

CROATIA'S PARLIAMENTARY ELECTIONS

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A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

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The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

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SUMMARY

- Parliamentary elections held in Croatia on January 3, 2000, were marked by increased fairness in the election law, and greater transparency in election administration, allowed opposition parties to win a majority. Nearly a decade of nationalist, authoritarian rule by the Croatian Democratic Community (HDZ) of the late Croatian President, Franjo Tudjman, ended. Since April 1990—when it defeated the League of Communists which ruled Croatia since World War II—the HDZ maintained its grip on power through elections which were not blatantly fraudulent but nevertheless fell far short of the “free and fair” standard agreed to by OSCE participating States, including Croatia. There were signs throughout 1999 that the HDZ might resort to more blatant forms of election rigging in light of growing popular sentiment for change, but the passing of Croatian President Franjo Tudjman in December diminished the ability of the party’s rank-and-file to manipulate the results with impunity.
- On election day itself, the transparency of the electoral system, including widespread observation by civic organizations and political parties, was combined with such a strong desire for change that the will of the people could not be distorted. For example, voter turnout was exceptionally high—75 percent—despite the timing of the election. Performance of polling committees was professional. The chief exception to this were the electoral practices in the “diaspora” vote held in neighboring Bosnia-Herzegovina, where incredibly high turnout was combined with poor procedures in many of the 29 polling stations.
- The result was a clear victory for the leading opposition coalition of the Social Democratic Party of Ivo Račan and the Croatian Social Liberal Party of Dražen Budisa, which won 71 of the 151 seats in the House of Representatives. A second coalition of the four remaining significant opposition parties also did well, winning 24 seats, and were invited into the new coalition government with Račan as Prime Minister. Meanwhile, in elections held for a new President of the Republic, the four-coalition candidate Stipe Mešić, from the Croatian People’s Party, won in a second round vote on February 7, 2000. The combined results bode well for a more democratic political system in Croatia with diminished power for the presidency, greater cooperation with the International Tribunal in The Hague prosecuting war crimes, and progress in Dayton implementation in Bosnia-Herzegovina, as well as the return of Croatia’s own displaced Serb population.

BACKGROUND

Croatia achieved independence in 1991, separating from the former Yugoslavia of which its territory had been a part since 1918. Like Slovenia, Croatia was frustrated with the support required to bolster the less prosperous Yugoslav republics. This was the underlying cause for the assertion of independence by the relatively new and nationalistic leadership of President Franjo Tudjman and his Croatian Democratic Community (“HDZ” in Croatian). When the sensitivities within Croatia’s sizable Serb community—traumatized by the victimization at the hands of Croatian fascists during World War II—were ignored, Slobodan Milošević, the President of Serbia, took advantage of the situation and instigated a conflict in the second half of 1991. Nearly 9,000 persons were killed and another 400,000 displaced as one quarter of Croatian territory was seized by Serb militants with the active support of the Yugoslav military.

From early 1992 until mid-1995, the occupied regions of Croatia remained outside of Zagreb’s control as U.N. peacekeeping efforts kept a relative peace but failed to return what had been taken by force. Frustration over timid U.N. attempts to compel militant Serb cooperation was not limited to those Croats who were displaced. A fairly nationalistic, and certainly anti-Yugoslav, polity developed in Croatia,

to the detriment of those opposition parties which would have preferred a more politically liberal agenda. Croatian policy fluctuated between joining Bosnia's attempt to stop militant Serbs and accepting hundreds of thousands of Bosnian refugees on the one hand, and cooperating with Serbia and its militants in dividing Bosnia-Herzegovina along ethnic lines on the other.

