THE ELECTORAL TRAP

WHY THE EU SHOULD THINK BEYOND BELARUS’S PARLIAMENTARY ELECTION

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FIIA BRIEFING PAPER 111 • September 2012
• One should not expect the 23 September election to comply with democratic standards. The current legislation in Belarus does not guarantee a free and fair process. The institutional setting prevents a transparent vote count and the election of opposition candidates.

• Yet, in sending a full-fledged observation mission to Belarus, the OSCE again appears to be giving official Minsk the benefit of the doubt. Breaking the vicious circle of external regime legitimisation would require consistency and restraint in giving this periodic electoral farce any credence whatsoever.

• Imitating procedural democracy brings regime consolidation for Lukashenka: enticing the opposition forces – and their Western supporters for that matter – into the electoral trap is a pre-emptive scheme to disqualify them. Decapitated, divided, distrusted, the opposition is incapable of carrying out regime change.

• The regime’s repressive build-up also dissuades Belarusians from mobilising to contest the predictable fraud – for now. They are nonetheless expressing increasing demands for independent election monitoring.

• In view of the 2015 presidential elections, the EU should invest more in the capacity-building and training of civil society actors, notably domestic election observers. Turning voters into reliable rule of law watchdogs could raise awareness in, and demand for democracy in Belarus.
Elections in most autocratic regimes being a mere formality, the 23 September parliamentary election in Belarus should bring no surprises: the vote will predictably fall short of meeting OSCE democracy standards. Having fended off the threat of a popular revolt, Alexander Lukashenka is confident that rigged results will not be contested from within. However, aware of Western scepticism, he is surely expecting the legitimacy of this election to be contested from outside the country.

In this respect, one might question whether the West, in sending election observers, is in fact playing by Lukashenka’s rules. Whoever does so sets in motion a mechanism of legitimation that contributes to consolidating the regime – an eventuality that contradicts the EU’s stated goals of enhancing democracy and supporting civil society in Belarus. Like the segment of the political opposition which fielded candidates, the EU has fallen into an “electoral trap”. The purpose of this paper is to highlight how this has happened, raise the question of why, and suggest a way out.

**A predictable farce: the institutional set-up**

What lessons have we learnt from previous elections in Belarus? Since 1996, falsifications have ensured that only state-backed candidates perform well. Lukashenka has proclaimed himself re-elected three times with 80% victories, and not a single opposition candidate has ever made it to Parliament.

There is no reason to expect a different outcome this time. Whereas promises were made to the West in 2008 and 2010, now Minsk is not even pretending to be holding anything but a master class in the use of political technologies for “managed” elections.

The regime has set the tone. For months Alexander Lukashenka has stressed that in the next legislature there will be “no room for chatterers”. The head of the Central Election Commission (CEC), Lidziya Yarmoshina, in charge since 1996, claims that the electoral legislation does not need any amendment. The current speaker of the lower chamber of Parliament, Uladzimir Andreychanka, warned in June that “only people loyal to the homeland should make it to the House of Representatives”. In Lukashenkit rhetoric, this excludes opposition candidates, who are pictured as “traitors” in Belarus, especially since their alleged attempt to “derail the peaceful course” of the last presidential election on 19 December 2010.

Electoral processes in Belarus are tightly controlled by the state via a disciplined bureaucracy. Representatives of the executive branch of power alone decide whether to register nominees in electoral commissions. Given the accountability structure of the administrative pyramid, civil servants interfere with the electoral process when told to do so and the CEC is fully dependent on the President himself. Subordinate to the CEC are 110 district election commissions (DECs, at okrug level), one per constituency and below them 6,301 precinct...
electoral commissions (PECs, at polling station level,uchastki), comprising 68,945 PEC members altogether.

In accordance with Soviet electoral traditions, PEC members and candidates standing for election can be nominated in three ways: by registered political parties and “other public organisations” (duly registered associations, trade unions, non-profit organisations, etc.); by labour collectives of enterprises of over 300 employees; and by citizens’ initiative groups having collected 1,000 valid signatures from local voters. Appeals against decisions not to register nominees and candidates are possible, but compliant judges seldom overturn them.

