

Deciphering the Role of Contradictory Cartography in the Malawi-Tanzania Border Dispute

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Abstract

Cartography played a crucial role during the partitioning of Africa. Territorial boundaries were marked on maps by the colonial powers. However, in some cases, maps were not precise regarding the sites they referred to. Some colonial powers changed original maps by shifting their territorial limits, thus staking a claim to other powers' territories. In areas where territorial questions from maps had not been sufficiently addressed during the colonial period, the distorted maps became a primary source of border disputes in the post-colonial period. The paper is built on the premise that the cartographic foundation of the Malawi-Tanzania border is knotty. Consequently, Malawi and Tanzania inherited contradictory cartography, each state selecting maps that suits her interests to defend her sovereign limits. Indeed, this has stoked the dispute that has dawdled for decades since independence.

Keywords: Cartography, Maps, Border dispute, Lake Nyasa, British Mandate.

Introduction

Evidently, during the partition of Africa, treaties often defined the boundaries between neighbouring colonial territories. Such treaties were translated into maps to physically represent the boundaries on the ground. In territorial boundary negotiations, from the 1890s onwards through the dusk of colonialism, the International Boundary Commission was established and charged with marking boundaries between neighbouring states on the ground

and maps. The records of the boundaries were preserved in the archives of the colonial powers for future reference and as evidence of territorial boundaries should territorial claims be made.¹ Thus, the colonisation of Africa was accomplished through cartography as a vehicle through which colonial possessions were ascertained and justified. Therefore, there is a nexus between cartography and colonisation:

Maps served as both instruments and representations of expanding European influence into Africa during the nineteenth century. They contributed to empire-building by promoting, assisting, and legitimating the projection of European power. Through the use of cartographical elements such as color, cartouches, vignettes, boundary lines and blank spaces, mapmakers participated in the conquest and colonization of Africa (Basset, 1994:316).

Maps extended European hegemony into African territories and were a part of the documentary evidence used by some European powers to stake a claim to protectorates (Basset, 1994:316-317). That way, maps furthered imperialism and colonial empire-building. In this regard, Maddox (1998:437) argues that the expression of the power of colonisation came on maps drawn by the agents of European states. Such maps resulted in the creation of international frontiers and the transformation of the relationship between communities and their environments (Maddox, 1998:436-438). A major significance of the maps in the era of colonial imperialism was the emergence and spread of the idea of a territorial space (Pesek, 2007:235). This idea led to the mapping of colonial rule on the ground; a boundary marked the presence of a colonial ruler in a territorial state. Hence, the modern territorial state encompassed such concepts as space and configuration of social, economic and political relations as a product of European history (Pesek, 2007:235).

Although mapping in Africa was one of the acts of colonial conquest, one central irony associated with some colonial mapping was the disparity between the definition of boundaries during the continent's division by the diplomats in Europe and the translation of these territorial boundaries onto maps. This disparity has caused border disputes (Seligman, 1995:173).

1 British National Archives, London, *Overseas Records Information No. 37*, <http://www.nationalarchives.gov.uk> >Records >In-depth research guides >International boundaries. Accessed on 8 December 2012.

The observation above indicates that maps have been a primary tool for claims over borders to be made by neighbouring states. For instance, in 1894, Germany and Britain quarrelled over the location of the 20 meridians of the Rietfontein border between German South-West Africa and British Bechuanaland. In this dispute, Germany used maps compiled in 1892 by the geographer Richard Kiepert. Germany's maps included in the German protectorate a tract of land that allegedly belonged to the Bechuanaland colony. On the contrary, the 1891 maps drawn by the Surveyor-General of British Bechuanaland, Mr Moorrees, showed that Rietfontein was within British territory.

Similarly, France and Britain were in a dispute over the Nova Scotia or Acadia border in North Eastern North America in 1750. The Utrecht treaty shows that an area called Port Royal (Annapolis) belonged to the English. However, the maps showed that an area in Nova Scotia/Acadia was within the port. On the one hand, the French felt that Acadia was not an entire peninsula and extended neither to Isthmus nor the mainland coast. Yet, the French thought the boundary did not run north to the River St. Lawrence. On the other hand, the English expected to possess an area they thought was Nova Scotia, which they defined as both the peninsula and the mainland north of the River St. Lawrence. In laying claim to this territory, the English cited four French maps that supported their claim on Greater Acadia, and the French cited three English maps to support their claim on Lesser Acadia. In both cases, the maps showed contradictory information varying in scale, size, and purpose. Thus, neither side could draw meaningful conclusions based on the maps they relied on (Pedley, 1998:96-98).

In Latin America, Guatemalan maps invariably show that Belize is part of Guatemala, and a 250-page atlas produced in Guatemala in 1929 contradicts the maps produced by the Honduran government, which show the boundary between the two countries. Likewise, the map used on Ecuadorean postage stamps in 1930 includes a territory that is controlled by Peru at present. Based on these inconsistencies, I argue that including an area to which two or more countries lay claim on the maps of a particular country can cause and complicate border disputes because each side would claim that the boundary has been manipulated.

