CHAPTER 1

Introduction: Negotiating Borders, Defining South Sudan

Mareike Schomerus, Lotje de Vries, and Christopher Vaughan

In Maridi, a town near South Sudan's border with the Democratic Republic of Congo (DRC), in 2009 residents judged their situation harshly: "We see ourselves as unlucky because of the kind of border we have," said a senior church leader.[1] He talked about how those living in other towns near the border were benefitting through cross-border trade, through access to services, and through exchange: "Because in Yei, they have an open border with DRC and Uganda; they can improve their trade and education. Same in Kajo Keji and so on. With us here, there is no cross-border trade, no road." In Maridi, it was not even clear where the country's border ended and the next began. Nobody from the government in the capital city of Juba seemed to particularly care. Other South Sudanese borders—with the Republic of Sudan, Uganda, or Ethiopia—were much more important.

The church leader's house is situated in an area on the linguistic dividing line between anglophone and francophone Africa, where the new state of South Sudan is hardly noticeable as an enforcer of its boundaries. The area is not valuable or contested enough to require assertion of state authority. The absence of a meaningful boundary here is a consequence of the marginalization of this area from the political priorities of the South Sudanese state; the church leader's complaint is perhaps not only about the absence of a clear boundary per se, but also about the absence of the state, its services, and infrastructure.

Along some of the other edges of South Sudan, the scenario is rather different: the state is much more visible. The borders with Uganda and Kenya,

for instance, are vital for landlocked South Sudan's provision of supplies of food, beverages, construction material, and other goods required for building the country; the state, both centrally and locally, profits from control of and involvement in these flows of goods across its southern borders. More notoriously, the state's northern border with the Republic of Sudan remains the site of state competition and military confrontation, which impose a violent form of authority on everyday life in these areas and create significant insecurity for ordinary people.

These observations alert us to an obvious yet important point: that so-called *borders,* in South Sudan or anywhere else, do not have a singular meaning or significance. Within South Sudan, there are great variations in the extent of cross-border activities and movement, and equally great variations in the extent of border policing. This suggests that the state manifests itself in complex and varied ways at a local level at its borders. This book explores these complex, localized processes in the borderlands with the intention of shedding new light on state–society relations and state formation in South Sudan. State formation is not a simple top-down imposition of structures and institutions, but rather a process shaped by multiple interactions and negotiations between the agendas of state elites and officials, and the agendas of local populations, who may evade, resist, or co-opt some sort of stateness in lived local realities.[2] This is as true of South Sudan, both now and in the past, as of anywhere else, and border regions provide rich environments for understanding these processes, which might be summed up as embodying the local histories of what is at various times interpreted as the state in society.

Drawing the State: The Lines around a New Country

South Sudan became a sovereign state in 2011, after a long history of war between northern and southern Sudan, the signing of the Comprehensive Peace Agreement (CPA) in 2005, an Interim Period of implementing the CPA, and finally a referendum on whether or not South Sudan should secede from Sudan. After the successful vote for independence and the inauguration of what South Sudanese often affectionately refer to as "our baby nation" came a new and fully autonomous government and a new—and disputed—international border with the northern neighbor, the Republic of Sudan.[3] Juridical statehood also brought the government the daunting task of having to function as a sovereign state in control of its boundaries.

While overall state control is seemingly exerted from the new capital Juba, it is worth remembering that South Sudan gradually emerged from its borderlands over decades of fighting. Richard Reid has argued that similar processes of state formation, founded on the "vitality of violence" associated

with a politically "fertile frontier," are indeed characteristic of north-east Africa more widely.[4] The leader of the southern rebels of the Sudan People's Liberation Movement/Army (SPLM/A), Dr. John Garang de Mabior, used borders—both the physical borders and the notion of being confined to the margins of the state—to bring his rebellion into being and to sustain it.[5] The physical borders allowed Garang to cross into Ethiopia in the early 1980s; there he gained much needed military and ideological support for his rebellion from the then Ethiopian government, the Derg. Such support included the ability to use Ethiopian territory to train SPLM/A fighters. Military support for the rebellion also came across the southern border with Uganda, with the Uganda government becoming one of the SPLM/A's crucial allies against Sudan's government in Khartoum.[6] Moreover, during the 1990s, the SPLM/A's headquarters was located close to the border with Kenya, and the SPLM/A enjoyed good relations with the Kenyan state.[7]

The notion of southern Sudan as the marginalized periphery of Sudan, akin to an underdeveloped and neglected borderland without access to power and centrally held resources, was the centerpiece of SPLM/A ideology in its fight against the Khartoum government; until today, resisting marginalization is something that many South Sudanese express as their main political goal.[8] The SPLM/A's principal ideological message was founded on ending enduring patterns of marginalization that affected western and eastern regions of Sudan as well as the south, and on creating a more equitable and united "New Sudan" for all Sudanese citizens. This notion of battling marginalization has shaped how South Sudan, at least on paper, sees itself: as a decentralized state that respects and includes its margins, not least because it has emerged from them.

The secession of the South, however, officially marked the end of the "New Sudan" philosophy of the SPLM/A. Instead, the former margin—the South—started to create and construct its own centers and peripheries. The rapid expansion of Juba and the autocratic tendency of the central government in the capital today suggest that a new and dominant center is being created—a process that belies the policies of decentralization to which the government of the Republic of South Sudan (RoSS) is theoretically committed. New marginalized peripheries are thus also coming into being. Yet the importance of apparently marginal borderland areas to defining the South Sudanese state and nation is striking. Areas on South Sudan's borders that were formerly remote from state concerns have become central areas of contestation between South Sudan and its neighbors. Most obviously, the border with the Republic of Sudan remains at the heart of the country's politics. Asserting the rights of South Sudan with regard to those borders is a central aspect of a growing South Sudanese nationalism, which both reinforces

the authority of the SPLM/A and demands that the state meets imagined obligations of protection to borderland peoples. South Sudan's borders thus continue to create opportunities and dilemmas for the SPLM/A.