Under the amended Article 34 of the Electoral Code, the share of civil servants in PECs cannot exceed one third, and another third is reserved for representatives of political parties. Yet pluralism is a façade, as the authorities ensure PECs are dominated by “their” people. As Table 1 illustrates, for these elections opposition entities managed to submit only 0.77% of all PEC nominees – for lack of access to administrative resources, reserved for pro-governmental appointees. The “passing rate” of their nominees (0.09%) compared to pro-governmental ones (80% on average) illustrates the extent of the discrimination.

For unregistered parties without regional representation offices, collecting citizens’ signatures is often the only possible nomination channel. Yet the local authorities monopolise it to field their own PEC members and “favourites”. They restrict access to busy streets, public transport and workplaces where picketing for collecting citizens’ signatures or campaigning is allowed. They also recruit “pocket observers” from the ranks of the Belarusian Republican Youth Union (BRSM) or associations of veterans to obstruct the work of “imical” observers, whether domestic or international.

Each PEC is responsible for compiling voter lists, which can be amended up until election day. In the absence of a centralised voter list, cross-checking for multiple entries is de facto impossible. Since PECs also supervise voting and ballot counts as well as handling complaints, they are essential links in the chain of command allowing the regime to secure desired turnout levels and results. Added to the opacity of ballot counts and doubts surrounding “early voting”, this has long fuelled suspicions that results are easily “adjusted” post hoc in Belarus.

The regime’s repressive build-up

Authoritarianism has entered a consolidated phase in Belarus; with elections approaching, the regime keeps tightening its grip. Restricting competition by operation of law is a typical institutional feature of “pre-emptive” authoritarianism. Lukashenka increasingly relies on additional tactical measures to oppress people and dissuade them from protesting. Whereas the danger of an overthrow by a “colour revolution” was pre-emptively dispelled in 2006, what the regime is afraid of now is a Russian civic mobilisation scenario. If exit polls and social networks were able to bring Russia’s elections into disrepute with the general public in 2011-2012, Lukashenka is taking particular pride in testing the technologies to prevent this from happening in Belarus this autumn.

In June, the Code of Administrative Offences was amended to sanction “unauthorised opinion surveys”: individuals conducting exit polls without accreditation will now be fined the equivalent of 200 euros, and organisations 1,000. This obviously targets the Vilnius-based Belarusian pollster ISEPS, which previously revealed discrepancies between official results and election ratings based on polls.

1 Presented as a “democratic” achievement, the opportunity to vote during the five days prior to election Sunday is believed to facilitate manipulation, either by influencing the choice of voters “bussed” to polling stations (students, soldiers and factory workers are oftentimes forced to vote earlier), or due to the insufficient securitisation of voting premises and ballot boxes outside of voting hours.


3 “Pre-emption” is a way to prevent contestation from emerging by dealing with it in advance. This paradigm was coined by late political scientist Vitali Siihi to describe Lukashenka’s strategic build-up against the risk of democratic contagion. Cf. V. Sihi “Preempting Democracy: The Case of Belarus”, Journal of Democracy, 16 (4), 2005, p. 83-97.
Regulations were introduced to instil fear into every segment of society. Following last year’s so-called “Revolution through Social Networks”, the legal qualification of “unauthorised mass events” was widened to include “those organised via the internet for the purpose of protest action or inaction”.

Extending the prerogatives of the security forces is another way to nip potential contestation in the bud: they may now enter any flat in search of people suspected of having committed a crime or of “intending to commit one”. The control arsenal also includes the mandatory fingerprinting of the whole male population (allegedly to combat terrorism) and banning citizens from exiting the country on “preventive supervision” grounds.

Granting civil servants and the security forces pay rises (three times this year already) pertains to the tactical–operational category of pre-emptively buying the loyalty of the praetorian guard. The KGB and its “men in plain clothes” are on the alert. Using “black PR”, via internet “trolls” for example, the security services have conducted successful smear campaigns to discredit and intimidate opposition activists. Since the campaign officially started on 22 August, several administrators of opposition-minded groups in social media networks have been arrested.