In writing this paper, I drew maps and records from diverse sources. Maps from the Departments of Survey, Land and Mapping (Ministry of Land and

Human Settlement Development) in Dar es Salaam, the British National Archives in London, the East Africana Section of the University of Dar es Salaam Library, the University of Dar es Salaam Cartographic Unit, maps appended to colonial reports, and military documents were gathered, studied and interpreted. The maps consulted came from periods as far back as the time of explorations and missionary activities, the establishment of the German colonial border, and the period of British rule to the post-independence period.

Partition of the Lake Nyasa Region and the Beginnings of the Cartographic Anomaly

The partition of German East Africa (Tanganyika and later Tanzania) and British Nyasaland (Malawi) on the Lake Nyasa area was reached through an agreement in Article I of 1 July 1890 and confirmed on 23 February 1901. The agreement indicates that the frontier between the two colonies was situated on the shore of the lake on the German East Africa side (Mihanjo, 1999: 81-110; Zotto, 2007:86-87). Article 1 of this treaty reads:

To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'sinje, and thence westerly along the parallel of latitude of the confluence of these rivers to the shore of Lake Nyassa. To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30' south (Ian, 1979:1119).

Concerning the treaty cited above, specific points are essential to be made for clarity. First, this treaty served as an establishment of the boundary separating the British and German sovereigns. Second, the treaty was not abrogated throughout the British-German existence as adjoining colonial states. Third, neither the German nor British colonial states existed within their respective sovereign limits. There is evidence that German authorities extended their jurisdiction to the waters of Lake Nyasa and established lepers' camps on the islands in the lake.

Similarly, there is no evidence indicating that the British Nyasaland state extended its jurisdiction beyond the middle of the lake. Fourth, the treaty was incomplete to establish its legal status as an international boundary for two counts. One, it did not exhaust other provisions, especially Article IV, which required the two powers to undertake adjustment of the boundary relative

to local requirements. Two, the boundary was not demarcated, and given the shifts of the lake due to the rise of water level, it is hard, if ever, to establish the precision of the boundary on the ground.² Unfortunately, matters pertaining to the ambiguity of this boundary were not settled following WWI and its impact on the renunciation of German territories. The point I want to emphasise here is that this boundary establishment is a subject of cartographic inaptness (Zotto, 2020:1-43).

With regard to the boundary in question, the course of the cartographic boundary was traced in accordance with a map of the Nyasa-Tanganyika plateau drawn for the British government in 1889. The map resulted from the Nyasa-Tanganyika expedition by a British Consul, H. H. Johnston, from 1889-1890. No German map prepared by German agents shows the Lake Nyasa region. Notwithstanding this, the 1889 map was used during the ground survey and the shifting of the boundary from Nyasa (at the River Songwe) to Lake Tanganyika, which came to conclude the Anglo-German Agreement in 1901.³ One enclosure annexed to the expedition document is worth examining. It contained a sketch map of British Central Africa, which showed that the limits of the districts would be secured by the then-existing treaties and those in process.⁴ In relation to this annexure, a few observations can be made. First, because the journey was still in progress, I may say that the map was not conclusive in providing a comprehensive geography of the area. Second, most of the traversed areas were those between Nyasa (at the River Songwe) and Lake Tanganyika. This indicates that the areas that later became part of the definition of the Anglo-German boundary were not adequately traversed. Third, most of the stories in the text and descriptions on the map were about Mozambique and Nyasaland. I may say that the interest in such areas resulted from the fact that these areas were plagued by the slave trade and foreign 'tribal' attacks, which the expeditors wanted to be abolished by the mother country. In sum, this exhibits scanty knowledge of the expeditors

2 See the original copy of the Anglo-German Agreement in British National Archives, London, Anglo-German Agreement (Helgoland-Sansibar-Vertrag), No. 1, 1 July 1890.

3 British National Archives, London, *Ordinance Survey*, Southampton, UK. Map. No. 28. This map was annexed to Agreement between Great Britain and German, 23 February 1901; British National Archives, London, Map of the Nyasa-Tanganyika Plateau 1889, Intelligence Division, War Office, 1890, Acc. No. FO925/558.

4 British National Archives, London, Report by Mr. H. H. Johnston, Her Majesty's Consul for the Portuguese Possessions on the East Coast of Africa on the Nyasa-Tanganyika Expedition: 1889-1890, Acc. No.FO881/5966.

and, later, the diplomats concerned with settling the Anglo-German treaty. Subsequently, a map accompanied Captain Close's report, concluding the Anglo-German Agreement in 1901, describing only the surveyed and demarcated areas between Nyasa (at the River Songwe) and Lake Tanganyika. The Anglo-German boundary in the Lake Nyasa region was not shown on the map.⁵

As intimated earlier, the maps did not match the provisions of the treaties. Yet, in other respects, they did not detail the geographic realities on the ground well. Indeed, as imperial powers negotiated the partition of the continent, certain maps did not capture the factual descriptions of the partitioned geographical space. It appears that some of the maps compiled during the exploration of the continent were not altered during the period of establishing colonial rule to reflect the realities of the established inter-territorial units. This was influenced by the belief that geographical knowledge of the African landscape was more important than the actual physical presence of the colonising powers (Donaldson, 2011:473).

Stone (1988:59) argues that the maps continued to be published during the colonial period. He cites maps published by Edward Stanford between 1895 and 1906 and which showed the territory published by Edward Stanford between 1895 and 1906 and which showed the territory administered by British South Africa. He argues that, although such maps were compiled with the assistance of a company that governed Northern and Southern Rhodesia, they were primarily used to carry out commercial activities such as farming and ranching. When a map used to establish a boundary does not show anything such as topography, human settlements and the length of a lake, it raises questions about the precision of the boundary.