This book attempts to provide insights into how both physical and ideological boundaries, past and present, influence what South Sudan is today. Capturing these processes is a challenging endeavor: the use of accurate terminology for a complex and rapidly changing political landscape presents the first difficult task. This book refers to South Sudan when discussing events that occurred after the declaration of independence on July 9, 2011. Before this date, we refer to the area as southern Sudan, both during the time of the interim autonomous Government of southern Sudan (GoSS, 2005–2011) and in earlier periods. In contrast, Sudan refers to the whole country from the period of Turco-Egyptian colonial rule in the nineteenth century until South Sudan's secession, with a distinction made between northern and southern Sudan. The Government of Sudan (GoS), or the Khartoum government, denotes the administration from independence in 1956 to 2011; this includes during 2005–2011 the so-called Government of National Unity (GoNU), which was established by the CPA. Since the country's split, we refer to the north as the Republic of Sudan.

We use SPLM/A in this book whenever we refer to the forces that fought the war, negotiated the CPA, and then effectively governed in southern Sudan and now in South Sudan. Since the signing of the CPA, the SPLM has been the dominant party in government and continues to function in close synergy with the army in independent South Sudan.[9]

The Northern Border and the Myth of "One-One-Five-Six"

South Sudan's process of becoming an independent state was rather different to that experienced in most other sub-Saharan African countries. After decolonization across most of Africa in the late 1950s and 1960s, nationalist elites inherited the running of relatively well-established state bureaucracies headquartered in capital cities; states were administered within recognized colonial boundaries. Even where rebel movements fought and won liberation struggles to free Africans from colonial or white minority rule, they nonetheless went on to govern states defined by colonial boundaries.[10] The only successful challenge to established borders before the creation of South Sudan was the Eritrean secession—and this was justified by the contested claim that it marked merely a long-delayed decolonization. South Sudan's secession was therefore a watershed moment and has potentially far-reaching consequences: it challenged the assumption that colonial boundaries remain the only legitimate means of defining state sovereignty in the continent.

Yet colonial boundaries have not altogether lost their significance even in South Sudan. Rather, the old Anglo-Egyptian Condominium (1899–1956) borderlines drawn between the provinces of northern and southern Sudan, and between southern Sudan and neighboring states, continue to be the main reference point in determining where the new international boundaries are situated. The creation of South Sudan's international borders therefore simultaneously symbolizes a departure from and the maintenance of colonial definitions of political community.

The proliferation of disputes over the boundary line between South Sudan and the Republic of Sudan necessitates a brief overview of this border's shifting history during the twentieth century. When Sudan became independent on January 1, 1956, the north–south internal border remained an imprecise line on the map. South Sudanese often casually refer to the border that internally separated northern and southern Sudan as "one-one-five six"; in popular debates, this imprecise line became a somewhat mystical element in defining South Sudan's border with northern Sudan. Yet the mismatch between the importance attached to the border defined in 1956 by South Sudan and the very limited degree to which the British defined this border is striking. The British never demarcated the border and detailed maps of delineation do not exist, despite the repeated claims by politicians in both Sudans that such maps should be handed over by the UK Government.

Nonetheless, the administrative boundary between northern and southern Sudan was important in the colonial imagination as separating what was referred to as Arab northern Sudan and African southern Sudan. This division became especially prominent between 1930 and 1946, when the colonial "Southern Policy" decreed that the southern part of the country should be isolated from northern Arab influence.[11] Yet the strict division the Southern Policy claimed to impose often had a limited impact on the ground.[12] In practice, for local residents who lived along the often largely imaginary line, the border remained a zone of negotiation and contact, rather than division. Indeed, local cross-border governance mechanisms to manage contacts and rivalries between borderland peoples—often pastoralists who move across borders according to seasonal grazing needs—were to some extent supported through the colonial administration's emphasis on tribal governance.[13]

Following an uneasy period characterized by Øystein Rolandsen as being "between war and peace" after independence in 1956, Sudan slid into civil war from 1963.[14] Following the Addis Ababa Peace Agreement of 1972, a separate semi-autonomous southern administration was created. However, over the next decade there were repeated disputes over where the boundary between northern and southern Sudan should lie: an attempt to redraw the boundaries of the south in order to ensure oil deposits lay in the territory

controlled by Khartoum was one of the precursors of the eventual collapse of the agreement.[15] That the division between north and south was not as strict as the separate administrations might suggest is also symbolized by the fact that the SPLM/A rebellion, which emerged in 1983, was led by a Southerner who had been absorbed into the Sudanese military and was stationed in the north: Dr. John Garang de Mabior.

Sudan's second civil war was fought from 1983 until 2005, the year in which Garang signed the CPA for the SPLM/A. The CPA stipulated both parties' commitment to making the unity of Sudan attractive, while allowing for a southern referendum on self-determination. The border with northern Sudan unsurprisingly remained a prominent issue. The agreed text of the CPA states that both Sudans would honor the border as it was defined on January 1, 1956, as the basis from which to finally demarcate.[16] However, during the Interim Period, the two parties did not settle on what "one-one-five-six" actually was. This point became particularly prominent again when in March 2012 the official map of South Sudan was published, which uses a 1953 ethnic and linguistic map to claim a boundary with Sudan, rather than "one-one-five-six." This shift away from the border as it was at Sudan's independence thus explicitly challenged the 1964 resolution on colonial boundaries of the Organization of African Unity, which outlined respect for inherited colonial boundaries under the principle of *uti possidetis* (which outlines that after decolonialization, frontiers remain as they were during colonial times). A South Sudanese delegation to an African Union conference on borders explicitly stated that *uti possidetis* did not apply to South Sudan. It is thus not surprising that currently five areas of the border remain under dispute (represented on Map 1.1), with a further four areas claimed by South Sudan. The forthcoming compilation of archival materials, including negotiation documents on the contested border areas, gathered by the African Union High-Level Implementation Panel (AUHIP), will provide important scholarly material to analyze the arguments put forth by either side.

