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      - be published as it is;
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THE LAKE NYASA BORDER DISPUTE BETWEEN TANZANIA AND MALAWI: A NEED FOR LEGAL SOLUTION

Anthony B. Mzurikwao and Kephas P. Ugula***

Abstract

Lake Nyasa has been a focal point of a long-standing border dispute between Tanzania and Malawi, which remains unresolved to date. The dispute has impaired diplomatic relations, deterred investment, stalled exploration and inflamed localised tensions. This article navigates the historical, legal and economic facets of the dispute. It shows how the two international law doctrines: *uti possidetis juris* and median line/equidistance, are used by the disputants to solidify their claims. To clear this legal quagmire, and being supported by the theory of legal interpretivism, the article argues for the need of a legal solution. A legal solution through adjudication or arbitration is a matter of necessity to unlock the lake's abundant economic potential, propel regional inter trade, upholding peaceful coexistence between Tanzania and Malawi, and ultimately attain sustainable economic development.

Key words: *Border dispute, border dispute resolution, sustainable economic development, Lake Nyasa*

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1. INTRODUCTION

Dispute is an inherent part of human life as diversities in beliefs, cultures and interests intermingle.[1] As subjects of international law, states, just as natural persons do, have relations with each other. Out of these relations, disputes are inevitable.[2] Common among the disputes between states are border disputes. For a longtime state borders have played a great role in politics, economics and international relations. They have been vital in forging stability; a crucial component in maintenance of national identity and preservation of statehood.[3]

State borders around the world are usually drawn based on geographical features such as mountains, valleys, rivers and lakes, to mention but a few. Also, they can be demarcated based on settlement of groups of people with common identities such as language, creed, history, ethnicity or other cultural similarities. It is from these multiple factors that border disputes are sometimes complex and difficult to resolve. In Africa, resolving border disputes is even more complicated. Such complication emanates from the very fact that Africa was partitioned, and her borders drawn and redrawn by European imperial powers.[4] Geographical features like Lake Nyasa, were merely used to demarcate colonial interests at stake for purposes of extracting raw materials, cheap labour and markets for European industrial goods.

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1 Namagonya, S., "An Assessment of the Conflict Resolution Measures in the Malawi Tanzania Lake Malawi / Nyasa Border Dispute", LL.M Thesis, United States International University, 2024, at p. 1.

2 Kapoor, S. K., *International Law and Human Rights* (15th Revised Edn.), Allahabad, Central Law Agency, 2004, at p. 117.

3 Namagonya, S., above note 1, at p. 1.

4 Ibid.

On basis of the aforementioned, this article shows how the Lake Nyasa border dispute stems mainly from colonial-era border instrument and mapping. Malawi's claims are shown to be based on such instrument and map, as well as interpretation of the customary law doctrine of *uti possidetis juris*. On the contrary, Tanzania is shown to justify her claims by relying on the median/equidistance doctrine. The article analyses the legal foundation of these two conflicting doctrines, and on its core argument, draws experience from comparable African border disputes to highlight that durable outcomes for such disputes come from legal solution.

2. THE CONCEPT OF BORDER DISPUTES

2.1 Border Dispute

Border dispute connotes a disagreement between two or more states caused by a claim of location, sovereignty, delimitation or use of part or whole territory which is under sovereignty of another state.[5] It can be over land borders, maritime boundaries, islands, river courses, lakes or natural resources such as minerals, water, oil and gas. If not resolved, border dispute can easily escalate into a full-fledged conflict, war, aggression or any other form of conflict. Border disputes can originate from colonial legacies, ambiguous treaties or other forms of international agreements, natural changes of features demarcating borders such rivers change course or lakes shrink or expand, presence or discovery of natural resources, nationalism, and poor demarcation.[6]

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5 African Union Border Programme, *African Border Dispute Settlement: The User's Guide*, Addis Ababa, African Union Commission, 2016, at p. 18

6 Ibid.

Peculiar to Africa, many of her borders were made during colonial times without regard to ethnic, linguistic, or traditional territorial patterns. This anomaly in some of these borders creates areas of ambiguity or uncertainty. Indeed, a lot of African border disputes germinate from these ambiguities, uncertainties or grievances tied to colonial imprecision and illegitimacy borders demarcation.[7]

2.2 Border Dispute Resolution

Border dispute resolution refers to legal, diplomatic, technical, or political processes in which states parties to the dispute, settle their disagreements peacefully. Such settlement can be made by reaching agreement through non legal means, notably diplomatic methods like mediation, good offices, inquiry or conciliation. Also, legal resolution in a form of adjudication or arbitration can be used to determine who has rights over the disputed territory or how the border should be defined and administered.[8]

Border dispute resolution has a long history echoed around political, social and economic order of the time.[9] In ancient and medieval era, borders, though informally, were defined by natural geographical features like rivers or mountains. Border disputes were resolved by conquest or treaties among rulers; with less formal procedures.

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7 Id, at p.19.

8 Id, at pp. 36-54.

9 Liu, X., "Putting the Border Dispute into Historical Context", available at <https://www.airuniversity.af.edu/Portals/10/JIPA/IndoPacificPerspectives/June%202021/02%20Liu%20.pdf> (accessed on 20 October 2025)

In the renaissance period, as European powers explored, colonised, or negotiated with each other, they drew maps and treaties defining their colonial/overseas possessions. The concept of recognised sovereign states with more fixed territories became stronger in Europe. Treaties gained precedence in defining territories, and disputes were resolved via bilateral diplomacy, war, or arbitration.[10]

After the Second World War, many colonial territories became independent states. Borders drawn by colonial powers often became contested when new states emerged. International bodies such as the International Court of Justice (ICJ), formed in 1945, began hearing border disputes cases between states. Also, the doctrine of *uti possidetis juris* grew in prominence, especially in Africa and in the Americas. That is to say, new states decide to keep the colonial administrative boundaries as their international boundaries to avoid border disputes.[11]

In modern times, the process of resolving border dispute may include the following elements: clarifying claims (what each state considers the border to be); applying international law from treaties, international customary law, and doctrines such as *uti possidetis juris*, equitableness or effective administration; negotiation, mediation, arbitration, adjudication; demarcation of borders by marking on maps or on the ground; and implementation of the agreement or decision to ensure control,

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[10] Jailly, E.B., "Border Disputes: A Global Encyclopedia", available at <https://www.researchgate.net/publication/301649487 > (accessed on 20 October 2025).