A personalist leader cannot tolerate any competition. In 18 years of rule, Lukashenka has also eradicated the conditions for pluralism, trust in political parties and even popular demand for a multiparty life. No new party has been registered since 1996. The single-mandate majoritarian system favours “independent” candidates (a misleading label in Belarus): only 8 of the 110 MPs elected in 2008 are affiliated with a party. Unregistered parties and NGOs remain outsiders as far as political life is concerned, and pariahs in the media landscape.

The crackdown on dissent since 19 December 2010 has arguably worsened the demoralisation and sense of hopelessness among the opposition, which has failed to devise a winning strategy in response to Lukashenka’s tactics. This situation can be attributed to the success of authoritarian pre-emption: by holding elections every two years since 2000, the regime has set the agenda for the fool’s bargain into which it drags its detractors. The frequency of elections constrains the time–space opportunities for mobilisation, forcing the opposition to design situational opportunity tactics instead of a long–term strategy and government programmes.4

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However, the fact that the opposition – and its Western donors for that matter – remain hostages to this deceptive game can be partly blamed on the systemic weakness of the Belarusian opposition itself.

**Election cycles further divide the opposition**

Elections exacerbate the opposition’s structural incapacity to unite and sow discord in their ranks. They also confront democrats with a moral dilemma – whether to participate while political prisoners are still in prison. It should be noted that most Belarusians are indifferent to the plight of these prisoners, as state propaganda consistently depicts the jailed activists as dangerous conspirators in the pay of Western interests.

In 2012 the main bone of contention which eventually split the short-lived “Coalition of the Six” was the very issue of whether to participate in or boycott the elections. Experts argue that both options are “equally defeating”, however. While running for a seat in a pocket Parliament in uncompetitive conditions would be in vain, the alternative self-exclusion from the race narrows the opposition’s chances of communicating democratic messages to the larger public and improving its rating. As a result, three uncoordinated strategies coexist:

- **active boycott** – the path defended by Vitali Rymasheuski’s Christian Democrats and the Social Democratic Assembly **Narodnaya Hramada**, led by ex-head of state Stanislau Shushkevich;
- **conditional participation** – premised on the release of political prisoners and reform of electoral legislation. It is advocated by Anatol Lyabedzka’s followers within the United Civic Party (UCP), which nominated candidates but will withdraw them and call for a vote “against all” if conditions are not met by the time early voting starts;
- **full participation** – the choice made by the BNF Party, Fair World, Tell the Truth, For Freedom and the Socialist Democrat Party (headed by jailed presidential candidate Mikola Statkevich).

Whereas taking part in the electoral farce grants the process, and the parliamentary institution itself, undeserved legitimacy, the boycott strategy seems doomed to failure as only 14.2% of polled voters support it. The authorities easily sabotaged the boycott campaign “Ignor-2012” by accusing its participants of “unlawful early campaigning” and banning them from the state media.

Out of the 494 candidates nominated (a figure up 25% compared with 2008), the CEC registered 372. The share of nominees denied registration (24.6%) complies with CEC forecasts. As a result of the rejections, in four constituencies elections will be non-competitive, since only one candidate is running. Cynically enough, the passing rate of UCP candidates who announced they will withdraw is high, as is that of the 93 nominees of the Liberal-Democratic Party, a puppet rightist party allegedly shifting from pro-governmental to oppositionist. As for the radical opposition, although the CEC appears ready to let BNF-Party nationalists run (only 9% of their nominees were denied registration), fallacious pretexts were invoked for rejecting the candidacy of Aliaksandr Milinkevich (leader of “For Freedom”), a prominent opposition figure whom the US and the EU had backed in the 2006 presidential elections.

A certain rotation can be expected given that only 21 incumbents (19% of the acting MPs) are running for a seat again; yet it will lead to rejuvenating the Parliament rather than radically changing its sociological and ideological foundations. Since 115 (31%) of the registered candidates were fielded by opposition parties, it is theoretically plausible that a few of them will gain seats. This would give the vote a semblance of fairness, without entailing much risk for the regime, however.

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5 Dzianis Melyantsou and Alexei Pikulik “Elections or Boycott as Elements of the Opposition Zugzwang”, Belarus Headlines, v1, February 2012, p. 5.

