the two countries. Also, it is asserted that “foreign policy is the activity by means of which the state operates in the international environment and has effects on the international relations” (Petric 2013, 14). With Tanzania being a key player in this boundary dispute, one would agree with the argument that its foreign policy carries elements that are sufficient to work for a peaceful solution, with focus on good neighborliness as stated in its Foreign Policy Principles and strategy; Tanzania’s Foreign Policy that focuses on economic diplomacy to secure the core

national interest as a sovereign state carries among the aspects the issue of good relations with its neighbors. For instance, among the fundamental principles of Tanzania's foreign policy are stated items such as: "Promotion of good neighborliness" and "Promotion of African Unity" (Republic of Tanzania 2018, 1).

In this case, Tanzania pursues good relations with its neighbors in accordance with the above stated principles, without compromising its sovereignty and territorial integrity, as stated in the first principle, which to "Safeguard the sovereignty, territorial integrity and political independence of the United Republic of Tanzania" (Republic of Tanzania 2018, 1). The pursuit for promoting good neighborliness and unity serves well as a catalyst in the enhancement of maintaining cooperation, friendliness, peace, security, and hence the achievement of development in the region. Such principles in the Foreign Policy could be attributed to the cooperative and friendly relations between Tanzania with its neighbors.

Moreover, among the objectives of Tanzania's Foreign Policy is, "To build a self-sustaining economy, preservation of national peace and security as well as supporting regional and international endeavor for the creation of better and peaceful world" (Republic of Tanzania 2018, 1). With this objective, Tanzania shows the intent of developing and maintaining good relations with its neighbors as it continues to support the regional endeavor for the creation of a better, secured and peaceful region. Tanzania as part of the global community, cannot enjoy peace and security alone, but rather can contribute to the peace and security of other countries, especially its neighbors. Good relations with its neighbors will also strengthen efforts for working in cooperation in dealing with the global challenges of economy, peace and security (Republic of Tanzania

2018, 1-2). Diplomacy plays a strong role in building and maintaining good relations between the two countries.

### The Role of the Southern African Development Community (SADC)

The Southern African Development Community was set up by a treaty with the mission of promoting sustainable and equitable economic development among SADC member states through efficient and productive systems, deep cooperation and integration, good governance and durable peace and security so that the region may excel in international relations and the world economy. The SADC has eight main objectives. One of them is to promote and defend peace and security. To implement this objective, SADC does have a structure for politics, defense and security as a mechanism for resolving border or boundary disputes. It is required that whenever a conflict arises out of border or boundary issues it should be resolved within the SADC structure of politics, defense and security at the first instant (Oduntan 2015). Malawi and Tanzania are members of this regional organization of SADC.

Since 2012, there have been some efforts to resolve the dispute over the ownership of the Lake Nyasa but they have failed due to lack of the representation on the side of Malawi to mediation. The two countries then sought the support from the Southern African Development Community (SADC) after previous bilateral efforts to find a solution failed. Malawi did not agree with the committee suggestion on sharing the resources of the Lake Nyasa and in its opinion claimed that there were biases that favored Tanzania. This paved the way for mediation by a team of former presidents of Mozambique - Joachim Chissano, South Africa- Thabo Mbeki and of Botswana. Since then mediators have interacted with both parties with the purpose of deepening their

knowledge and understanding of the dispute, but progress has been modest. Malawi hence withdrew from negotiations as it stands from its point of view that the whole lake belongs to Malawi.

Tanzania as a Southern African Development Community (SADC) member, shares membership with its neighbors, namely, Democratic Republic of Congo, the Republic of Malawi, Mozambique, Seychelles, and Zambia. Just as the rest of the member states, Tanzania bears the obligation of ensuring it promotes the achievement of the SADC objectives, as is stated in Article 5(1)(h) that obliges member states to, “strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the region” (SADC 2014, 6) and which requires all member states, in this case including Tanzania, to maintain good relations in order to achieve the above stated objective. Also, all SADC member states are required to act in accordance with the stated principles, such as those in Articles 4(b) and 4(e) which state, “solidarity, peace and security;” and, “peaceful settlement of disputes” (SADC 2014, 5) which all require the member states to develop and maintain good relations for maintaining solidarity, peace, security, and stability in the region. Moreover, if there are any disputes, then peaceful means should be used to settle them. It is in this light that Tanzania bears the responsibility of ensuring that it is in good relations with its neighbors.