The borderland between Sudan and South Sudan contains valuable resources, most notably oil, prominent in two of the major flashpoints, Abyei and Heglig. The formal economies of both countries greatly depend on the exploitation of oil resources. To the pastoralist borderland populations on either side of the boundary, the land along the border is needed for seasonal grazing and is an essential part for their livelihood. Much of the soil in the borderland also supports agricultural activity; thus, this fertile land is important to both local farmers and an increasing number of mechanized agriculture schemes, the latter of which have often generated tensions and conflicts as they impinge on the livelihoods of local populations. Together with these material interests of states, business elites, and local populations,

Map 1.1 South Sudan map and contested areas. © Cartographic Unit, Durham University

there is also a growing sense of nationalism among populations on both sides of the border that demands that the state ought to protect local, often ethnically based claims to the land.[17]

Thus, even before South Sudan's declaration of independence in July 2011, armed conflict flared up again along the north–south border, notably including the Sudan Armed Forces' preemptive invasion of Abyei in June 2011 as part of a chain of political provocation and response between Khartoum and Juba. Cross-border clashes and aerial bombardment carried out by the Sudanese government in Khartoum continued after South Sudan's independence, and in April 2012 the SPLA launched an abortive invasion of Heglig. At the time of writing, the Sudanese army continues to fight a counterinsurgency against rebels who used to fight with the SPLA during the war and who are now operating in the northern vicinity of the new border with South Sudan. At the same time, the Sudanese forces are also arming militias south of the border who continue to destabilize and undermine the South Sudanese state. Although as of mid-2013 it appears that both sides have begun partial moves to demilitarize the border in line with an agreement made in Addis Ababa in September 2012, a substantive resolution and stability are far from achieved, and the Sudan Armed Forces reportedly continue to

pursue military operations across the border with South Sudan. South Sudan's emergent national identity remains bound up with these continuing disputes along the border. The confrontation with the Republic of Sudan reaffirms both the sense that the emerging nation remains subject to an existential threat posed by its northern neighbor and the continuing importance of the military for the defense of the nation.

Beyond the North–South Divide: Extending over Time and Space

While South Sudan's border with its northern neighbor is central to understanding nation and state in South Sudan, and several chapters here deal with this border, this book pays particular attention to the places away from the political spotlight. South Sudan's borders more generally provide a meaningful perspective on state formation and state–society relations.[18] How the everyday business of state is or was performed in apparently mundane routines and rituals allows insights into how government and its functions are shaped. Similarly, interactions and negotiations between the state and local populations can also be observed in such settings. There are considerable differences among these processes as they occur in different sites. Borders that are strategically important for the central state and its political and military elite, such as the border with Uganda, tend to be enforced through border posts and taxation. Those borders that matter less, such as the border with the DRC as discussed at the start of the chapter, may barely exist on the ground.

The texts here also aim to challenge the notion of the new country as—and we quote from numerous interactions with international policy-makers over many years—"a blank slate." Such a view denies South Sudan's history of state and governance institutions. At a bare minimum, this history needs to be traced back to nineteenth-century Turco-Egyptian incursions into southern Sudan related to the ivory and slave trades; any engagement in South Sudanese state-building also needs to reckon with the complex and pluralistic field of institutions left behind by colonial rule.[19] During the second civil war, the SPLA created structures of "guerilla government," which continue to influence the present-day government.[20] Before the CPA, southern Sudan's borders with Ethiopia, Kenya, Uganda, DRC, and the Central African Republic (CAR) were formally controlled by the Sudanese government, yet these became *de facto* borders governed by the SPLM/A during the years of the civil war—with the exception of the far west of the country. Governing these borders had been an essential part of the SPLM/A's project of presenting itself as a state-in-waiting. The more recent history of these borderlands therefore reveals considerable insight into the changing character

of the emerging South Sudanese state, its relations with neighboring states, and its relations with its own population.

This book shows that complex and varied local and national histories—with the definition of what national means changing over time—have created an equally complex and varied set of relationships between state and society across the borderlands of South Sudan, with many contemporary dynamics rooted in deeper histories. The volume also necessarily includes perspectives from the outside looking into South Sudan, especially from the Republic of Sudan, Ethiopia, and Kenya.[21] An appreciation of cross-border dynamics reveals the way in which the historical and present-day social and political realities of South Sudan's state and diverse societies are bound up with those of neighboring territories.

The Relevance of Borders and Marginality

Why do we focus on peripheral borderlands in order to understand the state? A wave of recent wider scholarship on African borderlands provides potential answers through repeatedly demonstrating the value of studying the margins or peripheries for insights into central aspects of state–society relations. This current interest in borderlands has not emerged in a vacuum. Earlier scholarly perspectives on African state boundaries, inherited from colonial rule, suggested these were either damaging—dividing peoples and causing conflict—or irrelevant. This latter view suggested that the arbitrary nature of colonial boundaries made these meaningless to everyday lives since people continued to move and trade across borders regardless of theoretical state restrictions, and remained more connected to extended kin groups and cross-border ethnic communities than they were to the state or nation.[22]

More contemporary work has shown that African borders and boundaries, however arbitrary their origins, have become important economic, social, and political resources for local populations.[23] This work often emphasizes the agency of borderlanders in shaping the meanings of borders, and also therefore influencing how the state becomes evident at the border.[24] Paul Nugent has therefore described the way in which authority and regulation in borderland settings have been configured as an "accommodation between the state and border society."[25] Moreover, borderlands are often spaces of connection across lines of separation, tied together by cross-border trade, movements of people, and sometimes a sense of shared culture. They can function as zones of opportunities for those who dwell in their vicinity: smugglers for instance contravene the border on an everyday basis, yet at the same time their livelihood depends on its existence, and the way it separates economic jurisdictions.[26] As a result, an interest in the existence of the border

can sometimes also translate into an interest in identifying with the nation-state, even against members of the same ethnic group across the border. Social and political identities are therefore formed in unique ways in the particularly ambivalent spaces of interstate borderlands, sometimes in opposition to those who live across the border, sometimes by imagining a wider cross-border community.[27]

Yet a single-minded focus on the border as resource for those living in its vicinity, or from the perspective of how ordinary people themselves determine the significance of borders, threatens to obscure what Nugent and Asiwaju earlier recognized as the key paradox of African boundaries: that they create both opportunity and constraint for the people living around them.[28] Indeed, during the recent history of the border between the Sudans, many people living close to the line have lived through terrible violence, inflicted because of political competition between rival state elites over territory and resource control. Moreover, borders can impose unwelcome restrictions on the lives of ordinary people. Pastoralism is the principal livelihood for many people living along South Sudan's borders, and mobility—in order to find available grazing for animals—is a key aspect of that livelihood, a fact that sits uneasily with ideas about state control of cross-border movement. This reminds us that while borders might indeed present opportunities for some people, they are also crucial sites for the assertion and expression of state power, which can constrain the lives of borderland peoples.