I further describe some maps to establish how they contradicted each other. For instance, the map of the Neu Langenburg District was edited by the German Colonial Office in 1904. It places the boundary in question on the German East African side. A map drawn in 1905 and appended to an official military report describing the topography of the Lake Nyasa area and German East Africa did not indicate whether the boundary was on the German East

5 See British National Archives, London, Nyasa-Tanganyika Boundary, Map No. 4, Intelligence Division, War Office, July 1899, Acc. No. FO925/322.

African side or the Nyasaland side.⁶ In the same report, a description of the frontier indicated that the lake was shared by the two territories. An undated map produced by the British Ordnance Survey describing the Neu Langenburg District shows the same. Yet a map produced by the British War Office in 1918 shows that the inter-territorial boundaries between German East Africa and Nyasaland were on the shores of the lake in each territory.⁷

Maps produced by Deutsche Kolonialgesellschaft and German Kolonialant in 1905 and 1918 bear the median boundary, which implies that Germany had sovereignty over half of the lake. An examination of the maps produced between 1890 when the treaty was signed, and 1918, when Germany renounced its sovereignty, suggests that Germany possessed half of the lake. A later anomaly is represented in an observation by the British colonial office, which was contained in the War Office General Staff Geographical Section, Lake Nyasa Map No. G8432.N9G67 of 1918. The War Office claims that the internal boundaries were not accurately known except in Nyasaland and neighbouring Rhodesia. Again, German East Africa Map No. 7 of 1913 does not indicate any boundary between German East Africa and Nyasaland.⁸

This map is similar to East Africa Map No. 130 of 1917. It shows certain mission stations but not boundaries.⁹ However, Map of East Africa No. 148 shows a median boundary.¹⁰ This means that the boundary under investigation was variably represented on maps. This reveals that the work of determining the boundary on the Lake Nyasa area by Germany and Britain was inaccurate. The consequence of this was the compilation of maps that did not elaborately correspond with the realities on the ground. Michael Pesek gives similar examples of the boundaries of modern-day Rwanda. He writes:

A striking example is the debate about the borders between the Belgian, British, and German colonies of what is today Rwanda. When the negotiations started in the early 1890s, only one European, the Austrian explorer Oskar Baumann, had ever visited the region and then only for a few weeks. Some years before, Henry Morton

6 British National Archives, London, *General Staff, War Office, Military Report on German East Africa, 1905*, Acc. No. S. 1331.

7 British Ordnance Survey, German East Africa. Map No. G8430, 3 (00). G67 (n.d.).

8 British National Archives, London, German East Africa Map, No. 7, Colonial Office Library, 1913, Acc. No. CO1047/103.

9 British National Archives, London, East Africa Map, No. 130, Colonial Office Library, 1917, Acc. No. CO1047/132.

10 British National Archives, London, East Africa Map, No. 148 (n.d.), Acc. No. CO1047/172.

Stanley had passed through. His African guides and some locals had reported the existence of the Ruwenzori Mountains to him. What exactly these were (whether it was a mountain, a crest, a region, or a kingdom) became a matter of some diplomatic hustle, because it was here that the parties agreed to draw the borders between the colonies. The presence of the colonial powers in this region was equally vague. It was years before the German expeditions reached the Western borders of their colony (Pesek, 2007:246).

From the above excerpt, it is clear that the German Territory of East Africa was not exhaustively surveyed during both the exploration period and the colonial rule. I submit that the Germans' knowledge at the time of the diplomatic division of the Lake Nyasa region was minimal. Indeed, dependence on British maps suggests that the German diplomats were not aware of the geography of the area, apart from the area shown on the inconclusive map that was at the table during the partition. This view is shared by McEwen (1971:179), who argues that there was, at the time, imperfect geographical knowledge of the area in question by the European powers. He further contends that to most people in Europe, the exact location of the Lake Nyasa region remained a mystery for many years. It is, therefore, clear that the maps produced from imperfect knowledge of the area did not represent the actual realities on the ground.

The British Mandate and the Game of Cartography: Boundary Shifts and Concoction of Evidence

After the First World War, Germany lost its East African colonies, and Tanganyika (later Tanzania) became a mandated territory under the League of Nations in 1922. Following the Peace Covenant, the former German East Africa colony was divided into Rwanda, Burundi and Tanganyika. In this division, Belgian troops occupied Rwanda, Burundi, Biharamulo and the north-eastern shore of Lake Tanganyika. Also, in this division, the Portuguese occupied a tiny enclave, which came to be known as the Kionga Triangle, located south of the Ruvuma estuary. The remaining part of German East Africa was occupied by Britain (Iliffe, 1979:246-247). Certain adjustments were made to the territorial divisions between the areas taken up by the British and Belgians. The two countries resolved that Belgium should retain Rwanda and Burundi but abandon Lake Tanganyika's eastern shore and Lake Victoria's western shore.

Also, Kigoma and Biharamulo, under temporary Belgian occupation, were handed over to the British government on 22 March 1921.¹¹ Consequently, the British mandatory status was confirmed on 20 July 1922 (Taylor, 1963:25). This meant that while the Government of Great Britain was responsible for its administration, the reports were submitted to the League of Nations.¹² From this time, Great Britain ruled Tanganyika and Nyasaland under different statuses.

