INTERNATIONAL BOUNDARIES OF EAST AFRICA

by

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Chapter I Preliminary Remarks

Chapter II Some African Territorial Problems
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1969
Summary

The underlying aim of this thesis is to determine the status, in relation to international law, of the boundaries of each of the three East African states. Although these boundaries have a common origin, to the extent that they all stem from imperial partition by European powers, they vary considerably in complexity and pedigree, and it will be shown that at least some of them form the subject of present international problems or dispute.

Tracing the roots of title to East African international boundaries is facilitated by the availability of documentary evidence such as Treaties, Protocols and Orders in Council, and the texts of this and other relevant material are reproduced where appropriate. The mere recitation of boundary descriptions, however, usually conveys little information as to why and how one location for the boundary line was chosen in preference to another and in order to obtain a clearer perspective each boundary is viewed against its own particular background. Of necessity this historical content must be kept to a minimum but, for some of the boundaries, certain situations are described in fuller detail to provide a more intelligible picture of the present position.

No less important than the selection of suitable boundary criteria and the drawing of unambiguous boundary agreements is the problem of committing the agreed lines to their proper physical location on the ground. Discrepancies
between theoretical and actual boundaries exist in East Africa but this is by no means a local phenomenon and examples of boundary problems in other parts of the world are given to illustrate some of the difficulties that can arise.

That the very existence of a boundary line between two states is frequently an emotional and a controversial issue requires little demonstration and the resolution of resulting conflict cannot always be achieved solely by means of legal argument concerning the correct interpretation of maps and written agreements. Of even higher significance than paper titles to boundaries may be the attitude displayed by a state through such conduct as acquiescence, admission against interest, or acts of sovereignty. Other considerations including, for example, state succession, self-determination, and the preservation of customary trans-frontier rights may also be relevant, and these factors are discussed as part of an attempt to approach the subject with a balanced view.

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