Borderland areas are often remote from state capitals yet of importance to central government as sites for the display and territorial definition of state sovereignty. Such display is often demonstrative: the nation-state is literally performed with visible symbols such as flags and uniforms, though state sovereignty is also exercised through the everyday bureaucratic processes of form filling and fee payments.[29] On the other hand, despite appearances, African states often do not have the bureaucratic resources to simply assert their power in a top-down manner in remote borderlands. As a result, borderlands can also provide particularly vivid insights into how representatives of the state, non-state actors, and the civilian population negotiate how they live with each other—negotiations that often involve the compromise of what are supposed to be formal rules and norms. Raeymakers has argued of the Uganda–DRC border that borderland regulatory practices "mix different and often contradictory legal orders and cultures."[30] This can produce distinctive but also sometimes surprisingly stable regulatory outcomes. The broader implication of this insight is that states are not necessarily built from the center outward. States are also formed in multiple local manifestations at their peripheries, emerging out of complex negotiations with borderland populations and struggles over authority.

This is particularly important in the case at hand because since South Sudan's independence in July 2011, a great deal of policy attention has been devoted to the question of state-building. Much of this debate, as has often been the case in Africa, has been top-down in focus, assuming the state should be built along legal-bureaucratic lines familiar to the imagination of the international policy community, via the creation of strong institutions and the emancipation of the state from the grip of personalized or patrimonial agendas.[31] State-building has often been perceived as the technical challenge of creating new state institutions; in reality, the process is more political than most Western policy-makers would like. After all, *people* build institutions and fill these with meaning and authority.[32] Moreover, to assume that a unitary state even exists—or existed—in South Sudan (or elsewhere) may be problematic: rather than referring to "the state" one might talk about a "state system," a pluralistic "institutional field that is primarily a field of struggle," as Philip Abrams put it.[33]

Chapters in this book display the routine divisions and rivalries that exist among different branches and sections of government. And the state takes on various forms in diverse local contexts: South Sudan on the Ugandan border hardly resembles its manifestation on the border with the Republic of Sudan. Nonetheless, the often divided, contradictory, and highly personalized character of state practices, and the often indistinct boundaries of who can make a claim to stateness somehow still contribute to shaping what Mitchell calls "the state effect": the idea that there is an inert structure that contains all this complexity, and that this is something imagined to be the state.[34] The many perspectives on borderland dynamics, past and present, presented in this volume therefore highlight that it is the myriad local encounters and everyday negotiations of authority and the relations between government and different citizens that create the South Sudanese state, rather than a centralized imposition of bureaucratic institutions. We examine state formation as it actually is occurring in South Sudan, rather than against some normative ideal of what ought to happen.

The Many Facets of South Sudan's Borderlands

The ten chapters of this book are organized thematically rather than geographically or through time. They collectively provide an overview of multiple sets of both state–society relations and state formation across South Sudan's borderlands. These provide individual insights of wider interest to borderland scholars, while also reminding us of the perils of generalization in defining *borders*, *state*, or *society* even within the context of a single nation-state focus. The various contributions demonstrate the relevance of diversity

in studying the borderlands of South Sudan. Below, they are discussed under the main themes that run through most of the chapters: marginality and identity, as well as authority and livelihoods.

Negotiating Marginality and Identity: Instrumentalizing the Border

How borderland populations negotiate their so-called marginality from the state is a recurring and prominent topic in the essays presented here. Feyissa and Hoehne suggest that marginalization does not necessarily equate to a lack of agency, including agency in the bigger picture of state-building.[35] Marginalization can also equate to a considerable degree of *de facto* autonomy for borderland populations in everyday life and it can be an important aspect of identity formation. It may also reflect the relative weakness of state control in borderland areas, and therefore creates opportunities for borderland peoples to negotiate their relationship with the government. The border between the two Sudans, as the most contested of all of South Sudan's borders, is where the interaction between local peoples and the state over the definition of borders is particularly prominent. Between the state and local populations the tension between both marginalization and mutual engagement and influence is manifest. In particular, we can see how local populations instrumentalize the existence of the border in order to pursue their own interests vis-à-vis the state and cross-border rivals.

Writing about Unity State, at the border with Sudan's Southern Kordofan,[36] Øystein Rolandsen, in Chapter 2, addresses the demand voiced by local South Sudanese for a fixed and demarcated boundary. Rolandsen argues that these demands emerge out of a history of cross-border violence and particularly Misseriya militia attacks on southern Sudanese during the second civil war. This history has shaped current demands from South Sudanese for protection from government, protection that is expected to be achieved through clear demarcation and policing of the boundary by the state. Thus, border populations in Unity State demand the presence of the state at its borders, as a means of addressing their insecurity and relative marginality. This local demand is convenient for the state as it provides support for national claims to resources and territory. Rolandsen shows border crossing is not something in which peoples on both sides of the Unity State border engage to the same extent or for the same reasons: the nomadic Misseriya move south of the border to gain access to crucial grazing lands, while South Sudanese only move through Misseriya territory on the way to destinations further north, notably Khartoum. These differences also influence the character of local demands.

Joshua Craze's Chapter 3 provides particular insight into state–society relations in a prominent dispute over Abyei. Craze argues that the usual assumption that the state favors a clear border, and that local populations favor flexibility in border arrangements, is reversed in this instance. The chapter shows that the Khartoum government has aimed to deliberately obscure the borders of the territory and keep these undetermined, while the local concerns of pastoralist inhabitants over access to land and grazing have been transformed into the formal language of the state to ensure their entitlements: local elites call for the creation of fixed boundaries. This strategic use of "state" language by local elites is itself the result of their marginalization from national negotiation processes, and because they are unprotected while grazing cattle in South Sudan. Such demands also further undermine previous patterns of cross-border coexistence. Nonetheless, they demonstrate that the discourse of fixing boundaries is one that is not available to the state only.