[11] Ibid.

administration, security, compensation or any other transitional arrangements.[12]

2.3 Sustainable Economic Development

Sustainable economic development reflects a way of growing and developing an economy which supports the present wellbeing and preserves the ability of future generations to meet their own needs.[13] It involves integration of three important aspects: economic growth, social equity, and environmental protection. In economic growth, the generated wealth has to improve incomes, create jobs and enhance productivity. Such growth must be resilient and resource efficient. Environmentally, natural resources for development purposes, have to be utilised wisely. Emphasis must be placed on reducing pollution, preserving biodiversity, controlling waste, using renewable energy and maintaining ecosystems. Equally, the attained economic development must reach all people. It has to reduce poverty, improve access to health, education and other basic amenities, avoid exploitation or segregation and maintain fair opportunities for all, in present and future generations.[14]

Resolving border disputes can be crucial in achieving sustainable economic development. Resolving such disputes increase stability and security, encourage investment and trade, provide opportunity for better resource utilisation and management, improve joint infrastructure projects and connectivity, reduce

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12 Ibid.

13 Wang, Y., "Sustainable Economic Development", available at <https://www.elibrary.imf.org/display/book/9781557755421/ch010.xml> (accessed on 20 October 2025).

14 Ibid.

unnecessary spending of securing the disputed border, facilitate regional trade and economic integration, and promote social cohesion and reduction of human suffering.[15]

2.4 Lake Nyasa

Lake Nyasa, also known as Lake Malawi or *Lago Niassa*, is amongst the African great fresh water lakes, shared by Malawi, Tanzania and Mozambique. It is the third largest fresh lake in Africa and the ninth largest globally by surface. The lake is blessed with abundant biodiversity, fisheries, potential for oil and gas exploration, tourism, transportation and trade. The lake is home to more than 700 fish species. This resource is a major source of food security, income and employment to the communities inhabiting its shores and afar. It also avails a global biodiversity hotspot, notably for its endemic cichlids suitable for ecological exploitation, conservation and environmental research.[16]

The lake serves as a cheap inland water way for transporting people and goods to and from markets. The ports of Itungi, Mbamba Bay and Nkhata Bay have been developed to interconnect transportation between Tanzania, Malawi and Mozambique. As a rift valley lake, its picturesque bordering mountains, clear waters and spotless sand beaches, poised it as a real gem for eco, adventure and leisure tourism, with potential to

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15 Walker, T., "Why Africa Must Resolve its Maritime Boundary Disputes", Institute for Security Studies, available at <https://www.files.ethz.ch/isn/194507/PolBrief80.pdf> (accessed on 20 October 2025).

16 African Great Lakes Information Platform, "Lake Malawi/Niassa/Nyasa", available at <https://africangreatlakesinform.org/page/lake-malawiniassanyasa> (accessed on 20 October 2025).

lure both domestic and international visitors. Recently, prospects of untapped oil and gas reserves, especially in the northern basin of the lake, have gained attention of international investors, funders and explorers. The possibility of these hydrocarbon reserves, if confirmed and utilised, offer potential for major revenues to reduce dependence on energy imports and attract foreign direct investments.[17]

3. THE DISPUTE BETWEEN TANZANIA AND MALAWI

Lake Nyasa has been a focal point of a long-standing border dispute between Tanzania and Malawi. The dispute is based on sovereignty over the northern part of the lake, specifically the portion adjacent to the Tanzanian shoreline.[18]

3.1 Genesis of the Dispute

The dispute traces its genesis during scramble and partition of Africa by European imperial powers. The Berlin Conference of 1884-1885 divided Africa into colonial blocks with borders drawn hastily and unrealistically to suit colonial ambitions. The Conference was followed by multiple treaties between colonial powers on ground to settle territorial claims. One of such treaty was the 1890 Heligoland Treaty between Germany and Britain. This treaty set the boundaries between the British Nyasaland (now Malawi) and the *Deutsch Ostafrika* (which included present day Burundi, Rwanda and mainland Tanzania). Under this Treaty, the boundary between the British territory and the German

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17 Ibid.

18 Maluwa, T., "Oil Under Troubled Waters? Some Legal Aspects of the Boundary Dispute Between Malawi and Tanzania Over Lake Malawi", 37(3), *Michigan Journal of International Law*, 351, at p. 356.

territory was established along the eastern shore of Lake Nyasa.[19] The entire lake, with exception of some southern part, which was placed under the Portuguese East Africa (now Mozambique), was placed within the British control. To mean that, the border between what became Tanzania and Malawi was agreed to be the shoreline of the lake, and not running through the middle of the lake.

In 1918, Germany lost the First World War. As part of reparation under the Versailles Treaty, the German colonies were taken by the victorious powers within the mandate of the League of Nations. Burundi and Rwanda were taken by the Belgians and Mainland Tanzania (Tanganyika) by the British. Therefore, from 1919, both Tanganyika and Nyasaland were administered by one colonial power, Britain, though as separate territories.[20]

3.2 Legal Basis of Malawi's Claim

Nyasaland gained her independence from Britain in 1964 and took the name Malawi. She officially renamed Lake Nyasa as Lake Malawi. Since her independence, Malawi has been claiming the entire north east portion of the lake, primarily basing on the provisions of the 1890 Heligoland Treaty.[21] Malawi argues that this colonial time treaty defined the boundaries between herself and Tanzania, by giving her the entire sovereignty over the lake

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19 Ibid.

20 Britannica, "Treaty of Versailles", available at <https://www.britannica.com/event/Treaty-of-Versailles-1919> (accessed on 20 October 2025).

21 Maluwa, T., "Oil Under Troubled Waters? Some Legal Aspects of the Boundary Dispute Between Malawi and Tanzania Over Lake Malawi", above note 18, at p. 371.

along the borders with Tanzania. Malawi's argument is specifically based on Article 1(2) which partly reads as shown below:

> In East Africa, Germany's sphere of influence is demarcated thus: 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.