#### Role of the African Union (AU)

The African Union (AU) is an organization that largely oversees the peace, security and stability of the continent. It has among others, a Peace and Security Council (PSC) which consist of five pillars namely; the African Standby Force, the African Commission, the African Union Panel of the Wise, the Continental Early Warning

System (CEWS) and the Peace Fund. The AU has been involved in prevention and resolution of boundary conflicts for decades, before and after its PSC establishment in 2003.

The AU has intervened in some of the disputes like those between Libya and Chad, Kenya and Sudan, Namibia, Zimbabwe and Zambia, Ethiopia and Eritrea, and the ongoing dispute between Malawi and Tanzania in which this study seeks to recommend the best solution to all disputing parties. It is argued that the AU ordinarily responds to conflicts by proposing mediation, and if that does not work, it recommends international arbitration. Moreover, the AU responds to conflicts by giving well-timed caution to the disputed parties to take proper actions that will bring their relations to normalcy and avoid conflict (Oduntan 2015).

Furthermore, the AU formed a commission for dealing with border issues known as the African Union Border Programme (AUBP). Its purpose was to deal with the delimitation, demarcation and settlement of African border disputes or conflicts. The commission set a time limits for accomplishing their task, but it was not as expected, due to the following challenges faced by disputing parties; lack of cooperation, lack of enough staff as it needed professionals like lawyers, surveyors, cartographers, geographers, and other natural scientists and lack of funds to facilitate the implementation. This led the AUBF to seek the assistance from the Heads of AU States, although it was not productive. As a result of such challenges the African Union Border Programme recommended that;

The delimitation and demarcation of boundaries depends primarily on the sovereign decision of the States. They must take the necessary steps to facilitate the process of delimitation and demarcation of African borders including

maritime boundaries. We encourage States to undertake and pursue bilateral negotiations on all problems relating to the delimitation and demarcation of their borders including those pertaining to the rights of the affected populations, with a view to finding appropriate solutions to these problems. (Oduntan 2015, 111)

### Information

There has been reports by different media on the long standing unresolved maritime border dispute between Malawi and Tanzania. Each party to the dispute has experienced the stagnation situation fed with unfavorable news as a result of not reaching to an agreement every time they meet in trying to find a solution. Malawi local news such as Nyasa times, accused Tanzania of producing new maps which show the boundary as a median, which is contrary to Malawi's perspective. However, following the meeting between the Presidents, Peter Mutharika of Malawi and John Magufuli of Tanzania during the AU annual meeting in Addis Ababa, Ethiopia in 2017, Nyasa Times reported that "mediation to resolve the dispute has been stalled since 2012, but will be revived under the supervision of the former Mozambican president Joaquim Chissano" (Nyasa Times). This indicates that there is still room for negotiation, and both parties should be committed to ensure the dispute is resolved peacefully.

Later the President of Malawi said that the issue of the Lake Nysa is not negotiable since the whole lake belongs to Malawi, he then withdrew from the process of mediation. Tanzania's local press Daily News reported its disappointment following the withdrawal of Malawi from mediation. There were also reports by the international media previously concerning the border issue between Malawi and Tanzania. On 17 October 2012, the BBC wrote that the former Malawi's president Joyce Banda had asked the African Union to intervene in the country's border dispute with Tanzania, as state media had reported (BBC). Also the voice of America (VOA) reported that Tanzania and

Malawi plan to seek mediation from former heads of state in Southern Africa to help resolve a long-running border dispute over Lake Malawi (VAO News). They began the mediation process, but could not reach an agreement as president Joyce Banda told Malawi to withdraw from negotiation accusing her Tanzania counterpart for leaking the information. Aljazeera news reported that “president Joyce Banda had said that Malawi was giving up on mediation efforts and would take to the courts to settle a long dormant border dispute with Tanzania which has been re-activated by prospects of an oil find” (Al Jazeera). The inconsistency experienced throughout the mediation process and subsequent media coverage of that inconsistency has been a stumbling block to the efforts of finding a permanent solution to the long standing maritime dispute.