Both these chapters therefore question the claim often made in the scholarly literature that borderland people, especially pastoralists, always prefer soft borders to allow for flexibility in cross-border movement. Soft borders may indeed in theory be more desirable for long-term peace and prosperity, yet they may also be rejected by local populations in particular contexts as reinforcing local vulnerability to cross-border violence. Admittedly, demands for fixed borders by pastoralists may alternatively be interpreted as pastoralists "filing land claims" (to use Eulenberger's notion about the Ilemi Triangle in Chapter 4)—not so much wanting permanently hardened borders, as wanting their claims to access and future use registered and recognized. But this local discourse in itself demonstrates nonetheless that there is no *a priori* or fixed local attitude toward the border which is necessarily opposed to that of the state. Moreover, cross-border disputes may be driven by local rivalries and fears as well as by state interests. Continuing tensions in the Sudan–South Sudan border zone are therefore not simply the manifestation of the aggression and uncompromising demands of the rival governments of the Sudans, but are rather the product of an interaction between state and local interests in producing stubborn claims to territory on both sides of the line.

In Chapter 4, Immo Eulenberger's contribution on the Toposa pastoralists on the South Sudan–Kenya border also shows that for some, marginalization does not preclude engagement with state authorities. The Toposa people remain considerably detached from the state, in order to retain local autonomy over livelihoods, while certain elites act as largely effective intermediaries between government and Toposa interests. The state remains perceived as a distant and partly irrelevant entity, though some of its goods remain in demand. Yet Eulenberger also suggests that the recently increased interest of cross-border state actors in this borderland and rival national claims to territory in the disputed Ilemi Triangle have created new tensions and potential

losing access to land. This means that some members of the Toposa elite are engaging with issues of national state boundaries, and are vigorously opposing any transfer of territory to Kenya that might impede on their own grazing. The paradoxical limits and significance of state power in remote borderlands is particularly clear in this case: the state is perceived as distant in most spheres of life yet also plays a crucial role in changing the tenor of local relationships between and among borderland peoples. Although Kenya is one of South Sudan's key regional allies, local tensions can still be enflamed by the assertion of state claims to control of territory.

Compared to the emphasis on conflict and rivalry presented so far, Guma Komey in Chapter 5 presents quite a different perspective on cross-border local relations. He examines how the Nuba Mountains in Southern Kordofan have changed from being a territory located in the geographical center of Sudan to become a territory marking the boundary between the Republic of Sudan and South Sudan. The Nuba Mountains have long been one of Sudan's marginalized peripheries; as a central location of rebellion and repression, the Nuba Mountains reflect the continuation of patterns of violence established during the second civil war. Yet, in Komey's view, the emergence of the international border between Southern Kordofan and Unity State has not simply created new barriers for the population of the borderland, despite the fact that the border was theoretically closed during tense times. Rather, for Nuba people, the border between the Nuba Mountains and South Sudan remains permeable, reflecting a long history of alliance between southern liberation fighters and many Nuba who joined the SPLM/A's struggle for a New Sudan. The internal border between the Nuba Mountains and the rest of the Republic of Sudan, which is rigidly policed, is in fact more of a barrier and obstacle than the international border with South Sudan. Komey also suggests that despite the risks of living in the borderland, people are reluctant to move further away to what may appear to be more secure areas for fear of losing contact with their kin. In contrast to the peoples of Unity State and Abyei, who demand the rigid policing of the border by the state to preserve their security and who have withdrawn from some long-established cross-border social ties, for those living in the Nuba Mountains personal and collective security is bound up with maintaining cross-border social connections, even if that means remaining in a borderland wracked by violence. The chapter alerts us to the role of cross-border movement and connections for people negotiating marginality, especially in the context of ongoing conflict. In comparison to earlier chapters, it also demonstrates the diversity of local relationships and cross-border ties along the Sudan–South Sudan border.

Cross-border movement is also key to the negotiation of identity for the Nuer people who live across the South Sudan–Ethiopia border, as examined

by Dereje Feyissa in Chapter 6. The question of citizenship looms large in South Sudan, and how the new state exactly defines it remains contentious. In theory, it is the border that serves as the greatest determinant of belonging, including under which state's duty of care a citizen might fall. The uncertainty over borders in South Sudan therefore also feeds into uncertainty over definitions of citizenship. Thinking about citizenship, however, rarely moves beyond seemingly fixed categories of inclusion and exclusion. Dereje's chapter urges broader thinking on what citizenship means and what role a border plays in determining it. His case of the Nuer people across the South Sudan–Ethiopia border challenges the dichotomy of inclusion and exclusion and shows that because the border between the two states is not rigidly enforced, it functions as a connector rather than as a divider. Dereje emphasizes the way in which macro-level processes of conflict and governance in Sudan and Ethiopia have shaped opportunity structures of service provision and protection over time for the Nuer, which has in turn allowed for shifting claims for citizenship and belonging on both sides of the border. The Nuer—who might be seen as "relentlessly instrumental" in Dereje's memorable phrase—therefore take advantage of the border as a line dividing two sovereign states. But Dereje's work also draws our attention to the importance of the way particular local groups conceptualize political community—for the mobile Nuer this is based on openness and the assimilation of newcomers—and how this feeds into local perceptions of borders and belonging.

Negotiating Authority

The ways in which borderland populations make claims on the state in the settings discussed above, and their attempts to frame the state as the guardian of their interests, demonstrate how borders often become important sites of state formation via the imagining of the state as the protector and enforcer of local claims. In this process, the state may also become a hegemonic, often violent, force even in the lives of remote and marginalized peoples. Several chapters of the book deal with this tension from the perspective of state actors and elites.

In Chapter 7, Christopher Vaughan offers a historical perspective on the arrangements between Rizeigat and Malual Dinka pastoralists to negotiate access to grazing within what is now the heavily contested "14-mile" zone between South Sudan's Northern Bahr el-Ghazal and the Republic of Sudan's South Darfur. The chapter provides an insight into how the British Condominium administration attempted to manage competing local demands over livelihood resources. Significantly, the colonial state was not a coherent or united political entity. Lines of administrative division

structured bureaucratic rivalries between administrators in neighboring districts, and local elites were adept at manipulating those rivalries to protect their interests by influencing local officials. Important connections and negotiations between state and society limited and enabled the exercise of state power, thereby constituting state authority at a local level. Emphasizing local interaction, the chapter historicizes some of the insights about borderland state–society relations addressed in Craze's and Rolandsen's chapters, suggesting that neither the state nor local societies had consistent (or consistently opposed) views on the meaning of boundaries. Instead, officials on either side of the north–south divide themselves often had quite different opinions on whether the border should be managed as a clear line of division, or as part of a wider borderland area of shared territory and interaction. To some extent this also reflected the varying interests and perceptions of local populations on either side of the line.