Political intervention by the United States in early 1994, along with a limited military effort by NATO against Bosnian Serb militants, halted the war between Bosnian forces and militant Croats. Croatia sought to retake militarily its own Serb-occupied areas, which it accomplished with relative ease in May and August 1995. As many as 200,000 resident Serbs fled these regions en masse to Serb-occupied Bosnia, Serbia or the still-occupied Eastern Slavonia region of Croatia. Croatia's military effort created momentum for a joint Bosnian-Croat push which retook significant portions of Serb-occupied Bosnia. Combined with robust NATO air strikes against them, the Bosnian Serb militants that seemed invincible only months earlier were forced to accept their losses and a settlement negotiated for them by Serbian President Milosevic in late 1995, the Dayton Agreement. In parallel, an agreement—the Erdut Agreement—was reached for the reintegration of Eastern Slavonia after a period of transitional administration by the United Nations. This transition ended in 1998, but it was marred not only by a slow process of Serb returns to Croatia but by a massive outflow of Serbs from Eastern Slavonia itself. While there are no accurate figures, it is believed that, of Croatia's 1991 Serb population of 600,000 people—or 12 percent of Croatia's total population of about 4.8 million—approximately half live outside of Croatia as refugees, primarily in Bosnia-Herzegovina (Republika Srpska) and Serbia.

Throughout this period, Croatia's ruling party developed authoritarian tendencies at home, converting nationalist sentiments into political support and restricting democratic development. These problems were evident in elections held in 1992, 1995 and 1997. The timing of these elections and the limited length of the campaign period stretched beyond reasonable limits (albeit within the bounds of the law), while transparency of the electoral apparatus was limited. Members of Croatia's minority populations saw their representation in parliament reduced, while some found it difficult even to register to vote. In the meantime, Croats from Bosnia-Herzegovina were given citizenship on the basis of their ethnicity alone and given per capita representation beyond that of Croatian citizens themselves. Throughout the 1990s, independent media was severely restricted, while state-owned broadcast media showcased HDZ activities. Given this manipulation, outright fraud on election day was unnecessary.

By late 1999, when the House of Representatives of the Croatian Sabor, or parliament, was expected to hold new elections, dynamics had changed significantly. More confident in the country's independence and territorial integrity, Croatian society began to move away from nationalism and acceptance of official corruption. There was a stronger desire for economic progress, and resentment over those in power thwarting such progress. Revelations of Croatian atrocities in Bosnia-Herzegovina and in the liberation of Serb-occupied territories—along with the trial of World War II concentration camp head Dinko Sakic—further moderated the public mood, separating widespread support for Croatian independence from efforts to establish an ethnically pure or “Greater” Croatia.

Supplementing this social transition, the international community increasingly saw the lack of democracy in Croatia as a factor contributing to instability in the region. The OSCE Mission in Croatia, the U.S. Embassy in Zagreb and others began to press Croatian authorities more frequently on human

rights and democratization issues. In the meantime, the opposition, composed of six major political parties, was able to capitalize on the situation by uniting in pressing for electoral reforms and minimizing competition among themselves through the formation of two electoral coalitions.

It remained an open question whether these changes would result in fairer elections, or whether a desperate HDZ would resort to more blatant forms of election rigging than before. Indeed, there were signs that election manipulation could happen, including scheduling elections on or near the Christmas holiday; replacing in early December 1999 independent-minded Constitutional Court judges with HDZ appointees who would have to decide on appeals of election foul-play; and maintaining some ambiguity in the more proportional representation of the “diaspora” vote that would maximize the number of seats coming from this vote. The steadily deteriorating health of Croatian President Franjo Tudjman in late 1999 and his eventual death on December 10 may have, however, diminished the ability of the HDZ rank-and-file to manipulate the results with impunity. His incapacitation, in fact, had precipitated a constitutional crisis which led to the elections being postponed from the intended date of December 22, 1999. With his death, the HDZ lost whatever zeal it seemed to have had to ensure their victory.

THE CONTEST AND THE CONTENDERS

Contested in the January 3, 2000, Croatians elections were the seats in the House of Representatives of the bicameral Sabor. The House of Representatives is more powerful than the other parliamentary chamber, known as the House of Counties. The number of seats in the House of Representatives is constitutionally required to range between 100 and 160, determined largely by the election law and election results. Unlike the elections in 1992 and 1995, this election was required due to the expiration of the mandates of the House’s members. Constitutionally, the elections were required by January 26, 2000.

In order to determine party representation in the House of Representatives, Croatia was divided into 10 constituencies, or districts, each designated to have 14 seats. Within each constituency, seats would be allocated proportionally, with voters casting ballots for closed party lists. The number of registered voters in each constituency varied by less than 5 percent.