6 National poll conducted between 2 and 12 June with 1,498 respondents. Questions and data (in Russian) available at www.iiseps.org/data.html, last accessed 22 August 2012.
The EU's inconsistencies facilitate regime consolidation

Entrapped by its own “carrot and stick” policies, weakened by internal divisions and contradictions, misled by grant-seekers from within the Belarusian opposition, the EU still lacks a comprehensive strategy towards Belarus. For once, the election is not being held ahead of schedule: the EU had plenty of time to prepare for it and design contingency plans.

Swapping unrealistic demands, such as respect for electoral democracy standards, for more socially-oriented demands that round-table meetings be held between bureaucrats and representatives of civil society for example, could have triggered a paradigm shift. Instead, the EU–27 has adopted a “wait and see” approach. Despite diplomatic tensions following the expulsion of the Swedish ambassador from Minsk on 8 August, Europeans postponed the adoption of a joint and clear-cut response until late October.

The fact that several EU governments unconditionally mandated observers to the OSCE duly grants the election undeserved external legitimacy. By inviting CEC chairperson Lidziya Yarmoshina – on a visa-ban list since 2006 – to its July meeting in Vienna, the OSCE sent the disturbing signal that it remains ready to play Lukashenka’s deceptive game.

This inconsistency is indeed puzzling as it contradicts firmer positions declared earlier on. Western democracies never recognised the abusive dissolution of the Belarusian Parliament after the suspicious November 1996 referendum whereby Lukashenka appropriated all legislative prerogatives. Proven fraud in the 2008 vote led Western democracies to deny the outgoing legislature any legitimacy; hence the EU did not send Belarusian MPs an invitation to join Euronest, the parliamentary assembly of the Eastern Partnership. Furthermore, in January 2011, Belarus closed down the OSCE office in Minsk, arguing it had “fulfilled its mission”.

Table 2. Political forces in presence

<table>
<thead>
<tr>
<th>NOMINATION CHANNELS*</th>
<th>Nominated</th>
<th>Registered</th>
<th>Passing rate (in %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pro-governmental parties</td>
<td>136</td>
<td>101</td>
<td>74.2</td>
</tr>
<tr>
<td>Liberal-Democratic Party of Belarus</td>
<td>93</td>
<td>70</td>
<td>77.8</td>
</tr>
<tr>
<td>Communist Party of Belarus</td>
<td>23</td>
<td>21</td>
<td>91.3</td>
</tr>
<tr>
<td>Republican Party of Labour and Justice</td>
<td>19</td>
<td>9</td>
<td>47.4</td>
</tr>
<tr>
<td>Belarusian Social-Sportive Party</td>
<td>1</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Opposition parties</td>
<td>128</td>
<td>102</td>
<td>79.6</td>
</tr>
<tr>
<td>United Civil Party</td>
<td>48</td>
<td>35</td>
<td>73</td>
</tr>
<tr>
<td>Belarusian Popular Front</td>
<td>33</td>
<td>30</td>
<td>90</td>
</tr>
<tr>
<td>Belarusian Party of Leftists “Fair World”</td>
<td>32</td>
<td>26</td>
<td>80</td>
</tr>
<tr>
<td>Belarusian Social Democratic Party Hramada</td>
<td>15</td>
<td>11</td>
<td>73.3</td>
</tr>
<tr>
<td>By citizens’ initiative groups, including</td>
<td>n/k</td>
<td>n/k</td>
<td>56</td>
</tr>
<tr>
<td>“Tell the Truth!” campaign</td>
<td>25</td>
<td>13</td>
<td>52</td>
</tr>
<tr>
<td>For Freedom Movement</td>
<td>n/k</td>
<td>n/k</td>
<td>n/k</td>
</tr>
<tr>
<td>By labour collectives</td>
<td>19</td>
<td>16</td>
<td>84.2</td>
</tr>
<tr>
<td>By labour collectives and initiative groups</td>
<td>89</td>
<td>89</td>
<td>100</td>
</tr>
<tr>
<td>Other combinations of nomination channels</td>
<td>n/k</td>
<td>n/k</td>
<td>n/k</td>
</tr>
<tr>
<td>TOTAL</td>
<td>494</td>
<td>372</td>
<td>75.3</td>
</tr>
</tbody>
</table>

* The three available nomination channels can be combined. Hence 96 candidates for registration combined two nomination methods and 4 all three methods, according to the CEC. The latter does not provide detailed data as to whether a candidate having used a channel other than party-nomination can be considered pro-governmental or pro-opposition, for example.