Lotje de Vries presents a detailed socio-anthropological study of how local agents representing the central government at the border used their position to negotiate authority and claims on resources during the CPA period. In Chapter 8 she shows that border policing is a central site for the performance and negotiation of stateness, full of paraphernalia and symbolism. Yet that performance is subject to numerous indeterminacies, and the claim of stateness is not one monopolized by those actually employed by the state. She emphasizes the numerous rivalries and contests for authority within an institutionally complex and fluid state apparatus, and demonstrates how practices of "guerrilla governance" through the networks established during the war impinge on contemporary cultures of the state. Personal wartime connections may continue to trump the apparent institutional hierarchies of the present. Moreover, the chapter shows that state authority at the border is not simply a matter of negotiation between state and society but also emerges out of negotiations *within* the state apparatus itself.

De Vries shows that while the state of South Sudan may be new in international juridical terms, hierarchies and repertoires of power are built on established military networks and repertoires. The legacy of conflict therefore shapes arrangements at the border as well as within the state more generally. Anne Walraet makes a similar point in her study of elite trading networks in Eastern Equatoria State in Chapter 9. She demonstrates that a military elite built up a dominant position in cross-border trade with Kenya during and since the war, establishing strong ties with Kenyan elites. Civilian traders still rely on connections to the military to go about their business. The importance of military networks to cross-border trade explains the local perception that Dinka people dominate trade. It is in fact connections to military power that allow for trading success, yet in this area, Walraet argues, the

Bor Dinka most prominently have these connections. Military, civilian, and business elites remain connected to shape local authority, within which cross-border trade is conducted. As the state of South Sudan emerges, so do the state's elites—some of them drawn from previous networks and elite structures in the military or the diaspora. The growing opportunities presented by cross-border trade can make the border a key site of the development of a state elite. In this sense, the elite of South Sudan continues to emerge from the borderlands.

Eddie Thomas, in his historical piece (Chapter 10) on the border between Bahr el-Ghazal and South Darfur, poses a significant challenge to notions that borders simply create opportunities for borderlanders. His material also challenges the notion of state formation as a locally negotiated process. Thomas shows Western Bahr el-Ghazal to have been a site of much more overtly violent and coercive state formation over a long period of time, with much less accommodation between state and society than presented in many other of the chapters. Here the periphery remains a place of violence, marginalization, and exploitation. Thomas takes in the rule of the Darfur Sultans, the Egyptians, the Mahdist state, and the British-dominated Condominium period to demonstrate the capacities of states to create boundaries as lines of division that structure profound and long-lasting inequalities among and between borderland societies. People may try to evade and resist those imposed divisions; one way of doing that is through movement across borders. Yet when the state burns down the homes of people living on the wrong side of the border, or enslaves people who live outside the boundaries of the state, it becomes clear that state-imposed borders can define group identities and status in a way that facilitates the exercise of state power and coercively structures people's everyday lives.

While many of the chapters in this book are focused on the present, and concerned to describe emergent contemporary processes of state, elite, or identity formation, Thomas' text and Chapter 11 by Wendy James demonstrate the value of taking a *longue durée* approach to the study of borderland dynamics. James focuses on the Blue Nile's frontier with Ethiopia and South Sudan, but takes a sweeping historical view stretching from the late eighteenth century to the present. She suggests that as state power had become oriented around issues of precise territorial control, a progressive sharpening of interstate boundaries in the region increasingly restricted the opportunities afforded to people. These people had for a long time lived in between larger political units, and had historically taken advantage of the particular geography of the region to preserve significant political autonomy and escape state control. The current violence inflicted on borderland populations as the result of interstate territorial competition is, James argues, unprecedented.

Yet many of the historical points she makes resonate with more recent perspectives on relationships between state and society in peripheral borderlands. These include the importance of negotiating alliances between state elites and borderland populations and the way local populations maintain some autonomy in their relations with the state. People still shuttle back and forth across apparently fixed lines of division, even in the most hazardous of situations, in part due to the resources available to them on either side of the border, in part more simply pushed by the imperatives of evading state violence. The negotiation of state authority on the ground continues to feed into complex and fragmented local configurations of power.

Conclusion: South Sudan Emerging from Its Borders

In December 2010, as voters gathered around a polling station in Western Bahr el-Ghazal to register their intention to vote in the January 2011 referendum on South Sudan's independence, a heated discussion ensued about the meaning of the referendum. One man rebuffed the idea that the vote was about secession from Sudan. This was not about voting for independence, he said. It was to allow a correction of a historical error made in the early 1950s when the Condominium administration had failed to pursue the enforcement of the border between northern and southern Sudan as an international border. South Sudan, he argued, was thus not exactly a new state emerging: it was a state that had long existed, yet its international borders had not been officially recognized, leaving the people who live inside the borders to carry the burden of confusion, which had resulted in decades of war. Had the two Sudans been separated in 1956, the north–south border could have been a peaceful and prosperous place, he said.[37]

Similar arguments were often heard in the months before and after the referendum in January 2011. People argued that the referendum was to allow the correction of a historical error, which demonstrates the continued significance placed on the legacy of colonial policy, whatever the limits of that policy's impact on the ground. Yet this argument also alerts us to the fundamental point that South Sudan, despite legal appearances, is not entirely what many of its citizens like to call it: a "baby nation." Rather, the political entity recently granted sovereign recognition by a world audience has in fact emerged out of decades of struggle, violence (often among South Sudanese themselves), and negotiation, especially negotiations between the SPLM/A and those whom it aimed to mobilize in times of war, and govern in other times. From the perspective of the SPLM/A, creating an international border with the former ruler in the north has been an essential aspect of forming the *new* state. The longer-term project of state-building was driven