An eleventh constituency was established for Croatian citizens living abroad—the so-called “diaspora” vote—with the number of seats determined according to voter turnout relative to voter turnouts in the other constituencies. This was an improvement over the 1995 elections, in which the “diaspora” were automatically given 12 seats in the House of Representatives, leading to gross over-representation. The new method for determining the number of seats reflected a compromise sought by opposition parties, based on the high likelihood that all “diaspora” seats would again go to the HDZ, and the international community, which viewed the vote itself as swaying the loyalties of Bosnia’s Croat population. Nevertheless, the principle of such a vote remains questionable, and there were concerns going into the elections regarding how the number of seats would be determined.

A twelfth constituency was also established for members of Croatia’s ethnic minorities. This constituency, however, was limited to five seats, one each for the Serb, Hungarian and Italian minorities, one shared by the Czech and Slovak minority and the last shared by the Austrian, German, Ruthenian, Ukrainian and Jewish minorities. On the one hand, many would question the need for specified minority representation in parliament. On the other hand, Croatia has always had this representation since multi-party elections were introduced in 1990. The steady reduction of seats reserved for the Serb community

since that time has been criticized. Originally, ethnic Serbs represented approximately 12 percent of Croatia's total population, but their departure during the period from 1991 to 1995 warranted, according to Croatian officials, reduced representation. Many international critics countered that the steady lowering of representation demonstrated resistance to having these people return. Moreover, almost 279,000 registered Serb voters were being offered the same representation of only about 6,100 voters from the Austrian, German, Ukrainian, Ruthenian and Jewish communities combined.

Competing for these 145-plus seats were 284 separate voting lists, including 55 political parties, 15 coalitions and 30 national minority candidates. Added together, these lists represented over 4,000 candidates.

Three of the lists were of country-wide significance. The first was that of the ruling party, the Croatian Democratic Community, or "HDZ" according to its Croatian initials. The HDZ, founded in 1989 by the late President Tudjman, held power in the country without need of seeking governing partners since the first multi-party elections in April 1990. It remained a relatively united political party despite some leaders breaking away, but its base became increasingly fractured in later years. Indeed, the HDZ was widely viewed as having more characteristics of a mass movement than a political party. In recent years, a split developed, accentuated by Tudjman's failing health, between moderate "technocrats" and nationalist hardliners who had little in common other than a desire to be in power. Meanwhile, the HDZ began to decline in public favor due to widespread corruption which could not be hidden despite media controls. The decline also reflected a drop in support for nationalist aims.

The principal opposition was composed of six parties, which coordinated their election positions but campaigned as two separate electoral coalitions. The largest of the two coalitions consisted of the Social Democratic Party (SDP), led by Ivica Racan, and the Croatian Social Liberal Party (HSLs), led by Drazen Budisa. The SDP is the successor of the League of Communists of Croatia which had ruled the republic during the Tito or communist era from World War II to 1990. Since losing power, it had thoroughly reformed itself into a West European-style social-democratic party of the left, burdened more by its "Yugoslav" heritage than its ideological bent for most of the 1990s. The HSLs was actually the leading opposition party in Croatia during this time. Budisa, imprisoned during the communist period for his role as a student leader in the "Croatian Spring" of 1971, crushed by Tito, had clear opposition credentials, but the party failed to draw a large following in the first years of independence. The party had grown in more recent years, but fell victim to internal disputes which led several party activists to split and form their own Liberal Party in late 1997. The Liberal Party is one of the other major opposition parties, and with the three others formed a coalition separate from the SDP-HSLs alliance. The other members of this, smaller coalition included the Croatian People's Party (HNS) and the Croatian Peasants Party (HSS), both of which have long been opposition parties with credible support but unable genuinely to challenge the HDZ, and the Istrian Democratic Assembly (IDS), an important regional party based in the Istrian Peninsula on the Adriatic coast.