Malawi further argues that the 1890 Heligoland Treaty was never repudiated. Therefore, its application has been carried over into the post-colonial independent states vide the doctrine of *uti possidetis juris*. This doctrine is based on international customary law to mean that newly established sovereign states should retain borders that their preceding dependent area had before their independence. The rationale of the rule therein is to prevent territorial disputes and promote stability in the post-colonial era by preserving the existing *status quo* in relation to state borders.[22]

The *uti possidetis doctrine* as argued by Malawi, is not only found in international customary law but also in post-colonial Africa treaties. Treaties made by the independent African states spell similar intent. The then Organisation of African Unity (OAU) Assembly of Heads of State and Government held in Cairo, in 1964, categorically resolved that:[23]

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22 Id, at p. 380.

23 AHG/Res. 16(I), available at <https://au.int/sites/default/files/decisions/9514-1964_ahg_res_1-24_i_e.pdf> (accessed on 20 October 2025).

> Considering that border problems constitute a grave and permanent factor of dissention. Considering further that the borders of African States, on the day of their independence, constitute a tangible reality. SOLEMNLY DECLARES that all Member States pledge themselves to respect the borders existing on their achievement of national independence.

Malawi's position as substantiated by the quotation above did not demise with the end of OAU in 2002. The successor of the OAU Charter; the Constitutive Act of the African Union (AU) is maintaining similar stance regarding colonial borders. This position has been reaffirmed in some African boundary disputes. For example, in the case of *Burkina Faso v. Mali*,[24] the ICJ clearly upheld the preservation of inherited colonial borders as pivotal to maintain peace and stability.

3.3 Legal Basis of Tanzania's Claim

Tanzania attained her independence from Britain in 1961 as Tanganyika. She became the United Republic of Tanzania in 1964 after her union with Zanzibar. Since her independence, Tanzania has been challenging Malawi's assertion of entire sovereignty on Lake Nyasa. Tanzania has been arguing that the colonial border on the lake as stipulated by the 1890 Heligoland Treaty, is obsolete, unrealistic and repugnant with contemporary doctrines of international law.[25]

Tanzania relies on the equidistance/median line doctrine. This doctrine is applied in delimitation of boundaries in international

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24 ICJ Reports 1986, at p. 554.

25 Maluwa, T., above note 18, at p. 373.

water bodies between riparian states. The doctrine is upheld by the international community vide the United Nations Convention on the Law of the Sea (UNCLOS).[26] Both Tanzania and Malawi are parties to the Convention. In the UNCLOS, Tanzania specifically relies on Article 15 which reads as:

> Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two states in a way which is at variance therewith.

Although the second part of the provision stated above suggests limitation on usage of median line doctrine in event of historical or any other special circumstances to the contrary, Tanzania still maintains its stance of sovereignty on Lake Nyasa. Tanzania substantiates such stance on equitable share of the lake as a historical phenomenon. She argues that her communities on the lake shores, historically and uninterrupted, has not only being regarded the lake as theirs, but also their main source of livelihood. Therefore, Tanzania does not believe in the application of any principle or colonial treaty which contradict the realities on the ground and the historical rights of her people

[26] It is an international treaty within the United Nations that establishes a legal framework for all marine and maritime activities. It was entered in 1982 and became forceful in 1994.

to their natural resource. Tanzania has occupied and used the resource even before advent of colonial rule or adoption of international law principles.[27]

3.4 Map Showing the Disputed Border28

4. EFFORTS MADE TO RESOLVE THE DISPUTE

Since attaining of independence by Tanzania and Malawi, various efforts have been employed to resolve the status of ownership of Lake Nyasa between the two states. Knowing the potential risk which this dispute poses to bilateral, regional and international's peace, integration and sustainable development, regional and continental bodies have made efforts to resolve the dispute.[29]

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27 Maluwa, T., above note 18, at p. 351.

28 Chirwa, M.R.D., and Robinson, C., "Lake Malawi or Lake Nyasa? Malawi-Tanzania Border Dispute Slips into Limbo", available at <https:// usi.org/explore-our-research/publications/commentary/lake-malawi-or-lake-nyasa-malawi-tanzania-border-dispute-slips-limbo#> (accessed on 20 October 2025).

29 Ibid

4.1 Bilateral Efforts

The question of Lake Nyasa ownership has been a diplomatic tag between Tanzania and Malawi. Soon after independence of the two states, the dispute started to emerge and was officially articulated in diplomatic circles. The tension emerged in 1964 when the then Malawi's President, Hasting Kamuzu Banda, unilaterally changed the Lake's name from Nyasa to Malawi without informing and consulting Tanzania and Mozambique.[30]

Historically, the Lake was named Nyasa by the British explorer, Dr David Livingstone, who is claimed to be the first European to site the Lake in 1859. Malawi's decision noted above is deemed to be based on the fact that upon independence, her name was also changed from Nyasaland to Malawi. That was not received well in Tanzania. Tanzania replied by banning all maps with the name "Lake Malawi". Tanzanian first President, Julius Kambarage Nyerere, officially notified Malawi that the border between Tanzania and Malawi on Lake Nyasa, is in the middle of the Lake, and not otherwise. Malawi vehemently rejected that position.[31]

During that period, the two countries kept restraint and the dispute did not escalate into a full conflict, though tension over the dispute remained high. The diplomatic ties between the two became a bit sour. Apart from the lake dispute, the diplomatic tension was also fuelled by incompatible foreign policies on Africa liberation from colonial domination and Pan-Africanism. Banda's Malawi openly maintained ties with white minority

30 Maluwa, T., above note 18, at pp. 371-373.
31 Ibid.

regimes in South Africa and Rhodesia, as well as Portuguese colonial governments in Mozambique and Angola. On the contrary, Nyerere's Tanzania stood as a front runner in Southern Africa liberation wars of independence. Dar es Salaam, not only became the headquarters of the OAU's Liberation Committee, but also a handful of Banda's critics and dissidents found asylum in Tanzania.[32]

This situation created a mistrust atmosphere between the two neighbours. The diplomatic impairment had its impact too on the Lake Nyasa dispute. There was no conducive environment for meaningful bilateral efforts to resolve the dispute to take place. Therefore, throughout the 1960's, 1970's and 1980's, the dispute disappeared from the diplomatic circles of the two countries. Relative peace remained with some few sparks of acrimonious trade of words and military threats resurfacing and subduing.[33]

4.2 Efforts by the AU

The AU has not been directly involved in resolving the Lake Nyasa border dispute. However, the AU's Constitutive Act and its inherited principles from the OAU on resolving African border disputes, by implication, has played a significant role. Though the doctrine of *uti possidetis juris* has emphasized on upholding colonial borders, in event where border dispute arises, the AU calls the membership to resolve the dispute peacefully and avoid

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32 Mayali, J., "The Malawi-Tanzania Border Dispute", 11(4), *The Journal of Modern African Studies*, 2008, Cambridge University Press, available at < https://www.cambridge.org/core/journals/journal-of-modern-african-studies/article/abs/malawitanzania-boundary-dispute/E752189685196A67E9C83E04A1B555B9> (accessed on 20 October 2025).