Sources: CEC data; ‘Human Rights Defenders for Free Elections’ July and August monitoring reports (www.european-exchange.org); author’s calculations (and approximations when data missing).
Both hard and soft conditionality has failed to democratise Belarus, but in the meantime the West has learnt to play Lukashenka’s own “carrot and stick” repertoire. Whereas escalating confrontation with the West and repression against internal enemies (the “5th column” of political opponents, civic activists and independent media) are two sides of the same “stick”, mimicking elections and inviting international observers to monitor them are complementary sides of the same “carrot”.

The 23 September election is a trap for Western democracies because Lukashenka may fool them again by playing his joker card (releasing political prisoners) before voting results, or by hand-picking “constructive” opposition candidates for the Parliament. Should it convince the less principled observers, this apparent progress would earn him the reward of returning to the “normalisation” agenda on his own terms. Democracy imitation brings the regime the minimal legitimation needed to gain benevolence from potential Western investors and creditors.

Instead, Belarus’s worsening human rights record should prompt the EU to stick to its principles. Why the West keeps on playing by Lukashenka’s rules remains a mystery for most outside analysts. The fact that Brussels did not object to continuing business as usual with the Belarusian Foreign Ministry after the former Head of the Presidential Administration, Uladzimir Makey (on its visa–ban list for his role in the on-going crackdown against the opposition), was appointed Foreign Minister on 20 August, fuels speculation that some EU governments have already agreed to negotiate a “reset” with official Minsk, or an exit strategy for the “last dictator of Europe”.

The idea that Lukashenka, if offered an international position such as future chairman of the Russia-led Eurasian Union, could leave office willingly before his term ends was recently aired by Siarhei Haydukevich, the leader of the Liberal Democratic Party (LDPB). However eccentric it may sound, such a scenario might be to the liking of part of the Belarusian bureaucracy. “Fair Elections without Lukashenka” could also become a unifying slogan for the opposition and encourage it to draft a joint government programme able to appeal to the wider Belarusian public.

Looking beyond 2012 to the 2015 presidential election – the only one that counts in a personalist regime – the most consistent step for the EU now is to ignore Lukashenka altogether. After all, Western democracies did not recognise the rigged October 2004 referendum which lifted the constitutional limitation of the presidential term to two mandates.

**Recommendations for de-legitimising the regime:**

**supporting the awakening of civil society**

There is no room for pro-democracy movements to seek regime change via elections in Belarus; neither will Belarusians rise up against their current leader. However, recent sociological surveys reveal the awakening of a “civic sense” in Belarus. As in Russia, a growing number of Belarusians, including those within the bureaucracy and the economic elite, realise that the regime is duping them.

The last electoral cycle in Russia showed that irrespective of their political preferences, citizens now want to hold the state accountable for electoral fraud. Although mobilisation in Russia did not evolve into a “colour revolution”, the fact that it undermines the legitimacy of Putin’s regime is obvious from a Belarusian standpoint as well. This trend deserves more attention in the West. Calling for fairer elections is an apolitical enough demand for rallying a critical mass of supporters whom straightforward opposition to Lukashenka has not managed to convince so far.

In Belarus, the first signs of a civic awakening came in 2011 following the currency crisis, which led to the collapse of the so-called “Belarusian economic miracle” and the subsequent “social contract” allegedly cementing the patriarchal relationship between Lukashenka and “his” people. In May car-drivers angry over petrol price rise started a wave of street protests organised via social networks. The 11 April Minsk metro bombing shook the “haven of security” myth, which lamentably collapsed with the Swedish “teddy bear” attack on 4 July 2012. As for the myth

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7 This worrying evolution is well documented in the reports released last July by the UN Human Rights Council, the OSCE Parliamentary Assembly and the European Parliament.