Most other political parties were either regionally based or less influential Croatian parties of the right, including the once popular Croatian Party of Rights, which never succeeded in outflanking the HDZ politically. Within the confines of the Serb community, however, two parties vied for dominance. The Serbian People's Party (SNS), led by Milan Djukic, sought to represent those Serbs who always considered Croatia their home, and have, for the most part, been integrated into Croatian society, but often faced discrimination on the basis of their ethnicity. The Independent Serbian Democratic Party

(SDSS), unlike the SNS, was founded after all Serb-occupied territories except Eastern Slavonia were retaken in 1995. Various political parties among the Serb population cast aside their differences and united in this party under the leadership of Borislav Stanimirovic, and have since sought some accommodation with Croatia as Eastern Slavonia was reintegrated into the country in 1998.

THE ELECTION

In the beginning of 1999, the Croatian political leadership remained sufficiently authoritarian in its outlook that the prospects for even reasonably free and fair elections seemed bleak. Public statements frequently attacked independent and opposition activists as fundamentally anti-Croat and supported by international actors working against Croatia's national interests. These statements were presented to the Croatian public through the state-owned and government-influenced Croatian Radio and Television as well as similar print media outlets, while opposition political parties and their activities and views were given for less frequent coverage. Furthermore, legal action against independent media which tried to present alternative views or focus on official corruption in the country continued. Hundreds of libel suits, for example, were initiated in Croatian courts. While a number of such cases were ultimately dismissed, they further financially burdened many of the more prominent independent print media, such as *Nacional* and *Feral Tribune*, and discouraged the growth of all types of media with the threat of incurring the government's wrath.

The Croatian public, though, had moved away from standard HDZ positions, and it proved too sophisticated to be manipulated strongly by such blatant controls on information. As a result, HDZ popularity withered considerably by the summer of 1999, when preparations for the elections began.

Under pressure to loosen its grip on political power, the HDZ signed a May 25, 1999, agreement with the six opposition parties on basic principles for holding parliamentary elections, including restructuring of the state-owned broadcast media. Disagreement over the extent of electoral reform, however, failed to produce a new law by the time the Sabor recessed for the summer. In October, the HDZ submitted its own draft election law, which passed in amended form. While the election law and a law on electoral constituencies passed at about the same time represented an improvement over existing law—especially in reducing the number of constituencies, making “diaspora” representation proportional, and permitting domestic election observers—the laws nevertheless fell short of what the international community and the opposition had sought, especially in regard to the media. A code of conduct, however, was adopted to guide the state broadcaster, Croatian Radio and Television (HRT).

By the early autumn of 1999, the campaign period had unofficially begun, as President Tudjman did not formally call the elections. At one point, it was suggested that the elections be called for December 26, but protests, including from Croatia's Roman Catholic Church leaders, led to further discussion. The date of December 22 was then announced, but the President's deteriorating health and the absence of constitutional authority to transfer his powers temporarily to the Speaker of the Sabor allowed November 22 to pass without the formal calling of elections 30 days in advance as required. A Constitutional Law was eventually passed allowing for the temporary transfer of presidential power, prior to President Tudjman's actual passing on December 10. On November 27, 1999, the elections were called for January 3, 2000.

The holding of elections around the Christmas holidays, though not completely without precedent, was rare enough to be considered irregular. It was clear that the HDZ wanted the elections after mid-December, when changes in the composition of the Constitutional Court would be made. Some theorized that the HDZ also targeted the elections for this time in order to increase the ability of its own supporters to vote relative to those of the opposition, to allow its campaign to infiltrate holiday celebrations in local parishes and potentially to reduce the number of international observers. Similar considerations are believed to have gone into the decision to hold the 1992 elections in August, equally rare in Europe. Combined with the hallmark shortening of the campaign to that required by law, Croatia continued to violate not necessarily the letter, but certainly the spirit, of international standards for free and fair elections.

Once the campaign began, however, the situation improved markedly over previous election periods. President Tudjman's death and funeral were accompanied by national mourning over one acknowledged even by his detractors to have successfully led Croatia to independent statehood. Attempts to capitalize on his death, however, did not materialize, and the campaign resumed as preparations began for subsequent presidential elections. Moreover, the situation brought no clear successor leadership within the HDZ, which began to flounder. The HDZ no longer actively sought to manipulate the campaign. Instead, it attempted to project a fatalistic image of Croatia not capable of change, in the hope this would lower voter turnout and increase its representation in the new House of Representatives. In contrast, the opposition stressed the advent of change, making strong statements about ending support for nationalistic Croats in Bosnia-Herzegovina and purging official corruption, both major drains on the Croatian economy. There was also a willingness to cooperate in implementing the Dayton Agreement in Bosnia-Herzegovina and in dealing with the International Criminal Tribunal for the Former Yugoslavia on war crimes issues. Both had important implications for Croatia's European integration. Finally, although not stressed during the campaign, opposition leaders indicated that efforts to prevent Serbs from returning to Croatia would end.