33 Ibid.

threat or use of force. It is in this context of resolving border disputes, the AU created the African Union Border Programme (AUBP). The AUBP intends to assist African states, amongst other border issues, to facilitate border dispute settlements that promote African peace and general welfare. This initiative of encouraging pacific legal solution to border disputes, has been influenced greatly by the effort made by the Southern African Development Community (SADC) in resolving the Lake Nyasa border dispute.[34]

4.3 Efforts by the SADC

The role of SADC in resolution of Lake Nyasa border dispute was spotted in 2011. In that year, Malawi contracted a British firm, Sure Stream Petroleum, to explore oil and gas in the eastern part of the lake. The contractual area involved exploration within the territorial waters claimed by Tanzania. This contract reignited the unresolved dispute; which at that time was somehow dormant.[35]

Tanzania officially submitted her claims to Malawi that the exploration area was not solely within Malawi's sovereignty. Therefore, awarding of the contract of that nature should have involved Tanzania's consent as well. Tanzania contended further that the execution of the contract was to be halted until her consent is procured. Despite Tanzanian protest, Malawi refused to stop the exploration by upholding her position that the contractual area was within her territory.[36]

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34 African Union Border Programme, above note 5, at p. 28

35 Maluwa, T., above note 18, at p. 351.

36 Ibid.

As tension mounted after bilateral talks between the two states faltered in 2012, Tanzania resorted to international mediation within precincts of SADC. When Malawi consented to this forum, a joint application was made to the Chairperson of SADC's former heads of state and government headed by Joaquim Chissano- former President of Mozambique. The team included other two mediators, who were: Festus Mogae- former President of Botswana and Thabo Mbeki-former President of South Africa.[37]

In 2017, after receiving submissions of the two states, each state vehemently maintained her legal positions without any scintilla of conceding positions.; The mediators gave the disputants three months to come to a final resolution. Despite such call, the disputants failed to agree on any tangible resolution.[38]

Out of unknown reasons, mediation efforts by that team were not carried further. Since then, the dispute has lost its urgency. Surprisingly even to the disputants themselves, it appears that the relevancy of resolving the dispute is no longer a priority in their diplomatic endeavours. In recent times, high profile leaders from both states have been quoted playing down the dispute and insisting that the focus is no longer in efforts towards resolving the dispute.[39]

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37 High Commission of the United Republic of Tanzania in Zambia, "Tanzania, Malawi Turn to Former African Heads to Find Solution to the Lake Nyasa Border Dispute", available at <https://www.zm.tzembassy.go.tz/resources/view/tanzania-malawi-turn-to-former-african-heads-to-find-solution-to-the-lake-nyasa-border-dispute> (accessed on 20 October 2025).

38 Chirwa, M.R.D., and Robinson, C., above note 28.

39 Nyasa Times, "Chakwera Says Lake Malawi Border Row with Tanzania 'Non-Issue': Prioritises Building Rapport", available at< https://www.nyasatimes.com/chakwera-says-

5. ERSISTENCE OF THE DISPUTE AND ITS EFFECT

5.1 The Unresolved Dispute

As depicted earlier, both states have maintained their legal claims over territorial waters of Lake Nyasa. Such irreconcilable positions have remained unresolved. Although leadership from both states have been insisting on insignificance of the dispute, normalcy and cordial relation between them, recent facts on ground betray this pretence.

For example, in 2024, Tanzania issued a ministerial circular that all schools should use maps and text books depicting that the border on Lake Nyasa between herself and Malawi runs through the middle of the lake. Although it was a domestic directive, this was not received well in Malawi. It awakens back the dispute. Malawi viewed it as an act of encroachment on her sovereignty. The camouflage that the dispute is a non-issue faded away. The ugly face of the dispute came back and acrimonious exchanges between Malawians and Tanzanians, dominated social and main stream media.[40]

5.2 Effects of the Unresolved Dispute

As the dispute remained unresolved, it has created notable effects on economic development, diplomacy, regional integration, investment and community livelihoods, as shown below.

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lake-malawi-border-row-with-tanzania-non-issue-prioritises-building-rapport/ > (accessed on 20 October 2025).

[40] Avant Publications, "Tanzania Claims Partial Ownership of Lake Nyasa", available at <https://www.com/avantmalawi/posts/tanzania-claims-partial-ownership-of-lake-nyasathe-tanzanian-minister-of-educati/1029183352557531/> (accessed on 20 October 2025).

5.2.1 Recycling of Diplomatic Tensions

The dispute has been a catalyst of recycling diplomatic wrangles between Tanzania and Malawi. The acrimony always flared up whenever the question of resource exploration or maritime enforcement surfaced. For instance, in 2012, tensions popped up following Malawi's unilateral decision of licensing oil exploration on the disputed part of the lake. Tanzania vehemently demanded suspension of such exploration. It is evident that these tensions have scared off potential investors and halted projects of high economic potential. Investors always turn blind eye on areas with unresolved disputes due to their legal uncertainty, reputational risk and probable litigations.[41]

5.2.2 Inflaming Hostilities in Local Communities

The ambiguity as to where Tanzanian waters end and Malawi's begin has not spared the local fishing communities on the lake's vast shores. These communities have been a subject of arrest, harassment, fines or confiscation of their catches or tools from authorities of opposing side. This has created unnecessary fear and hostility against the communities. The communities have for centuries fished peacefully on the lake. In a bigger picture, food insecurity has surfaced and the local economy has dwindled.[42]

5.2.3 Undermining Joint Environmental Framework to Preserve the Lake

This dispute has undermined the possibility of joint environmental governance framework over the lake. As each state maintains her own legal stance and at the same time suspicious of

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41 Maluwa, T., above note 18, at p. 351.