8 Quoted by Denis Lavniukich “The decision on the deputies of the parliament is already made”, Belarus Security Blog, 28 June 2012, www.bsblog.info/?p=1226. The idea might be discarded as unserious given that Haydukevich is often seen as a Belarusian avatar of Vladimir Zhirinovsky.
that a “balanced multivector foreign policy” secures Belarus’s sovereignty, it has also unravelled. Fully isolated from the West, Belarus is more vulnerable to the pressures of Russia’s economic appetite.

The “managed democracy” myth could well be the next to fall apart: according to an IISEPS poll, in June less than 37% thought that “the elections will be free and fair”; 55% agreed with the statement that “the election result will not depend on my vote” and 47% that “the authorities have already decided on the distribution of seats in Parliament”. Surveys show that Belarusians have lost trust in their leadership and its governance model. A growing number (77.3% in June) believe that “Belarus needs changes”. True, they are sceptical as to whether the opposition can bring about positive change, and only 10% have the stamina to fight for it themselves. However, in mid-2011 thousands silently hit the streets when their personal welfare was at stake. They might now innovate with other civic disobedience actions if their electoral rights are further abused.

In fact, Belarusians may have lost faith in Lukashenka’s electoral farces, but they are gaining confidence in participative democracy – and hence in themselves. According to IISEPS, in June 67.3% of respondents agreed with the statement that “independent observation favours a more honest and objective election”, 22.7% were ready to “become observers” and 28% to “provide observers with information on violations”. These are high figures for a reputedly apathetical and accepting electorate.

Whereas the deployment of OSCE observers has done little so far to ensure the democratisation of voting processes in Belarus, year after year their presence in PECs has contributed to benchmarking and awareness-raising on issues such as electoral transparency. As a consequence, some PEC members, many electors, and most of the independent domestic observers have become more proactive during the suspicious stages of the electoral process. In previous elections, domestic observers could be heard reading out articles of the Electoral Code when PEC members were violating procedures. Although, for want of a better strategy, deploying their observers remains the most legitimate way for Western democracies to justify their criticisms of Lukashenka’s “elections”, stepping up efforts to build Belarusian observers’ own capacity to legally contest the election results should become a priority.

Several NGOs actually intend to field trained domestic observers for this election. As in Russia last year,
a real-time “map of violations” website (electby.org) has been created to record infringements of electoral regulations: it is readily being updated based on reports of fraud and abuses observed by volunteers across the country. Although the authorities will surely block access to this website, its very existence is a sign that now even non-opposition-minded voters are not afraid to voice their discontent. This echoes the successful popular mobilisation triggered by Uladzimir Nyaklyayeu’s “Tell the Truth!” movement, which launched a campaign in 2010 to tip off corruption and is now making a biographical inventory of “Lidziya’s soldiers” staffing electoral commissions.

A law–abiding people turned passive by the constant fear of repression, Belarusians could become more demanding towards the State when respect for the rule of law is infringed by civil servants. Unconvinced by Western democracy standards, they are astonishingly scrupulous and diligent in defending in the courts the genuine implementation of the law, however imperfect it may be. The emergence of voluntary “watchdogs” in Belarus is consequently good news, even if it entails enhanced risks that official Minsk beefs up repression in response.

Since it proved effective in shaking the foundations of neighbouring authoritarian Russia earlier this year, the EU should encourage this promising trend in Belarus. To help Belarusian voters prepare for their next rendezvous with procedural democracy, the 2015 presidential election, the West should step up efforts to support this burgeoning civic awakening. Capacity-building needs actions, not words: what pro-democratic CSOs need when their computers, mobile phones and cameras are seized by the KGB is a data backup on a safe server abroad and the quick replacement of confiscated technology. Training domestic observers means ensuring the wide diffusion of internet videos showing how ballots are sorted in democratic elections, where any voter is allowed to participate in the work of a PEC or observe vote-counting. Investing in youth implies ensuring that pro-democratic young people, who are active internet and social network users, can safely remain in Belarus to work for the future of their country, not for the regime’s “technologists” or for Western donors abroad.

After years of investing in democracy assistance programmes and in opposition forces – many of which proved “democratic” in name only, donor-oriented and incapable of maturing into parties able to enforce power change in Belarus – the West should now design a real strategy of civil society empowerment.

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ISSN 1795–8059
Cover photo: Jean-Paul Remy / Flickr.com
Language editing: Lynn Nikkanen

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