### Military

As it was pointed out earlier that the Malawi and Tanzania dispute was ignited after the discovery of oil and gas prospects that led Tanzania to send the patrol to Lake Nyasa, and Malawi soon after, accused Tanzania of harassing its fishermen. It is also affirmed that military use in solving border disputes has never resulted in a better or permanent solution, but rather escalated the problem. The Malawian government awarded searching rights to a British oil company known as Surestream in 2012 to carry out environmental and feasibility study in the Lake Nyasa area. That action resulted into tensions between the two countries that escalated and threatened the security and livelihood activities.

Tanzania considered the Malawian decision as unilateral and illegitimate, and thus responded by increasing military patrols along the lake and deployed more troops. Reports of violence and harassment to civilians were reported, with both sides accusing

each other. Malawi accused Tanzania of harassing the people who live near the lake and depend on fishing for their livelihoods. The citizens of Malawi urged the two sides to settle the dispute as they feared escalation into war. However, all these reported tensions were geographically confined to lakeshore communities from both sides of Malawi and Tanzania (Lalbahadur 2016).

### Economic

The border dispute has great significance to economic growth between the two countries, and if it is undermined it will deprive citizens of both countries from enjoying the current prosperous interstate trade. Malawi is one of the landlocked countries in the Southern African Development Community (SADC) region. There are many economic activities conducted especially at Karonga and Songwe border routes of Tanzania and Malawi. Most agricultural products such as rice, maize, potatoes are transported from Tanzania to Malawi. Also Malawi utilizes the Dar es Salaam port to transport its imports and cargo from overseas. This is proved by the Tanzania Ports Authority (TPA) report which shows that Malawi has topped the growth of cargo transit at the Port of Dar es Salaam over the last four years from 2013 to 2017. The TPA performance report shows that during that period of four years, the traffic cargo transit to and from Malawi grew at an average of 19.3 per cent. This positive growth rate was due to political stability and good business relations between Tanzania and Malawi, the Dar es Salaam Port manager, Mr Freddy Liundi, said during a meeting with members of the East African Legislative Assembly (EALA) on February 13, 2018.

In February, 2017 Tanzania and Malawi signed a memorandum of understanding (MOU) that made some significant agreements toward trade and investment promotion



between the two countries including: the establishment of the Simplified Trade Regime (STR) which will economically benefit small and medium scale businesses practicing their trade between the two borders. In addition, there was also the establishment of the One Stop Border Post (OSBP) at Kasumulu Songwe border, which will make it easier for traders to practice trade between the two countries.

On 24 April 2019, the Tanzania president accompanied by a business delegation visited Malawi to strengthen the diplomatic and economic relations between the two countries. The Malawian president, Peter Mutharika held a meeting, at which among other things a discussion was held on how to strengthen interstate trade. Tanzanian president, John Magufuli urged Malawi that the two countries should work together to ensure that the trade barriers are removed to allow for mutual and smooth trade between the two states. One of the economist analyzed the visit as a good step to reinstate the talks about the unresolved dispute.

#### Effects of the Unresolved Long Standing Border Dispute

The long term and unresolved Tanzania- Malawi border dispute if it continues to be unresolved, might threaten peace and security, impair diplomatic relations and interfere with the current interstate trade. It is of paramount importance to take into serious consideration that if such an on-going dispute will be undermined, then mistrust will be cultivated and nurtured, also enmity and rivalry may be developed. All these might jeopardize peace and security, not only between the two countries, but also in the SADC region. For example, the effects of refugees and migration, organized cross-border crimes such as drug and human trafficking, illegal ivory trade, small arms proliferation,

and political crises have been observed in some of neighboring countries in the region such as Burundi and the Democratic Republic of Congo whenever they are in conflict.