42 Kenneth, A. N., "Mediating the Lake Nyasa Border Dispute between Tanzania and Malawi", LL. M Dissertation, University of Witwatersrand, 2016, at p. 30.

the other, there have been no unified environmental approach and initiative to curb pollution, maintain sustainable fishing practices or general biodiversity protection. This void exposes the lake to the risk of overfishing, environmental degradation and other ecological hazards.[43]

5.2.4 Impairing Cross Border Economic Activities on the Lake

The dispute has overshadowed and impaired initiatives of cross border infrastructure, common tourism and joint resource management. Despite the location of Lake Nyasa as a natural hub for regional trade, transportation and connectivity, the question of its ownership has deemed to be a matter of priority and national prestige over the regional common benefit of the lake. Therefore, prospects of joint tourism branding and marketing, ferry networks and wide integration through the lake have remained in rudimentary level for the benefit of none.[44]

6. NEED FOR LEGAL SOLUTION

6.1 Rationale of Legal Solution

Border disputes can be resolved judiciously through adjudication in international courts. One of such courts is the ICJ. Also, the disputes can be determined through other solutions. These may include entering into treaties or other forms of international binding agreements by the disputants. The said agreements can be resulted from diplomatic talks, negotiations or mediations. Equally, the parties may opt to resolve their dispute through arbitration; which is a *quasi*-judicial process. In this process, a

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43 Id, at p. 31.
44 Ibid.

neutral third party has to be consented and appointed by both parties to be an arbitrator. The arbitrator will hear the parties and make an award; which is the binding decision to determine the dispute. [45]

A need to resolve border disputes through legal solutions under international law, has been considered as a viable option. The rationale for this viability is found in many advantages associated with the legal solutions. Such advantages are as shown below:

6.1.1 The Value of Decision

The decision made in adjudication or arbitration of border disputes is recognised and enforceable under international law. Such recognition and enforceability emanate from the fact that submission of any dispute before an international court or arbitral proceeding must be preceded by the disputants' consent. This principle, which is also known as the 'principle of the free choice of means, is enshrined in the UN Charter, which requires the disputants to resort to peaceful means of their own choice, including judicial settlement. The presence of consent signifies willingness of the parties and their readiness to accept and be bound by the outcome therefrom. Therefore, when the decision is made, it becomes binding on the parties and more important, it will be considered and respected by the third parties that it has settled the dispute.[46]

45 African Union Border Programme, above note 5, at pp. 25-54.
46 Id, at pp. 46-47.

6.1.2 Finality of Decision

In amplification of what is stated above, when a border dispute is determined judiciously, the likelihood of the resolution therein to fail, is minimal. Normally, the international court will pronounce a judgment resolving the dispute. As the disputants have consented to the jurisdiction of the court, it is obvious that both will comply with that judgment. The dispute will be considered settled. In border disputes, that conclusiveness is deemed important. It deters occurrence of residual disputes which can reignite the dispute again.[47]

6.1.3 Room for Interlocutory Orders

Some international courts, notably the ICJ, are endowed with powers to issue interlocutory orders. These are orders which are temporary, intended to address an issue during the course of litigation, rather than ending the case entirely. These orders help to manage the legal process by resolving procedural matters, like discovery or the joining of parties, before the court makes a final decision on the main issues of the dispute.[48]

In border disputes, interlocutory orders are relevant. They can be issued to preserve the *status quo*, prevent the disputants from exploiting or developing the disputed territory or from engaging in use of force while the dispute is under consideration by the court, until the judgment is made. These orders afford a chance, though temporarily, of cessation or restraint of hostilities between the disputants; which in a long run is beneficial for maintaining peace and order.

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47 Ibid.

48 Article 41 of the Statute of the ICJ.

6.1.4 Room to Test/Clear Conflicting International Legal Principles or Instruments

Border dispute can arise out of conflicting international law doctrines such as *uti possidetis juris*, median line/equidistance, or effective occupation, amongst many others, when applied to justify borders' claims. Also, the dispute can be caused by interpretation, application or recognition of bilateral or international agreements, treaties or other instruments. When the disputants referred the matter for adjudication or arbitration, it avails the chance to the court or arbitral institution, to go through the conflicting doctrines or instruments and ultimately, make decision on that regard. In doing so, the prior existed conflicting principles or instruments in relation to the dispute, as claimed by the disputants, will stand as cleared or settled.[49] This judicial role is within the theory of legal interpretivism which posits that when the judicial decisions are made, are ought to consider not only what the law provides, but also moral interpretation of past institutional decisions and practices.[50]

6.1.5 Peacefulness of Legal Resolution

Since the end of the Second World War, the international community has been sternly advocating for peaceful resolution of international conflicts. The atrocities such as the holocaust, atomic bombing of Hiroshima and Nagasaki, and other killings associated with that war, have always been cited as examples to avoid use of force in conflicts resolution. International law instruments like the United Nations (UN) Charter specifically call

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49 African Union Border Programme, above note 5, at pp. 25-54.

50 Stanford Encyclopedia of Philosophy, "Legal Interpretivism", available at <https://plato.stanford.edu/entries/law-interpretivist/#Bib> (accessed on 21 October 2025).

upon the international community to uphold pacific means when resolving conflicts such as border disputes. Indeed, legal solutions of border disputes conform to this international law insistence.[51]

6.1.6 Acquisition of International Recognition, Diplomacy and Soft Power

When states parties to a border dispute opt to submit their dispute to legal resolution, and successfully resolved the dispute, they stand to gain international admiration as peace lovers. Such admiration is an international goodwill which enhances state's soft power in diplomatic world. It shows commitment and compliance to international law and norms which insist on pacification of conflicts including border disputes. A state with this international accolade, may use it to solicit other international gains like trade, aid, security cooperation or direct foreign investments.[52]

6.1.7 Facilitation of Resource Rights or Sharing

Lake Nyasa dispute, for a greater part, as shown in this article, is influenced by a quest to control the lake's vast natural resources. Basing on this premise, a legal solution is a matter of necessity. The legal solution offers to clarify what resources belong to which state and under what conditions. It also stands to settle overlapping claims for possibility of sharing resources for mutual benefit. If this is done, it will help to avoid disputes over exploitation, environmental damage and sharing of revenue.[53]

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51 Article 1 of the Charter of the UN.