This book argues that, in a substantial way, the new country materialized from its borderlands and the resources, refuges, and alliances these offered. In the eyes of South Sudanese, the secession of their country from the north was an affirmation of an existing reality on the ground. Borders in the past and present therefore play a central part in the narrative of South Sudan's emergent statehood. This book shows the value of approaching the study of South Sudan by analyzing its apparent margins and peripheries in historical and contemporary perspective. It shows that dichotomies—like inclusion and exclusion, center and margin, formal and informal—obscure as much as they reveal. The collection reminds us that when apparently opposed analytical labels are applied to empirical reality, they may be revealed as being mutually constitutive. In particular, the collection shows that so-called peripheries are in fact central to the making of political order, both as fertile spaces for insurgency and challenge to state power, but also as spaces where rulers negotiate their authority with subjects or citizens in a myriad series of local encounters and interactions, endlessly reconfigured in ever-changing historical circumstances. It shows the state to be not an inert structure imposed from above, but rather a shifting network embedded in and at times indistinct from the local social contexts in which it operates. The state is not shaped by apparently transformational moments of institutional creation or capture, but by its continuing emergence out of deep histories of violence and negotiation. And, finally, the collection shows—*contra* the assumptions of much scholarship on African boundaries—that what is referred to as "the state" or "local communities" does not have a single agenda when it comes to either enforcing or evading boundaries. In some circumstances, the state may avoid imposing "legible" lines of division where these would not suit its wider interests; local people may on the contrary demand the policing of a clear line of division, promoting the agenda of legibility more often associated with the state. Indeed "state" and "local" interests in the making of borders are contingent, context specific, and constructed in the very interactions that also constitute the making of the state. In highlighting these broader points, this collection of essays is not only a contribution to South Sudan studies, but also illustrative of the importance of studying borderlands on their own terms in order to shed new light on issues of central scholarly and political significance.

Notes

1. Interview with Bishop Justin Badi Arama, Diocese of Maridi, Episcopal Church, conducted by Mareike Schomerus, February 27, 2009, in Maridi.
2. Cherry Leonardi, *Dealing with Government in South Sudan: Histories of Chiefship, Community and State* (Oxford: James Currey, 2013); Jocelyn Alexander, *The*

(Oxford: James Currey, 2006); Paul Nugent, *Smugglers, Secessionists and Loyal Citizens on the Ghana–Togo Frontier* (Oxford: James Currey, 2002).

3. For a detailed account on the disputed borders, see, for example, Douglas Johnson, *When Boundaries Become Borders, the Impact of Boundary-Making in Southern Sudan's Frontier Zones* (London: Rift Valley Institute, 2010).
4. Richard Reid, *Frontiers of Violence in North-East Africa: Genealogies of Conflict since c.1800* (Oxford: Oxford University Press, 2011), 21.
5. John Young, *The Fate of Sudan, The Origins and Consequences of a Flawed Peace Process* (London: Zed Books, 2012). See also Douglas Johnson and Gerard Prunier, "The Foundation and Expansion of the Sudan People's Liberation Army," in *Civil War in the Sudan*, eds Martin W. Daly and Ahmed Al Sikainga (London: British Academic Press, 1993).
6. Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Currey, 2005); Mareike Schomerus, "'They Forget What They Came For': Uganda's Army in Sudan." *Journal of Eastern African Studies* 6 (2012): 124–153.
7. As noted by Walraet in Chapter 9.
8. The dominant scholarly explanation of Sudan's civil wars frames these as a conflict between a hyper-dominant core, based around Khartoum, which monopolized power and wealth, and a series of marginalized peripheries in western, eastern, and what became South Sudan. See Johnson, *Root Causes*, xviii. John Garang in many speeches spoke about such marginalization, for example, when dedicating the SPLM/A: "In the country side, the Movement beongs to you, the masses—to peasants, the cattlemen, the nomads, to you all who have always been neglected, to those in Kapoeta whom no government has ever counted in a census . . .", John Garang, *The Call for Democracy in Sudan*, ed. and introd. Mansour Khalid (London: Kegan Paul International, 1992).
9. For an early analysis of the difficult transition from rebel army to governing party, see Adam Branch and Zachariah Cherian Mampilly, "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead." *Journal of Modern African Studies* 43 (2005): 1–20.
10. Will Reno provides a useful overview of liberation struggles in his *Warfare in Independent Africa* (Cambridge: Cambridge University Press, 2011), 37–118.
11. Harold A. MacMichael, "Memorandum on Southern Policy," enclosed in Civil Secretary to Southern Governors, January 25, 1930, appended in Mudaththir Abdel Rahim, *Imperialism and Nationalism in the Sudan: A Study in Constitutional and Political Development 1899–1956* (Oxford: Clarendon Press, 1969), 244–249.
12. Thomas in Chapter 10 deals with the most extreme example of the implementation of Southern Policy along the South Darfur–Western Bahr el-Ghazal border.
13. Douglas H. Johnson, "Decolonising the Borders in Sudan: Ethnic Territories & National Development," in *Empire, Development & Colonialism: The Past in the Present*, eds Mark R. Duffield and Vernon Marston Hewitt (Woodbridge, UK: James Currey, 2009), 176–187; Vaughan (Chapter 7).