It is argued that “a profound climate of mistrust, enmity and rivalry that characterizes relations between states in the region complicates the security situation” (Elowson and Albuquerque 2016, 1). Diplomatic processes between the two countries are needed which will build trust between them and therefore facilitate the processes in finding a peaceful solution to the dispute. It is in that perspective that this boundary dispute should not be allowed to compromise relations, and hence peace and security in the region.

Tanzania, as part of the SADC, and hence the global community, does have its security linked to the security of its neighbors, and even all other states, including Malawi. Therefore, this dispute should not be allowed to jeopardize security between Tanzania and Malawi and even in the region. What is needed is commitment, an effective communication between Tanzania and Malawi that will resolve this dispute and maintain good relations, neighborliness, friendliness, and cooperation, and hence peace and security. As for this matter, therefore, diplomacy should be used in settling this border dispute.

As stated earlier that Tanzania has friendly relations with its neighbors, and is committed to maintain such congenial relations. This can be seen from the concept of neighborliness, where Tanzania is committed to its foreign policy that puts a priority on the principle of promoting neighborliness and using it as a strategy (Republic of Tanzania 2018, 1). With this, Tanzania ensures the peaceful coexistence, dialogue, and cooperation with its neighbors. This was evident when three countries of Malawi, Mozambique and

Zimbabwe became victims of the deadly Cyclone Idai which killed more than 200 people leaving thousands without shelters. Tanzania was the first among the SADC members to send urgent relief supplies of 24 tons of medicine, 17 tons of rice and 200 tons of maize to help the displaced people (Christopher 2019).



Figure 8. Tanzania Peoples' Defence Forces Cargo Aircraft Loading Relief Supplies for Malawi, Mozambique, and Zimbabwe

*Source:* Christopher 2019, 1.

Malawian Nyasa times news reported that “just as the old adage says, the United Republic of Tanzania has shown it is a friend in need is a friend indeed by donating 200 metric tons of maize, and a truck loaded with medical supplies on 23 March, 2019, to the people that have been affected by natural disaster caused by heavy rains in the southern

part of Malawi” (Simeon-Phiri 2019). This proved how Tanzania is committed to maintaining good relations with its neighbors and region in general.

The border dispute has a great significant effect to economic growth between the two countries. If it is undermined it will deprive both countries’ citizens from enjoying the currently border and interstate trade. Malawi as one among the landlocked countries in the Southern African Development Community (SADC) region, depends on partners for its economic development. When he visited Malawi on 24 April 2019, the president of Tanzania, Dr. John Magufuli requested for trade statistics between Malawi and Tanzania from the Tanzania investment center (TIC). He found out that the volume of trade between the two countries was about 66 million USD (Tanzanian shillings 146.112 billions), and only two Malawian were registered by the TIC with the investment value of 0.94 million USD. The number of Tanzanian investors in Malawi were also very few.

These trade statistics indicate that there exist uncertainties of investors from investing more in both countries as a result of the long standing border dispute. It was also noted that Malawi set aside about 27million USD for buying maize from Tanzania, but only 7million USD were used. There are many economic activities conducted especially at Karonga and Songwe border of Tanzania and Malawi. Mostly agricultural products such as rice, maize, potatoes and most of those goods are transported from Tanzania to Malawi. Also Malawi utilizes the Dar es Salaam port to transport its cargo from overseas.