Although not as blatant as in previous elections, the broadcast media's news programs during the campaign continued to favor the ruling HDZ, both in terms of the amount of coverage and the tone of the reporting. Croat-run media in Bosnia-Herzegovina was significantly more biased in favor of the HDZ. In Croatia, however, opposition parties were able to utilize private broadcast media to counter this favoritism, and the print media covered the campaign in a significantly more comprehensive manner. Parties were able to place campaign advertisements on television in a relatively fair manner. Similarly, campaign rallies took place throughout the country without major incident.

In addition, a coalition of non-governmental organizations (NGOs), known as *Glas '99*, engaged in a major get-out-the-vote campaign. The population was encouraged to participate so "they could take control of their futures." While the effort was non-partisan, in effect *Glas '99* countered the HDZ's message that change could not occur.

The roughly 6,500 polling stations in Croatia opened on January 3 at 7:00 a.m. and remained open for 12 hours. Political parties were permitted to have representatives on the polling committees, as well as party observers. In most cases, this was the actual practice. In addition, with domestic, civic observers now permitted, 12 NGOs were able to field observers. One of the NGOs, Citizens Out to Observe the Vote (known by its Croatian acronym "GONG"), fielded a very large number of observers and was able

to do a parallel count of the results after the voting had concluded. The Organization for Security and Cooperation's (OSCE) Office for Democratic Institutions and Human Rights fielded more than 350 international observers.

During the course of the day, voting proceeded in a generally normal manner. The added transparency gave the contenders confidence in the system, and the political change in Croatia precipitated by the passing of Tudjman eliminated much of the fear and tension that otherwise might have been present. Moreover, while previous elections in Croatia did not meet the free and fair standards established by the OSCE and the international community, traditionally polling committees had carried out their duties in a professional manner. Voter registration lists were generally accurate, and proper safeguards were in place regarding voter identification. Acceptable procedures were in place for military personnel and prison inmates to vote, as well as for those unable to appear at the polling station on election day due to incapacitating illness.

Members of national minorities generally faced no intimidation, and 75 percent of those who turned out to vote chose to do so on the basis of the regional and not minority constituency ballots, probably assuming that such a vote would most likely have the greatest impact on their situation. Some voters objected to being placed on a minority list in the first place. The degree of switching from minority to regular constituency voting—was sufficient to increase the variation of voters voting—as opposed to voters registered between regular constituencies to almost 13 percent.

There was, however, concern about discrimination against “displaced” Serbs, who are differentiated from “expelled” Croats. While the two designations is itself considered discriminatory, the situation was worsened by alleged underestimation of the number of “displaced” persons and the provision of disproportionately fewer polling stations for their voting.

The most common problems sighted by observers were inadequate privacy for voting in some polling stations and a continuation of the practice of family and some group voting. Very few problems were encountered with the counting of ballots.

Outside of Croatia, voting was conducted over a two day period—January 2 and 3—in 79 different countries but the most significant number of voters was in neighboring Bosnia-Herzegovina. In order to maintain more control over the procedures outside of Croatia, the number of polling stations in Bosnia-Herzegovina was reduced from hundreds in 1995 to only 29 in 2000. Turnout was very heavy, especially for the “diaspora” vote in western Herzegovina, and international observers noted some more serious irregularities, including double voting, proxy voting, improper processing of voters and attempts to influence voters. Seventeen percent of those who voted in Bosnia-Herzegovina had their names added to the voter registration lists on election day. Meanwhile, the number of ballots made available for constituencies where Serb refugees from Croatia originally resided were severely limited, although, in the end, turnout from this population was relatively small.

Only 11 polling stations had to organize reruns, due to a higher number of ballots in the ballot box than the number of voters indicated as having voted. The discrepancy was small, and the reruns on January 16 confirmed the earlier outcome.