14. Øystein Rolandsen, "A False Start: Between War and Peace in the Southern Sudan." *Journal of African History* 52 (2011): 105–123. See also Rolandsen, "The Making of the Any-Nya Insurgency in the Southern Sudan, 1961–64." *Journal of Eastern African Studies* 5 (2011): 211–232.
15. Johnson, *Root Causes*, 44.
16. The Government of The Republic of Sudan and The Sudan People's Liberation Movement/Army. January 9, 2005. *The Comprehensive Peace Agreement*. The CPA actually stipulated that the north–south border issue was to be solved in the pre-Interim Period between January and July 2005.
17. For much more detail on this, see Joshua Craze, *Living the Line: Life along the Sudan–South Sudan Border* (Geneva: Small Arms Survey, 2013).
18. Craze's *Living the Line* is the best recent example that focuses solely on the disputed border between Sudan and South Sudan.
19. Leonardi, *Dealing with Government*.
20. Øystein Rolandsen, *Guerilla Government: Political Changes in the Southern Sudan during the 1990s* (Uppsala: Nordic Africa Institute, 2005).
21. For a detailed account of the challenges posed particularly by the territorial claims regarding Abyei, see Douglas Johnson, "Why Abyei Matters: The Breaking Point of Sudan's Comprehensive Peace Agreement?" *African Affairs* 107 (2008): 1–19.
22. Anthony Asiwaju, "The Conceptual Framework," in *Partitioned Africans*, ed. Anthony Asiwaju (London: C. Hurst & Co., 1985), 1–18, details both perspectives.
23. See, for example, *Journal of Borderland Studies*, Special Issue: "From Empiricism to Theory," 25 (2010), for a range of essays on the topic.
24. Nugent, *Smugglers* (Oxford: James Currey, 2002); Dereje Feyissa and Markus Hoehne, eds, *Borders and Borderlands as Resources in the Horn of Africa* (Oxford: James Currey, 2010).
25. Nugent, *Smugglers*, 274. For a broader perspective, see also Michiel Baud and Willem van Schendel, "Toward a Comparative History of Borderlands." *Journal of World History* 8 (1997): 211–242.
26. Nugent, *Smugglers*, 274. For important work focused on the complex relationship between "illicit" trade and state authority in east-central Africa, see Timothy Raeymaekers, "The Silent Encroachment of the Frontier: A Politics of Transborder Trade in the Semliki Valley (Congo–Uganda)." *Political Geography* 28:1 (2009): 55–65; Kristof Titeca, "Regulation, Cross-Border Trade and Practical Norms in West Nile, North-Western Uganda." *Africa* 80 (2009): 573–594; Janet Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton: Princeton University Press, 2004).
27. For more on these complexities, see Thomas Wilson and Hastings Donnan, eds, "Introduction," in *Borders: Frontiers of Identity, Nation and State* (Oxford: Oxford University Press, 1999), 1–30.
28. Paul Nugent and Anthony Asiwaju, "The Paradox of African Boundaries," in *African Boundaries: Barriers, Conduits and Opportunities*, eds Paul Nugent and Anthony Asiwaju (London: Pinter, 1996), 2.

29. Wilson and Donnan, "Introduction."
30. Raeymaekers, "The Silent Encroachment," 62.
31. For an astute critique of international state-building in South Sudan, which nonetheless veers toward the normative traps critiqued here, see Wolfram Lacher, *South Sudan: International State-Building and Its Limits* (Berlin: SWP, 2012).
32. For an excellent example of this argument in South Sudan, see Leonardi, *Dealing with Government*; in Zimbabwe, Alexander, *The Unsettled Land*; for foundational work in an Indian context, Akhil Gupta, "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State." *American Ethnologist* 22 (1995): 375–402; and for an influential general statement of this sort of research agenda, Veena Das and Deborah Poole, "State and Its Margins: Comparative Ethnographies," in *Anthropology in the Margins of the State,* eds Veena Das and Deborah Poole (Oxford: James Currey, 2004), 1–33.
33. Philip Abrams, "Notes on the Difficulty of Studying the State," *Journal of Historical Sociology* 1 (1988): 58–89.
34. Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics." *American Political Science Review* 85 (1991): 93–94.
35. Dereje Feyissa and Markus Hoehne, eds, "State Borders and Borderlands as Resources: An Analytical Framework," in *Borders and Borderlands as Resources*, 2.
36. Southern Kordofan and South Kordofan are used interchangeably. We follow the terminology used in the CPA and in the documentation of the African Union High-Level Implementation Panel (AUHIP), which facilitated the post–South Sudan independence negotiations on the borders.
37. Observation by Mareike Schomerus, Wau, December 4, 2010.

CHAPTER 2

Too Much Water under the Bridge: Internationalization of the Sudan–South Sudan Border and Local Demands for Its Regulation[1]

Øystein H. Rolandsen

National borders in Africa are often presented as arbitrary and problematic impositions of European colonial powers. Although the new international border between the Republic of Sudan (Sudan) and South Sudan is not one of those, it originated during the colonial government of the Anglo-Egyptian Condominium (1899–1956) and it continues to be contested politically and administratively. The Sudan–South Sudan borderland is an ecological transitional zone where the majority of people live within a semi-subsistent economy often combining cattle-keeping, farming, and fishing. Historically, people with cattle have moved southward during the dry season in search of green pasture and water, and northward during the rainy season to escape tsetse flies and local floods. Although statistics are poor, this borderland is assumed to be densely populated and highly productive in terms of cattle and farming products as well as rich in oil and minerals.

Before the process of external colonization, much of the area witnessed the continual waxing and waning frontier of northern sultanates, where tribute sometimes could be exacted; in areas even farther south, people for the most part lived without any centralized government.[2] By focusing on one part of this transitional zone—the borderlands of Unity State and Southern Kordofan—this chapter analyzes how the imposition of an international border impacts local cross-border politics and has altered relations and interactions between people in the borderlands. More specifically, it calls into

The African Borderlands Research Network (ABORNE) is an interdisciplinary network of researchers interested in all aspects of international borders and transboundary phenomena in Africa. The network held its inaugural meeting in Edinburgh in 2007 and has since grown to over 250 members worldwide. ABORNE's core funding is provided by membership fees and the Research Networking Programme of the European Science Foundation.

The European Science Foundation (ESF) was established in 1974 to provide a common platform for its Member Organizations to advance European research collaboration and explore new directions for research. It is an independent organization, owned by 78 Member Organizations, which are research funding and research performing organizations, academies and learned societies from 30 countries. ESF promotes collaboration in research itself, in funding of research, and in science policy activities at the European level.

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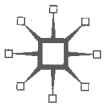

First published in 2013 by
PALGRAVE MACMILLAN®
in the United States—a division of St. Martin's Press LLC,
175 Fifth Avenue, New York, NY 10010.

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Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

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ISBN: 978–1–137–34088–7

Library of Congress Cataloging-in-Publication Data

The borderlands of South Sudan : authority and identity in contemporary and historical perspectives / edited by Christopher Vaughan, Mareike Schomerus, Lotje de Vries.
pages cm. – (Palgrave series in African borderlands studies)
Papers from a workshop held at Durham University in April 2011.
ISBN 978–1–137–34088–7 (alk. paper)
1. South Sudan–Boundaries–Congresses. 2. Borderlands–South Sudan–Congresses. 3. South Sudan–Politics and government–2011—Congresses. I. Vaughan, Christopher, 1981- II. Schomerus, Mareike. III. Vries, Lotje de, 1979- IV. Series: Palgrave series in African borderlands studies.
DT159.92.B67 2013
962.9051—dc23 2013024106

A catalogue record of the book is available from the British Library.

Design by Integra Software Services

First edition: December 2013

10 9 8 7 6 5 4 3 2 1

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