In September 1922, the work of (re)establishing boundaries began in Tanganyika. It started with the determination of the Kagera frontier separating the Belgian territory from the British territory. In the process, the Anglo-Belgian Royal Boundary Commission was established and was tasked with setting the Tanganyika and Ruanda-Urundi boundaries.¹³ At this point, the British mandatory power submitted a proposal to the Belgian government containing proposed modifications to the frontier. The proposal was intended for discussion in the second session of the Permanent Mandates Commission scheduled for 5 September 1922. The commission presented the proposal to the Council of the League of Nations. The commission's proposal contained an agreement to modify the Kagera frontier by adopting a mid-stream boundary. The council accepted the proposal. Consequently, the middle of the River Kagera was accepted as the boundary between the two territories. This boundary modification consensus became known as the 'Milner-Orts' Agreement.¹⁴

Following the modification noted above, the reports submitted to the Permanent Mandates Commission of the League of Nations effected the statement on the shift of the boundary in Lake Nyasa, stating it as the median boundary (a boundary running in the middle of Lake Nyasa). Similarly, between 1923 and 1938, Tanganyika's annual reports invariably described Tanganyika's boundaries, noting, for instance, that the boundary line "continues along the centre line of Lake Nyasa to a point due west of the Rovuma River whence

11 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*, Acc. No. AB 30.

12 Tanzania National Archives, Dar es Salaam, *Handbook of Tanganyika, Chapter 4: History, British Rule, 1919-54*.

13 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*, *op. cit.*

14 Frankreich, *La Question Anglo-Belge: Dans L'East-Africain Allemand*, 15 May 1919.

the boundary runs east and joins the Rovuma River, whose course it follows to the sea."¹⁵

During the British period in Tanganyika, there were also shifts in boundary location on maps. Most of Nyasaland's reports prior to 1929 did not show any map, and if some maps were published, they did not show that the lake served as the boundary between Tanganyika and Nyasaland. This idea is supported by Ian (1979), who indicated that the 1928 colonial reports for Nyasaland contained a map that did not show that the lake was the boundary between the two territories. He also indicated that from this time, succeeding annual reports of Nyasaland suggested that the boundary between Nyasaland and Tanganyika ran through the middle of Lake Nyasa. Similarly, Nyasaland sources released between 1932 and 1933, for instance, contained maps that showed that the district boundaries of Northern Nyasaland and Southern Tanganyika ran through the middle of the lake.¹⁶ However, some maps did not show the boundary. A physiographical map of the Tanganyika Territory published in 1932 is a case in point.¹⁷ This map was revised in 1936 and did not show the boundary in question.¹⁸ Consequently, the Permanent Mandates Commission of the League of Nations accepted both the map and the report, which showed this new boundary.¹⁹

Until 1938, the map and the subsequent annual reports submitted to and accepted by the League of Nations indicated that the boundary between Tanganyika and Nyasaland ran through the middle of Lake Nyasa. The point was clear during that period, the official position of the British government was that the boundary between Tanganyika and Nyasaland ran through the middle of Lake Nyasa. Indeed, two explanation bears in mind as to why the British did the way they did. First, the British imperial power felt it possessed Nyasaland and Tanganyika at equal footing, thus disregarding that she had only a stewardship role in Tanganyika. Second, Great Britain had vested economic interests in Tanganyika. Settlers had established plantations, mining sectors

15 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*.

16 Laws of Nyasaland, 1933, Vo. II, pp. 1042-1043.

17 British National Archives, London, Physiographical Map of Tanganyika Territory, Geological Survey, 1932, Acc. No. CO1047/169.

18 British National Archives, London, Tanganyika Territory Map, Survey Division, Department of Lands and Mines, Tanganyika, Acc. No.1049/169.

19 Land Survey and Mines Department, Tanganyika Territory, Map No. T. T. 21. 24.

and commercial centres in the colony and called for the British government to protect such interests.

In extreme cases, they even appealed to their government to annex Tanganyika if the terms of the mandate dictated their interests. So, in the minds of the British officials and those of their settlers, Tanganyika was treated as part of the British imperial territorial space, and the question of sovereign limits with Nyasaland had no administrative and international inconveniences for the period serving her assumption of mandate power up to the period close to WWII.

After WWII, there was a shift in the delineation of the boundary on the maps of both Nyasaland and Tanganyika from the middle of the lake to the eastern shore of the lake in Tanganyika territory. For instance, the annual reports of the Tanganyika Territory submitted to the United Nations Organisation (UNO) General Assembly and Trusteeship Council in 1946 through 1961 contained maps indicating the eastern shore boundary. Similarly, a handbook of Nyasaland, which appeared in 1946, showed the eastern shore boundary. The boundary was not shown on the map contained in the 1946 and 1947 Nyasaland annual reports.

However, its 1948 annual report shows the eastern shore boundary, which continued up to independence. However, it is interesting to note that some maps were not dated but indicated the eastern shore boundary. East Africa Map No. 112 is a case in point.²⁰ Evidently, this shift of boundary was intentional and planned because, after WWII, Tanganyika acquired a trusteeship status under UNO, which called for immediate independence and Great Britain was at the exit door. In this development, Great Britain sought to occupy the entire lake, taking advantage of the treaty I showed earlier, however faulty it was.