Malawi is also a good market for different products like cement, clothing and processed products. This indicates that there is a need to resolve the dispute between these two countries to allow for more investments that will have mutual benefits for

sustainable development. This can be achieved when there is assurance for investors from both countries that the dispute is resolved and there is peaceful environment that allows them to explore for economic opportunities.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

##### Military

As one could note from the two case studies of Cameroon-Nigeria and Guinea Bissau-Senegal, when they used the military as a national instrument to solve the problem, it did not achieve the desired objective of peaceful agreement between the disputed parties. This was particularly noticeable on the Bakassi peninsula, which was not solved until diplomatic means became the primary instrument used. Military intervention tended to bring only a temporary solution to a problem. Following the four United Nations Security Council resolutions in the Senegal and Guinea Bissau dispute, results clearly showed how likely border disputes can lead a country to war due to provocations by one part to the dispute. In this case Senegal demonstrated a good example of tolerance that prevented the country from entering into war by not retaliating. Senegal chose the best way of solving the problem through negotiation and involving a third party that negotiated an amicable agreement by both parties. Military use during the dispute of Cameroon –Nigeria and Senegal- Guinea Bissau killed soldiers, civilians and caused other damages as a result of fighting. This action raised tensions and demonstrated that military power in this case, and most likely usually escalates the problem and sometimes causes war, if not cautiously and wisely approached.

Tanzania and Malawi should not employ the military instrument of power to such an extent that war becomes a solution to this dispute, since it will destroy the existing congenial relations between the two states, as well as hamper the economic development

achieved so far. In 2018 Tanzania's Minister for Defense and National Service, Dr. Hussein Mwinyi, wisely said that negotiations to find a lasting solution over the Lake Nyasa border dispute between Tanzania and Malawi were continuing and the government of Tanzania was working tirelessly to ensure that an amicable solution is found peacefully," Dr. Mwinyi told the National Assembly in the capital Dodoma.

### Economy

The discovery of oil and gas is very crucial, and it is of economic importance for both countries due to the fact that it adds to the country's economic development thus improving the living standards of the people in the area. Both cases of Cameroon-Nigeria and Senegal-Guinea Bissau are known for their natural resources of oil richness as well as fishing. These resources do not only generate income to people, but also augment government revenues through taxes. Nigeria's economy depends largely on oil as a contributor to its Gross Domestic Product (GDP), thus, it would wish to benefit from Bakassi resources to boost its economies. The amicable agreement between the two states paved the development of projects that promoted joint economic ventures and enhanced cross-border cooperation for the mutual benefit of both countries

Likewise, the dispute between Senegal and Guinea Bissau was solved by negotiations that ended with an agreement for cooperative management of the resources between the disputed countries. This was a great achievement for the sustainable development to both countries. Though the case was concluded in favor of Senegal, the country was ready to share its resources with Guinea Bissau by giving 15% of the oil extracts and 50% of the fishing from the disputed area for the purpose of maintaining good relationship between the two states as the President of Senegal promised during the

signing of an agreement. This sets a distinctive example in the resolution of maritime border disputes through an amicable way.

Malawi and Tanzania should also learn from these experiences, hence be ready and committed to ensure that the long standing dispute is resolved peacefully. The two countries should consider the benefits available by maintaining good relations that allows for sustainable development. The mutual benefits can be achieved through sharing the resources available in the disputed lake Nyasa just as it had been before the colonial era. Malawi, as one of the landlocked countries, should think not only about the oil and gas prospects in Lake Nyasa but also about other economic opportunities available to Tanzania such as the Dar es salaam port, and utilize them for its economic development.

#### Information

Media role in conflicts is vital as it informs the community on the prevailing issues between the conflicting parties. The use of information can be a catalyst towards positive or negative results. It is in this vain that media should be careful and analytical when reporting on certain issues especially when the information tends to stir up violence. In looking at the two case studies, media played great role in reporting about what was going on during the dispute. For instance, during the Cameroon-Nigeria dispute different media both local and international reported to the community and the world on the causes of the dispute tracing back to its historical background, and world court judgment, the Bakassi people's reaction, and the Nigerian citizen's reaction, as they were the most affected, and lastly on the effects of the dispute on diplomatic relations.

The media have also been reporting on the ongoing dispute between Malawi and Tanzania stating that the conflict was ignited as a result of oil prospects in the Lake



Nyasa and all efforts exerted in trying to solve the dispute, though it has not achieved its desired objective. Thus it is imperative that the countries ensure that they adhere to the rules of good international relations which requires both parties to be fully committed to finding a peaceful solution.