52 African Union Border Programme, above note 5, at pp. 25-54.

53 Ibid.

6.2 Possible Legal Institutions to Resolve the Dispute

As the resolution of Lake Nyasa border dispute can be done through adjudication or arbitration within the framework of international law, there are existing legal institutions to render such proceedings. For adjudication, it can be done by international courts, and for arbitration by arbitral institutions. In this regard, such institutions may include the ICJ, international arbitral institutions; whether *ad hoc* or permanent, and institutional frameworks under the UNCLOS.

6.2.1 The ICJ

The ICJ is the principal judicial organ of the UN mandated to resolve disputes submitted to it by states, and to provide advice on legal issues referred to it by organs of the UN or other specialised agencies within the UN's framework.[54] These two mandates show that the ICJ has both adjudicative and advisory powers. With adjudicative power, the Court renders judgment which is final and binding on the parties with respect to their dispute. The advisory power is only to guide the disputants to reach a resolution on their own accord.

In the context of Lake Nyasa's border dispute, the ICJ mandate can be accessed to if Tanzania and Malawi, both consent to the court's jurisdiction to resolve the dispute. Such consent can be done by special agreement, by declaring the court's jurisdiction as compulsory, by signing a bilateral treaty recognising the court's jurisdiction, or by *forum prorogatum*.[55]

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54 Article 34 of the Statute of the ICJ.

55 African Union Border Programme, above note 5, at p. 45. *Forum prorogatum* (prorogated jurisdiction) refers to the ICJ's exercise of jurisdiction where a respondent State, though not bound by any jurisdictional title at the time an

By *forum prorogatum*, a respondent state which is yet to consent the court's jurisdiction at the time when the applicant state submitted the dispute, subsequently grant that consent. The respondent state can render that consent by formal declaration or by her conduct, such as arguing the merits of the case without challenging the court's jurisdiction.[56]

When adjudicating disputes before it, the ICJ relies on international principles as provided for by treaties binding the disputants, international customary law, general principles of law recognised by civilised nations, or as subsidiary means, by judicial decisions and teachings of experts of international law.[57] The court is not bound by the strings of the doctrine of precedents as they are strictly applied in common law tradition. However, for purposes of consistency, and persuasively, previous decisions may be consulted.

In relation to equity, the parties before the ICJ may consent that their dispute be decided *ex aequo et bono*, that is to say, in accordance with fairness and justice. Even in absence of such consent, still the court has liberty to invoke equity in order to achieve equitable solution to the dispute.[58] For purposes of preserving the rights of parties pending the final determination of the dispute, the court is equally empowered to issue interlocutory orders.[59]

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application is filed, later accepts the Court's jurisdiction for that specific dispute (expressly or by unequivocal conduct).

56 Yee, S., "Forum Prorogatum Returns to the International Court of Justice", 16, *Leiden* Journal *of International Law*, 2003, 701, at pp. 701-713.

57 Article 38(1) of the Statute of the ICJ.

58 Id, Article 38(2).

59 Id, Article 41.

On the basis of what is stated above regarding the sources of law applicable before the ICJ, this Court is probably a perfect venue to seek a legal solution for Lake Nyasa border dispute. It is submitted so as the laws which fall within the ambit of the Court, are precisely the ones constituting legal basis of claims for both parties to the dispute. As noted earlier, Malawi's claims traced its foundation on the 1890 Heligoland Treaty and the doctrine of *uti possidetis juris* cemented in AU's legal instruments and resolutions. Tanzania relies on the international customary law doctrine of median line as codified in the UNCLOS, and to some extent *ex aequo et bono,* for reasons that her citizens have equitable historical rights on ownership and usage of the lake. If the dispute is to be referred to the ICJ, all of these arguments and their source documents are within the jurisdiction of the court.

6.2.1.1 The ICJ's Modal Cases on African Border Disputes

As African borders are inherently prone to disputes due to their historical haste and unrealistic curving to suit colonial ambitions, there is a good number of cases which the ICJ has resolved. These cases involved issues emanate from interpretation of colonial-era treaties, administrative acts, and application of international law. In the context of Lake Nyasa border dispute, they offer important precedents on how border disputes emanate from colonial treaties can be legally resolved within the purviews of contemporary international law framework. This article is of the views that the Lake Nyasa disputants may borrow a leaf and consider possibility of agreeing to submit their dispute to the ICJ. The cases are as illustrated below.

In *Land and Maritime Delimitation and Sovereignty over Islands (Gabon v. Equatorial Guinea),*[60]the states of Gabon and Equatorial Guinea submitted to the ICJ a dispute concerning the delimitation of their common maritime and land boundaries, and the issue of sovereignty over the islands of Mbanié/Mbañe, Cocotiers/Cocoteros and Conga. In this case, the court had to determine whether the legal titles, treaties and international conventions relied by the disputants had the force of law between them.[61]

Specific to the conventions, the contention was whether the Bata Convention, which ought to delimit the land and maritime borders of Equatorial Guinea and Gabon, was binding on the parties. In determining this issue, the ICJ relied on the international customary law to adduce intention of the parties on binding nature of the Convention. In this juncture, the terms of the Convention, circumstances pertaining the drawing of the Convention, and the subsequent conduct of the parties, were all analysed to adduce the parties' intention. In conclusion, the ICJ came to a judgment that the contended Convention was not a treaty having a force of law between the parties. Therefore, its terms were incapable of constituting any enforceable rights to the parties.[62]

Upon declaring the unenforceability of the Bata Convention, the ICJ affirmed the sovereignty of the disputed islands to Equatorial Guinea. Such affirmation was based on the enforceability of the

60 [2025] ICJ Reports 179.
61 Id, at pp. 1-4.
62 Id, at pp. 60-62.