In a nutshell, a list of maps compiled by Ian (1979:963-964) indicates anomalies pertaining to the boundary between Malawi and Tanzania. However, close to the 1940s, the boundary between Tanganyika and Nyasaland was 'shifted' to the eastern shore. Tanganyika Territory reports substantiate this fact. For instance, one report of this territory in 1951 reads that "none of the waters of Lake Nyasa is contained within the Territory's boundaries, as the

20 British National Archives, London, German East Africa Map, No. 112, Dar es Salaam, The Africans and Colonial Press Agency, (n.d.), Acc. No. CO1047/136.

inter-territorial boundary follows the lake shore".²¹ From these developments, it is crystal clear that Britain made certain modifications to the boundaries between Tanganyika Territory and certain neighbouring territories. Such modifications can be viewed as securing administrative convenience between the adjoining territories she administered. However, the Lake Nyasa median boundary seems to have been 'recognised' by the League of Nations. The League did not contest the annual reports, which, among other things, described the boundary in the middle of Lake Nyasa.

From afore discussion, I am convinced to make these points. First, at the beginning of the mandates, the colonial authorities in Tanganyika and Nyasaland were not certain about their shared boundaries. This idea is shared by Ian (1979), who argues that at the start of the administration, which replaced German authority, Britain believed that German East Africa had such a boundary at the inception of the League of Nations (959). At this time, Nyasaland was also uncertain about her boundary with Tanganyika. However, it can be argued that since Britain administered both territories, territorial space was not a matter of significance in the post-war period, which required consolidation of the colonies instead of engaging in domestic inter-territorial quarrels. The second point is that the maps drawn during the partition of the region were used during the formalisation of colonial rule by District administrators to map territorial boundaries. As a result, no significant efforts were made to correct the errors contained in earlier maps. The literature indicates that making maps more precise and adding knowledge about populations to them were part of the first duties of the colonial administrators (Pesek, 2007:235).

Indeed, after the formal proclamation of colonial rule, the use of maps to establish administration on the ground reflected the needs of the developing administrative systems. For instance, the District Officer stationed in Balovale District in Northern Rhodesia had a map that was used to show the location of the local populace. Such administrative maps were not as precise as those of the travellers (Stone, 1988:59). This reveals that the shift from exploration maps to colonial maps during the formal colonial period did very little to correct the territorial errors because the latter was primarily used to create a colonial space and define colonial subjects. As such, the international space

21 Tanzania National Archives, Dar es Salaam, *Report on Tanganyika under UK Trusteeship for the Year 1951*, Colonial Office, Her Majesty's Stationary, London.

beyond the domestic territorial limits was not of great importance to the colonial administrators.

In the Lake Nyasa region, the superficial travellers' maps used during the partition of the continent were not changed, and the colonial administrators used them to establish administrations on the ground. The third point is that, in some circumstances, British officials felt that it was a waste of money to demarcate the boundaries of the adjacent territories Britain administered. This was realised after demarcating the Tanganyika-Kenya boundary.²²

In the 1950s, Nyasaland and Tanganyika were at loggerheads with each other over inconsistencies relating to the boundary. One piece of evidence shows the boundary runs through the middle of the lake and the other indicates that the boundary is on the lake's eastern shore. Yet, in other instances, there is evidence to the effect that the authorities concerned did not clearly understand where the boundary is. There is also a situation where the boundary is shown on neither side of the lake (Mayall, 1973:620).

A mixed-game cartographic Evidence in the Making of the Contemporary Border Dispute between Malawi and Tanzania

In Africa, colonial cartographic anomalies were inherited by the post-colonial states. For instance, since 1996, Djibouti and Eritrea have been involved in a border dispute over the Sultanate of Raheita. The dispute arose immediately after Eritrea became independent. While the Sultanate is now part of Djibouti, Eritrea has been claiming that a part of the Sultanate belongs to her, basing her claim on certain Italian colonial maps (Kornprobst, 2002:380).

Malawi and Tanzania represent a typical case of inconsistent maps. While we know that the Anglo-German treaty describes the eastern shore boundary, the contents of the treaty were not reflected on the maps. Consequently, in later colonial and post-colonial times, each country, chiefly based on scanty and varying cartographic evidence, laid claim to Lake Nyasa. Whereas Tanzania claims that her boundary with Malawi is in the middle of Lake Nyasa, the latter maintains that her boundary with the former lies on the shore of Lake Nyasa in Tanzania. Such claims have dawdled for decades since the attainment of

22 Tanzania National Archives, Dar es Salaam, *Secretariat: Demarcation of International Boundary*, Acc. No. AB 1188.

independence of Tanganyika (modern-day Tanzania) in 1961 and Nyasaland (modern-day Malawi) in 1964. Indeed, the dispute has not obtained a legally and politically binding solution. This dispute is dynamic. Zotto (2013) accentuated this dynamism at length. Between the 1960s and 1970s, the dispute was active, chiefly constructed on political differences embedded in foreign policy between the two countries.