RESULTS

Voter turnout for the elections was an exceptionally high 75.3 percent of the estimated 3.8 million registered voters. The fact that 98 percent of those ballots cast were valid further underscored the seriousness with which the voters took the elections and the quality of the procedures. Turnout of ethnic Serb voters, however, was just under 50 percent of those registered.

Based on the ratio of total number of voters in the eleventh constituency to the average of the totals for the 10 regular constituencies, six seats were allocated for the “diaspora” vote, half that which existed in the previous House of Representatives. Combined with the 140 for the 10 regular constituencies and the twelfth, or minority, constituency, the total number of seats allocated for the new House of Representatives was 151.

The result was a clear victory for the opposition SDP-HSLS coalition, a win larger than expected. The second coalition of four other opposition parties also did well, winning 24 seats, and were invited into the new coalition government with SDP head Ivica Racan serving as Prime Minister. The HDZ, which had ruled Croatia since 1990, did better than the second coalition—in part by winning all six of the “diaspora” seats—but became the new opposition. Seats were allocated as follows:

<i>Coalition/Party</i>	<i>Seats</i>
Social Democratic Party (SDP)/ Croatian Social Liberal Party (HSLS)	71
Croatian Democratic Community (HDZ)	46
Croatian Peasants Party (HSS)/Croatian People's Party (HNS)/Liberal Party (LS)/ Istrian Democratic Assembly (IDS)	24
Croatian Party of Rights (HSP)/ Croatian Christian Democratic Union (HKDU)	5
Minority Candidates	5
Total	151

Meanwhile, in elections held for a new President of the Republic, the four-party coalition candidate from the Croatian People's Party (HNS), former Yugoslav President and HDZ official Stipe Mesic, defeated HSLS leader Drazen Budisa in a second round vote on February 7, 2000. Mesic began in third place—following Budisa and the former Foreign Minister, Mate Granic, running as the candidate of the HDZ—in a nine-candidate first round on January 24. Both Mesic and Budisa presented views along the lines of Racan supporting a more democratic political system with diminished power for the presidency, greater cooperation with the international tribunal prosecuting war crimes in The Hague, and progress in Dayton implementation in Bosnia-Herzegovina as well as the return of Croatia's own displaced Serb population. Mesic actually seemed stronger on these points during the campaign, but it remains to be

seen how well he will actually work with Prime Minister Racan. The presidential election was administered even better than the parliamentary elections, according to OSCE Election Mission statements, although continued irregularities in voting in Bosnia-Herzegovina in the first round led to the replacement of 18 voting committees before the second round two weeks later.

CONCLUSION

The OSCE's Election Observation Mission concluded that the January 2000 parliamentary elections "marked progress" for Croatia "towards meeting its commitments as a participating State of the OSCE and as a member of the Council of Europe." The problems that did occur were, in large part, the residual effects of an authoritarian regime and were insufficient to change the outcome. Moreover, it can be expected that Croatia's new leadership will correct the deficiencies observed and reported.

The changes taking place in Croatia have been universally applauded, including by Secretary of State Madeleine Albright in her visit to Croatia on February 2, 2000. The resulting political change in Croatia has produced high expectations among the international community for the country in the near future, especially in terms of Serb returns and implementation of the Dayton Agreement. At home, these are welcomed as well, but there will be demands for quick economic progress. The new Croatian leadership will be challenged to move quickly enough to meet all international and domestic expectations.

In return, the Croatian leadership and the country as a whole have expectations of the international community. Indeed, progress in bringing Croatia into NATO's Partnership for Peace and the European Union's group of pending members are positive signals that will encourage Croatia to undertake what will be the difficult economic, political and policy reforms necessary to become a true member of a democratic Europe.

Finally, with the HDZ's seriously diminished power, Croatia's future development will depend in large measure on the strength of the SDP-HSLS coalition as well as between this coalition and that of the four other parties in the government. With Prime Minister Racan and President Mesic representing different coalitions, confrontations are possible, especially regarding efforts to curb presidential powers and some aspects of foreign policy. The international community and, more importantly, Croatian citizens should be pleased with the common promises both coalitions and their leaders made during the elections, and do what they can to keep them together in acting on those promises.

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