Franco Spanish Treaty entered in 1900. This treaty was entered into between the Republic of France and the Kingdom of Spain, to define territorial borders between French and Spanish colonies in west and equatorial Africa. At that time, what became Gabon was part of French Equatorial Africa, and Equatorial Guinea was within the Spanish Guinea; made of the island of Fernando Po and mainland Rio Muni. In the view of the Court, this treaty was considered vital in determining the territorial borders of modern states of Gabon and Equatorial Guinea. Under the doctrine of *uti possidetis juris*, the borders agreed upon in that treaty were inherited by Gabon in 1960, and Equatorial Guinea in 1968, when they became independent from France and Spain respectively.[63]

In reference to what is stated above, it is clear that the ICJ decided contemporary African border dispute on basis of a colonial treaty, as solidified by the precincts of the doctrine of *uti possidetis juris*. This fact did not rhyme well even to all of the presiding judges. In separate opinions and declarations appended to the judgment, dissenting judges were of the views that it is incorrect to resolve contemporary African border disputes by relying solely on colonial treaties without considering pre-colonial African realities and history. One of such dissenting opinion is as shown below:

> The third problematic notion that should not find application in territorial disputes between African States is the principle of *uti possidetis juris*. African states have never ratified the Final Act of the Berlin Conference, nor have

63 Ibid.

> they collectively accepted to apply colonial law in relations amongst themselves. This principle may have been accepted by Latin American states in order to settle disputes amongst themselves and to use Spanish administrative law, which delimited the boundaries between them prior to their independence. However, this is not the case in Africa. Neither the Organisation of African Unity (OAU) nor the African Union (AU) endorsed such a principle. I have discussed in detail in my separate opinion in Frontier Dispute (Burkina Faso/Niger) that the OAU/AU principle of respect for borders existing on achievement of independence is neither identical nor equivalent to the principle of *uti possidetis juris* applied by the Spanish-American Republics following their own decolonisation a century earlier.[64]

The above dissenting opinion, though persuasive, signals the liberal minds within the ICJ. That, despite the overwhelming prominence of *uti possidetis juris*, the court might be ready to depart from such cabal and resolve African border disputes within realms of contemporary international law principles.

In *Frontier Dispute (Burkina Faso v. Niger),*[65] the republics of Burkina Faso and Niger submitted to the ICJ the border dispute between them over a section of their common border. The disputed border was in the sector from the astronomic marker of Tong-Tong (latitude 14° 25′ 04″ North; longitude 00° 12′ 47″ East) to the beginning of the Botou bend (latitude 12° 36′ 18″

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64 Separate opinion of Judge Yusuf, A, A., at p. 6, available at < https://icj-cij.org/sites/default/files/case-related/179/179-20250519-jud-01-01-en.pdf > (accessed on 21 October 2025).

65 [2013] ICJ Reports 44.

North; longitude 01° 52′ 07″ East). The disputants agreed that the rules and principles of international law applicable to the dispute were those referred to in Article 38 of the ICJ Statute, including: the principle of the intangibility of boundaries inherited from colonial rule and the post-independence Agreement of 28 March 1987.[66]

In its judgment, the ICJ apart from relying on the doctrine of *uti possidetis juris*, provided the legal framework for the physical demarcation of the disputed border. Such demarcation was to be undertaken with the assistance of experts nominated by the court. As the eCourt ordered and as agreed upon by the parties, the demarcation was finalised in 2015. The demarcation led to territorial exchange in which Burkina Faso got 786 square kilometres (303 square miles) of territory, including 14 towns, and Niger 277 square kilometres (107 square miles), including four towns. Following the exchanges, a census was conducted in the affected areas. Residents were given five years to decide which nationality they wished to hold.[67]

The subsequent territorial exchanges made by Burkina Faso and Niger in pursuit of the ICJ ruling, echoes important note in resolution of African border disputes. That is, despite the emphasis of intangibility of inherited colonial borders, still the independent African states may successfully settle and redefine ambiguities in the inherited borders for their mutual benefits.

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66 Id, at pp. 11-34.
67 Id, at pp. 52-53.

In *Frontier Dispute (Burkina Faso v. Mali),*[68] Burkina Faso (then known as Upper Volta) and Mali, submitted to the ICJ the question of the delimitation of part of the land border between them. In ascertaining legal basis of the claims, the court not only analysed the insistence of *uti possidetis juris*, but also the application of equity *infra legem*.[69] The latter requires interpretative approach to provide individualised justice while staying within the bounds of the applicable law. In this regard, it was stated that the parties were entitled to rely on administrative documents, maps and colonial *effectivités*,[70] rather than sole reliance on interpretation of colonial treaties. In order to move the court to that direction, it was stated that:

> Where effective administration is additional to the *uti possidetis juris*, the only role of *effectivités* is to confirm the exercise of the right derived from a legal title, where the territory which is the subject of the dispute is effectively administered by a state other than the one possessing the legal title, preference should be given to the holder of the title. In the event that the *effectivités* does not co-exist with any legal title, it must invariably be taken into consideration. Finally, there are cases where the legal title is not capable of showing exactly the territorial expanse to which it relates. The *effectivités* can then play an essential role in showing how the title is interpreted in practice.[71]

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68 [1986] ICJ Reports 554.

69 Equity *infra legem* means **"**equity within the law**.**

70 It refers to the actual display and exercise of state authority over a territory. In border disputes, it is used to adduce evidence to support claim of sovereignty over the disputed territory.

71 [1986] ICJ Reports 554, at pp. 36-38.

The above reasoning shows the readiness of the ICJ to apply equity as spelt by its own statute. This versatility is vital in border disputes where colonial treaties which created the borders did not correspond even to the colonial administrative actions on ground. If applied so, equitable justice can be achieved in instances where it could have been denied by a mere interpretation of the legal text which even the makers themselves did not implement.

6.2.2 Arbitral Institutions

The role of arbitral institutions in resolving African border disputes is seen when arbitration is opted by the parties. Such option must be shown by the disputing states agreeing to submit their dispute to arbitration. That agreement, which is also known as *compromis*, details the important aspects that the arbitration proceedings take. It includes aspects such as the scope of the dispute to be decided, the criteria to be applied, the number of arbitrators who will be appointed and how such appointment will take place, the procedural rules that will govern the arbitration, the confidentiality of the proceeding and the arbitral award. When it comes to arbitral institutions, the parties to the *compromis* are at liberty to choose an *ad hoc* arbitral institution or go for permanent arbitral institution.[72]

6.2.2.1 Ad Hoc Arbitral Institution

An *ad hoc* arbitral institution can be used when the disputants decide that a temporary institution be created specifically to arbitrate their dispute. In that case, the parties will be responsible for managing the entire arbitration process, from appointing

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72 African Union Border Programme, above note 5, at p. 49.

arbitrators to determining the rules of procedure. Such freedom will enable the parties agree on the rules, which can be customised to suit their dispute. By doing so the process can be tailored to meet the parties' needs, potentially making it faster and cheaper as the institutional administrative fees will be avoided.[73]

In relation to Lake Nyasa border dispute, Malawi and Tanzania may consider to submit their dispute to an *ad hoc* arbitral institution. Before such invocation, they need to consent to that avenue and specifically nominate that temporary institution. This might be a viable option as whatever will take place therein, will come from the joint choice of the parties.