Tanzania led the frontline states to fight White regimes in southern Africa, including apartheid, Malawi had diplomatic relations with the same regimes, especially South Africa. This tendency angered South Africa and her allies, who sided with Malawi in advancing border claims, and both countries wanted to control the border because it was perceived as an infiltration route. However, the dispute was dormant from the 1970s through 2010, in that both countries did not publicly open claims. The demise of colonialism, the establishment of SADC/SADC, and the quest for each country to reposition itself in the new post-colonial context entailed, each needing cooperation instead of conflict. However, the dispute resurfaced in 2011 following Malawi's move to award an exploration license to one UK Surestream Petroleum company to explore oil and gas in the lake, which Tanzania objected to. At this time, the dispute shifted from political to economically motivated. From 2011, the two countries engaged in bilateral negotiations, which yielded no results.

Consequently, they opted to seek mediation through a Forum of Democratically elected heads of state and government under SADC and the chairmanship of Joachim Chisano, the former President of Mozambique. Initially, mediation was active, but has now become dormant, paralleling the dormancy of the dispute itself. Zotto (2019) discussed the various interventions to tackle border disputes on the continent. Most of the disputes have not been permanently resolved, and some referred their disputes to the International Court of Justice (ICJ), such as between Nigeria and Cameroon over the Bakassi Peninsular and the recently (2022) arbitrated maritime dispute between Kenya and Somalia.

The cartographic uncertainties have played a significant role in the border disputes both during and after the colonial period. Between the 1960s and 1970s, when the relations between Tanzania and Malawi strained, Tanzania accused Malawi of what Wafula Okumu calls "cartographic aggression" because Malawi had claimed that the entire lake belonged to her (Okumu, 2010:293). This cartographic aggression has been at the centre of international

media when the dispute arises, in which certain media show the border is in the middle of the lake, others in the shore, in Tanzania, yet others indicate no boundary. This state of affairs exacerbates the dispute and strains interstate relations. Some of the previous studies have downplayed the use of maps by some states to make border claims. Critics of colonial maps, especially those who use maps as evidence in the case of the Malawi-Tanzania border conflict, have argued that:

Whilst Tanzania may rely on various post 1890 maps indicating a median line boundary, it's unlikely to demonstrate the requisite intent for the maps to constitute a valid demarcation. The documents accompanying the maps are inadequately descriptive of the boundary or the colonial powers' intent. Critically, there is a distinct lack of any explanatory text addressing a boundary change. The absence of explicit intent to change the boundary makes it particularly difficult for Tanzania to substantiate a claim of historical consolidation of title. Maps cannot of themselves constitute a territorial title with intrinsic legal force. The mere existence of a map, without explanatory text, is therefore not, in and of itself constitutive of legal title. While certain maps adopted a centre line-boundary during the early colonial period, by 1962 immediately prior to Tanzanian independence [sic], British colonial authorities had reverted to the boundary along the shoreline (Mahoney, *et al.*, n. d:10-13).

The above excerpt helps us legally interpret the boundary, although it contains some ambiguities. I agree that some documents did not clearly describe the boundary shown on the maps. Yet, some maps were only appended to documents without being described, and others did not match the descriptions in the documents. However, an examination of many of the maps I consulted reveals that there are maps that match the texts. What is important to note is that such maps and texts tended to shift at different times while delineating the Malawi-Tanzania boundary in the Lake Nyasa area. This, in turn, causes obscurities, which form the basis of the border dispute between Malawi and Tanzania. It is in this regard John W. Donaldson argues that a lack of geographic clarity in their definition undermines the legal validity of that title (Donaldson, 2011:5). Nation-states have always selected maps that favour their territorial claims and ignore those that do not do so. Thus, Malawi and Tanzania have used maps that correspond to their border claims. This is so because when maps, private or public, are used to make important claims, they can make officials pay attention to the claims (Seligmann, 1995:182).

The relationship between the alterations of maps or their absurdity and borders was manifested in the late colonial and post-colonial periods. For instance, between 1958 and 1959, the Tanganyika and Nyasaland governments used maps to make certain claims regarding the border in the Lake Nyasa area. The Attorney-General of Tanganyika cited three maps to argue that half of the lake belonged to Nyasaland. The maps cited included the map of the New Langenburg District of 1904, which showed that the boundary between German East Africa and Nyasaland ran through the middle of the lake.²³ An examination of these maps, therefore, permits one to argue that the boundary in the Lake Nyasa area was, and still is, unsettled. Similarly, various maps show different 'boundaries'. In 1959, Mr Mwakangale, a member of the Tanganyika Legislative Council, while debating a motion on the boundary between Tanganyika and Nyasaland, said that he had maps drawn by the Survey Department which showed different 'boundaries'.²⁴ Given the inconsistencies, the boundary alignment was problematic and could not be well understood. A similar argument was made in 1960 by Mr Ulaya, another member of the Tanganyika Legislative Council. While moving a motion on the Tanganyika boundary of the Lake Nyasa area, he argued:

After all, if you go to the history of the area itself the people who were there before the arrival of the Germans say that boundaries from the olden days were there from the Rovuma on the side of the Portuguese and went right to Tukuyu and then at the middle. You come to the earliest explorers of the area who were the people who drew maps of the area and you find one of them, Dr. Bernhardt who went around that area in 1896. His maps were showing right up to 1950- the time when I definitely saw maps-that the line was dividing the lake through the middle. Recently- it was last year when I came to realize that the waters had changed. Now here I have got to stop and expect rightful elucidations from the Minister for Lands and Surveys as to why and when did the changed maps become effected.²⁵

However, it is interesting to note that while the shifts observed on the maps were said to have contradicted the alignment of the Lake Nyasa boundary, the Minister for Lands, Surveys and Water maintained that the boundary in

23 British National Archives, London, *The Boundaries of Tanganyika in the Northern Part of Lake Nyasa*. See specifically Opinion on the Tanganyika/Nyasaland Border on Lake Nyasa by Ag. Legal Draftsman, 29 June 1959.