### Diplomacy

The role of strategic or political leaders is of great importance in resolving states or national problems. It can be proven in this case how the former President Obasanjo of Nigeria and President Biya of Cameroon played a leading role in the Bakssi Peninsula conflict resolution. This is a good example that should be encouraged among other leaders in African states as well as the world at large in finding solutions to the disputes. Malawian and Tanzanian leaders are the key players to finding the amicable solution for a decades' maritime border dispute over the Lake Nyasa. The leaders of both countries should ensure that they do not politicize the issue for the purpose of gaining popularity, but rather think of the long term aftermath if these countries engage in armed conflict because a diplomatic solution cannot be found.

Tanzania and Malawi should continue to seek for a peaceful settlement of the dispute because it can threaten peace and security of both countries. When there is no peace between the two states there will be no more business which will have negative economic impacts for both countries, as well as other neighboring countries. They should learn from other countries such as the Democratic Republic of Congo and Burundi which are economic messes where people leave their countries and take refuge in other peaceful countries hence not having a chance to economically develop.

Tanzania's foreign policy that encourages good neighborliness as an aspect among its principles and strategy, should be able to enhance and maintain peace, security, order, and international relations. Looking at the current situation of the peaceful relations that exist between Tanzania and its neighbors, whatever problem and challenge that may arise, it is strongly believed that there should be no room for forcible diplomacy, but rather predictions for non-coercive diplomacy. This is the best option in finding solutions to the problems and challenges. This means that a diplomatic process will remain to be the key in relations between Tanzania and its neighbors. Additionally, Tanzania should always remember that its security is being tightly linked to the security of all its neighbors.

#### Recommendations

Undeniably, the existence of a long standing disputes such as that of Malawi and Tanzania pose hindrances especially to people living in the lake shores with uncertainties' as to when they will have total freedom and peace of mind for their own development as well as for their respective countries. When tensions arose in 2012, the people affected raised their voices, urging the strategic leaders to find an immediate solution to the dispute. It is in this respect that the researcher recommends the following:

First, leaders should play the significant role of bringing the two parties together to the negotiation table as it involves direct discussion. Sometimes strategic or political leaders have to be ready to make critical decision that are for mutual benefit and not defer the problem to their successor because they do not want to take a risk. On the other hand, the political will and commitment by both parties to the dispute is very crucial for reaching a peaceful solution or agreement. The leaders of Malawi and Tanzania are the

key players to finding the amicable solution to the long standing maritime border dispute over the Lake Nyasa. The leaders of both countries should ensure that they do not politicize the issue for the purpose of gaining popularity but rather think of the aftermath if these countries engage in armed conflict or war.

Second, both Malawi and Tanzania should agree and be ready to share the resources of Lake Nyasa just as it has been before the colonial era when the people of both countries were using the lake for their living. This will enhance the regional economic development and enable individual countries to strengthen interstate and investment opportunities from both sides. As Tanzania fosters good relations, so should Malawi embrace that and, benefit more from interstate trade across the border as well as through joint markets as international trading partners.

Third, Tanzania and Malawi should agree to continue with the mediation process by the former presidents of Mozambique, South Africa and Botswana under the African Union. It is commonly believed that African problems should be solved by Africans; meaning, “African problems need African solutions”. as was highlighted by some of African leaders. A good example of this is the Cameroon and Nigeria case that took eight years for the International Court of Justice to judge. Also the ICJ judgement or ruling have been unaccepted by African countries thus prompting the intervention of other external or international parties for reaching a peaceful solution or implement those agreements.

Finally, with the congenial relations that Tanzania and Malawi have, non-coercive diplomacy still stands to be the best option in resolving the border dispute. Just as the diplomatic process is key to the world of international relations, then even in this

perspective, a diplomatic process should be considered as key to settling this dispute for sustaining friendly and productive international relations. This will pave the way for both countries to explore the economic opportunities and investing for mutual benefits that will boost the economies of Malawi and Tanzania.

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