6.2.2.2 Permanent Arbitral Institution

This can be used when the disputing parties opt for a permanent arbitral institution as a venue for resolution of their dispute. The permanent arbitral institution is a permanent organisation that provides administrative services and rules for international arbitration, to resolve disputes outside of national courts.[74]

Within the framework of international law, there are several permanent arbitral institutions. Specific to resolution of border disputes, like Lake Nyasa border dispute, the possible institution which can be accessed for such resolution is the Permanent Court of Arbitration (PCA).

The PCA was established by the Conventions for the Pacific Settlement of International Disputes, concluded at The Hague in

73 Ibid.
74 Ibid.

1899 and 1907. The court offers international arbitrations involving states, state entities, international organisations and private parties. Also, it provides other forms of peaceful resolution of international disputes, including mediation, conciliation, and other forms of Alternative Dispute Resolution (ADR).[75]

Like in any arbitral proceeding, a submission of dispute to the PCA has to be preceded by the parties' consent to its jurisdiction in relation to the dispute. The needed consent can be done either through an existing treaty with an arbitral clause specifying the jurisdiction of the PCA or subsequent to the occasion of the dispute, the parties may agree to submit the dispute to the PCA.[76]

In resolving border disputes, the PCA has successfully done so in various land and maritime border disputes; which the disputing states in the Lake Nyasa border dispute may learn from. In 2017, the court resolved the land and maritime border dispute between Slovenia and Croatia.[77] The dispute between these states arose after both states became independent in early 1990's following disintegration Yugoslavia. The decision made settled the disputed border basing on cadastral limit, historical evidence, and international law principles.

In case of African border disputes, the role of the PCA is seen in the resolution of Sudan and South Sudan border dispute. The

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75 Permanent Court of Arbitration, "Dispute Resolution Services", available at < https://pca-cpa.org/en/services/ > (accessed on 21 October 2025).

76 Ibid.

77 PCA Case No. 2012-04, available at < https://pcacases.com/web/sendAttach/2172 > (accessed on 21 October 2025).

court was involved in the border dispute over the Abyei region. This dispute was a major point of contention in the lead-up to South Sudan's independence in 2011. The PCA's decision helped to de-escalate political tensions and facilitate the peace process.[78]

6.2.3 The International Tribunal for the Law of the Sea (ITLOS)

The ITLOS is a permanent institution constituted in 1996 for purposes of adjudicating disputes emanating from application, interpretation or implementation of the UNCLOS. When discharging its mandate, the tribunal is governed by its Statute and Rules. Also, the tribunal is bound by the rules of international law which are not repugnant with the UNCLOS. However, the tribunal may depart for such rules if the disputants agree that the dispute should be decided *ex aequo et bono*.[79]

The tribunal may be accessed by states and organisations parties to the UNCLOS. Equally, it is open to entities other than the UNCLOS's parties.[80] These non-parties can access the tribunal pursuant to any agreement conferring jurisdiction on the tribunal which is accepted by all the parties to the dispute in question. The ITLOS jurisdiction comprises all disputes submitted to it in accordance with the UNCLOS. It also extends to all matters provided for in any other agreement which confers jurisdiction on it. As it is with the ICJ, the tribunal, apart from its adjudicative

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78 In the Matter of an Arbitration Before a Tribunal Constituted in Accordance with Article 5 of the Arbitration Agreement between the Government of Sudan and the Sudan People's Liberation Movement/Army on Delimiting Abyei Area, available at < https://pcacases.com/web/sendAttach/18820 > (accessed on 21 October 2025).

79 Article 21 of the Statute of the ITLOS.

80 Id, Article 22.

power, may give advisory opinion in certain cases under international agreements related to the purposes of the UNCLOS.[81]

When the ITLOS made its judgements, they are considered final and binding on the parties to the dispute. Each party is obliged to bear own costs. To the parties' advantage, the costs of the judges and other administrative costs are borne by the tribunal itself.[82]

Since its creation, the ITLOS has made several decisions concerning border disputes. Notably to African border disputes, one of such decision is the dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean. The ITLOS through its special chamber ruled in favour of Ghana by upholding the equidistance border line, by establishing a single maritime border for the territorial sea, exclusive economic zone and continental shelf. It was further noted that the equidistance line is subject to adjustment if there are relevant circumstances to warrant that adjustment or departure.[83]

The ITLOS and in particular its decision cited above, are relevant to be considered in efforts to resolve the Lake Nyasa border dispute. As both Malawi and Tanzania are parties to the UNCLOS, accessing the ITLOS is expected to be a smooth path with lesser technicalities. Tanzania's claim on median line doctrine as enshrined in the UNCLOS and Malawi's counter arguments on

81 Id, Article 21.
82 Id, Article 30.
83 [2017] ITLOS Reports 23.

its application, qualify the ITLOS as a possible venue where such arguments can be tested.

7. CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

This article has examined the border dispute on Lake Nyasa between Tanzania and Malawi. It has traced the historical background and the legal basis of claims as argued by both states. It is shown that down playing, pretence of normalcy or regarding the dispute as a non-issue, do make it resolved. This has led to resurfacing of acrimony and diplomatic rows whenever either state does anything concerning the disputed territorial waters. In reality, neither state benefits from this limbo. Investors are scarred, explorations are stalled, joint efforts to utilise and preserve the lake are minimum and local tensions are common amongst communities who once lived and shared the lake in harmony. In a long run the lake and its abundant resources seem to be far from full utilisation to achieve sustainable economic development.

7.2 Recommendations

Without disregarding the success of resolving African border disputes through non legal means, notably diplomatic methods of dispute resolution such as mediation, good offices, inquiry or conciliation, this article recommends usage of judicial methods to resolve the Lake Nyasa border dispute. Adjudication or arbitration are suggested due to their finality in resolving disputes as well as their enforceability, amongst many other legal, economic and administrative attributes associated with them. It further recommends that international judicial institutions such as

the ICJ, the PCA or the ITLOS, can be used to resolve the dispute. To substantiate the recommendation for these institutions, some modal cases on African borders decided by them, have been cited herein to cement the role of international judicial bodies in resolution of border disputes like the Lake Nyasa dispute.