24 Tanganyika Legislative Council, *Official Report of Debates*, 26 May 1959- 16/6/1959.

25 Tanganyika Legislative Council, *Official Report of Debates*, 12 October 1960.

the Lake Nyasa area had been demarcated in accordance with the 1890 Anglo-German Treaty. The Minister apologised for the publication of erroneous maps. He said:

There has been an impression that a natural boundary on all inland waters, be they rivers or lakes is taken to be a median line, and there was therefore a mistake in the past when some maps were printed. We have now taken the opportunity to correct that mistake and new maps which are now being produced describe the boundary as following the eastern shores of Lake Nyasa. It is the boundary which we have now to observe as it is the subject of an international agreement.²⁶

The Minister's response is questionable because his apology for the 'mistakes of the past' relating to the publication of maps showing a median boundary may only be accurate in determining the legal position of the border dispute in the Lake Nyasa area. However, if political and cartographic factors are considered, one notes that the defence is illogical and specious. During nearly four decades of British administration in Tanganyika, the same Ministry was in charge of publishing maps and correcting errors on maps. As we saw earlier while discussing certain maps in the British-mandated territory of Tanganyika, maps did not just show the median boundary.

Each epoch suggests a unique interest of the British government that had to be pursued. The early decades were dedicated to the occupation of the territory, thus delineating the median boundary. The interwar period was characterised by great anxiety over the possibility of losing the territory, hence, the delineation of the eastern shore boundary, and sometimes a vague boundary. The late 1950s and early 1960s were the periods of what we can call the British exit from Tanganyika. As such, the so-called correction of errors was imperative. Indeed, the errors and later 'correction' of the errors caused the border dispute between Malawi and Tanzania since each country used maps to justify her possession of the contested territorial space.

Throughout the post-colonial period, starting with the open dispute period between the 1960s and 1970s, the dormant dispute phase from the 1970s to 2010 and the resurgence phase of active dispute in 2011-2012, each nation-state appealed to cartographic evidence to advance their territorial claims.

26 Tanganyika Legislative Council, *Official Report of Debates*, 12 October 1960. See specifically the response of the Minister for Lands, Survey and Water on the motion, Tanganyika Boundary of Lake Nyasa.

In the latest active dispute of 2011/2, while in border dispute negotiations in Mzuzu, Malawi and Dar es Salaam, Tanzania produced maps of the new districts, including the newly established Nyasa district and two regions. In this new map, Tanzania consistently indicated a boundary in the middle of Lake Nyasa. This did not amuse the Malawian government to the extent that she pulled out from diplomatic talks. Call it a miscalculated timing, however, the Tanzanian official position on this issue was contrary to Malawi's standpoint. In this regard, the former held that she pursued her domestic plans of establishing new regions, such as Katavi and Njombe and new districts, such as Nyasa. Thus, nothing was altered in this plan since Tanzania has never changed the boundary with Malawi from the middle of the lake.

Tanzania regarded her action as domestic administrative convenience, instead of a global agenda that could ignite shockwaves within Malawi. The then Tanzania's Minister for Foreign Affairs and International Cooperation, Mr Bernard Kamilius Membe, shared a similar view. He argued that Tanzania made alterations to its maps almost four times. At all times, the maps show a median boundary. The recent map was drawn to reflect new regions and districts and not to correct international boundaries. This action of issuing new geographical and administrative maps by the Tanzanian government while diplomatic talks were in progress was interpreted by the Malawian government as an act that created 'discomfort'. Consequently, Malawi developed a suspicion that Tanzania had no 'good will' on negotiation, and the former distanced itself in its letter, lodging a diplomatic protest.²⁷

Based on the above explanations, I concur with Wafula Okumu's view that border disputes in Eastern Africa are caused, among other things, by the lack of clearly defined and marked boundaries. I expressly agree with him concerning his argument that the Tanzania-Malawi border dispute highlights one of the most blatant colonial boundary-making errors (Okumu, 2010:279-293). To sum up this discussion, it is evident that changes in what A. B. Murphy calls "propaganda cartography" (Murphy, 1990:332-338) has had an impact on border claims that each state is conservative and based on the principle of selectivity, each state excludes the maps of the counterpart in the construction of border narrative.

27 The East African, "Lake Nyasa/Malawi Dispute: Malawi Protests to Tanzania over its New Map", 6-12 October 2012.

Conclusion

From the afore discussion, indeed, modern-day Africa is still haunted by the legacy of colonial imperialism, and most of the states navigate within the same rigid colonial imperatives. African states inherited most of the superficial delineations to form modern state jurisdictions. Yet, there is little success attained to undo what the colonialists had wrongfully done in Africa throughout the colonial period. In an attempt to (re)construct the space of cartography in border disputes, I did a visual analysis of the maps, that is, a direct visual study of maps of the spatial arrangements, relationships and changes in the phenomenon. In the maps, there are changes in the demarcation of the border over time. Furthermore, some of the border demarcation 'patterns' did not match the descriptions in the documents that referred to them. Specifically, the maps carried the following information: the absence of a boundary on either side of the lake, a median boundary, a boundary on the Tanzanian side of the lake, and the lack of dates and publishers in the maps, to mention just a few.

These were common inconsistencies throughout the exploration and colonial periods. The frequent shifting of the boundary stoked the fires for the post-colonial conflicts over the boundary. Indeed, maps are not only objects but also social spaces, which legitimise the existence of a territorial state somewhere. From maps, we know how states use rhetoric and symbolism to make their territorial claims. However, maps have revealed bias and prejudice in that each colonial or post-colonial state used maps in its interest, sometimes without regard for relevant documents. This is coupled with sweeping international cartographic propaganda whenever this dispute arises, in that the global media and modern electronic sources select certain maps that favour specific sides.

Similarly, there has been a tendency of the two disputing states to come up with a map or a bunch of maps that support the delineation of its boundary. One major crux in this state of affairs is that no state takes into recourse the processes through which this border has evolved, nor have they considered the cartographic dynamics and the forces behind all those odds.

In drawing a conclusion, I argue that reliance on cartography in the manner each state does only serves the political and international functions of such states to protect and defend their sovereign spaces, which in this case are contradictory. It is high time that any intervention effort in this dispute

must consider how this boundary was founded, the dynamics of the states concerned, and the post-colonial demands of cooperation in the context of modern contiguous states. Thus, for any meaningful negotiation or mediation, the two states should agree on deconstructing the hazy cartography and craft a new one based on their agreements that suit the equitable utilisation of transboundary resources and mutual co-existence.

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Appendices: Maps Illustrating Shifts in Malawi-Tanzania Border Delineation



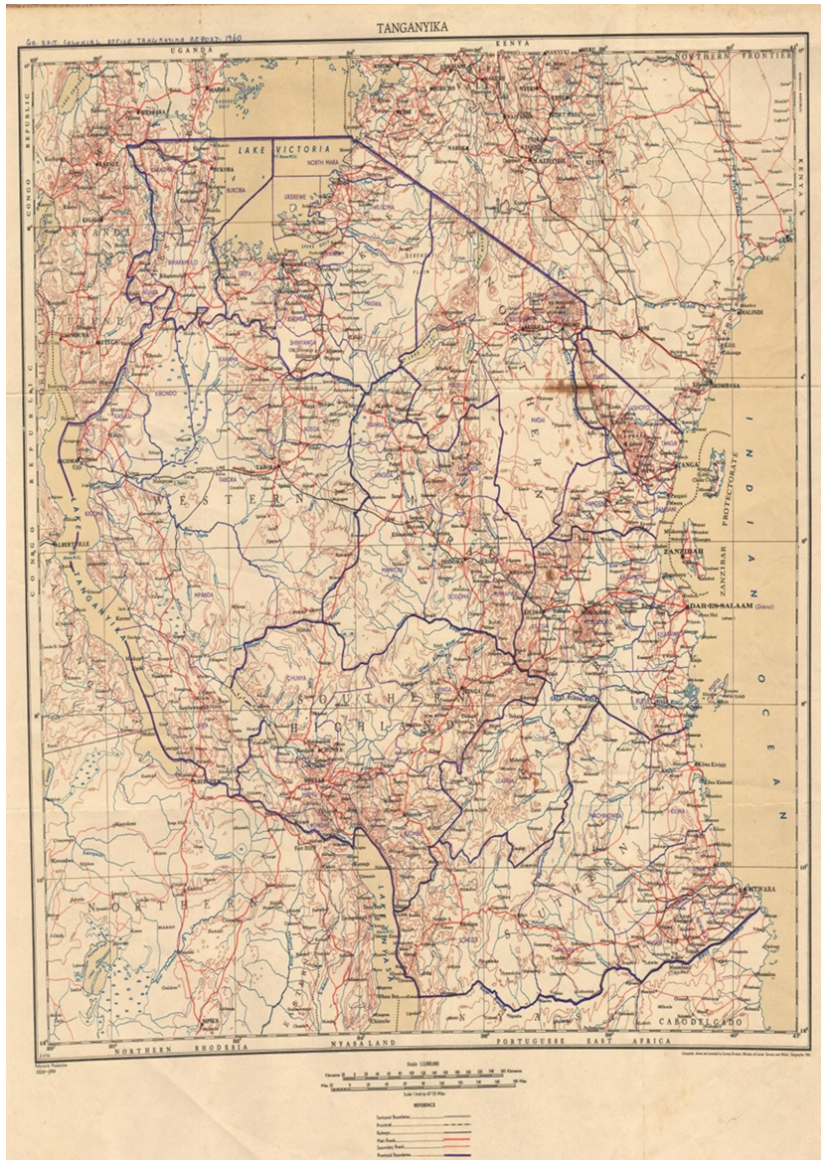
Tanganyika Territory in 1923. Source: Tanzania National Archives, Acc. No. AB 30.



Tanganyika in 1948. Source: University of Dar es Salaam, East Africana Collection.



Tanganyika in 1950. Source: University of Dar es Salaam, East Africana Collection.



Tanganyika in 1961. Source: University of Dar es Salaam, East Africana Collection