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Guarantorship Model for Palestine: An Alternative Approach to Peace

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Background of the Palestinian-Israeli Conflict	2
Reasons for the Failure of Previous Peace Processes	6
Türkiye's Proposed Alternative of Guarantorship	7
Conclusion: Peace or War?	14

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Guarantorship Model for Palestine: An Alternative Approach to Peace

Assoc. Prof. Umut Uzer*

The Palestine Question is considered the core issue among the conflicts in the Middle East and has been on the world agenda for well over a century. In light of the Israel-Hamas war which started on October 7, 2023, the issue presents challenges to the stability in the region and the world at large, and urgently requires a lasting resolution.

What is at stake is nothing less than regional peace and order as multiple other countries can find themselves drawn into the spillover from a local to a regional war. Moreover, the humanitarian crisis in the Gaza Strip requires urgent involvement from countries that are willing to help solve this conflict.

The major grievances of the Palestinians are statelessness, dispossession, underdevelopment, and corruption. The Palestinians' ultimate demand is the creation of a Palestinian state in the West Bank and Gaza with East Jerusalem as its capital. Their objective is the establishment of a Palestinian state on the territories occupied by Israel in the 1967 Six-Day War, with the exception of the Golan Heights and the Sinai Peninsula which belong to Syria and Egypt, respectively. Despite numerous wars between Israel and Arab countries in 1948-49, 1956, 1967, 1973, and 1982, and the use of force between the Palestine Liberation Organization (PLO) and Israel, and Hamas and Israel, resorting to arms has never resolved the ongoing crisis.

Conversely, diplomacy has resulted in peace treaties between Israel, on the one hand, and Egypt and Jordan, on the other, in 1979 and 1994, respectively.

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Moreover, the Abraham Accords signed between Bahrain, the UAE, Morocco, Sudan, and Israel in 2020 resulted in the normalization of the relations between these Arab countries and Israel. However, all these developments neglected the Palestine issue, causing the occasional eruption of confrontations between Palestinians and Israelis.

In order to end this decades-long deadlock, the national aspirations of the Palestinians need to be addressed. Given that the step-by-step approach of the Oslo Accords of the 1990s did not come to fruition, an overall framework for the resolution of the Palestinian problem is needed: The guarantorship proposal by Türkiye could offer a way out of this long-lasting conflict.

Background of the Palestinian-Israeli Conflict

The 400-year-long Ottoman rule in the Middle East, in general, and Palestine, in particular, ended with World War I, resulting in the creation of British and French mandates, and nominal independence for countries, such as Egypt. The Palestine Mandate was colonial rule under another name with the British ruling the territory which had not formed an administrative unit under the Ottoman Empire. The new entity created a single Palestine with English, Arabic, and Hebrew as its official languages.

Jewish immigration to Palestine started in 1881 in what is known as the “First Aliyah,” even though there was already a small Jewish community living in these lands. Most of the Jews came from Eastern Europe due to oppression in Russia, Poland, and elsewhere in the region. In addition to European Jews, a number of their co-religionists came from Yemen, which was still under Ottoman rule, and from Bukhara in Central Asia. The second immigration process started in 1904 and further accelerated under the British mandate; however, the latter restricted the inflow in the 1920s and especially with the White Paper of 1939.

The clash of Palestinian Arab nationalism and Zionism manifested itself in animosity between Jews and Arabs, and attacks on the British authorities by both Jewish underground fighters and Palestinian Arab fighters. While the British promised a national home in Palestine for the Jews with the Balfour Declaration of 1917, their overall preference was the continuation of their imperial rule in the region and around the world. As the British Empire was crumbling, in 1947, they referred this issue to the United Nations which proposed the partition of Palestine into Arab and Jewish states with Jerusalem and Bethlehem remaining under international supervision as a separate entity (*corpus separatum*).

The Arab-Israeli War of 1948-1949, which the Palestinians call “Nakba” (“The Catastrophe” in Arabic), resulted in their dispossession, and Palestine ceased to exist as both Israel and Jordan partitioned the country between themselves. The West Bank and East Jerusalem remained under Jordanian control, and Jordan banned the use of the term “Palestine.” The Gaza Strip, on the other hand, was reluctantly administered by Egypt. This state of affairs changed with the 1967 Six-Day War which resulted in Israel occupying East Jerusalem, the West Bank, the Golan Heights, the Gaza Strip, and the Sinai Peninsula. Until that time, the latter two territories were under Egyptian control and the Golan Heights was Syrian territory.

Thus, as a result of the Six-Day War, the problem of the Occupied Territories emerged. Since then, Israel gradually withdrew from the Sinai Peninsula, as a result of the Camp David Accords of 1978 and the Egypt-Israel Peace Treaty of 1979, which was completed in 1982. In 2005, Israel evacuated Gaza and imposed a blockade over the territory.

As far as the other territories are concerned, Israel annexed East Jerusalem and the Golan Heights, whereas Israeli presence in the West Bank is not limited to Area C as demarcated by the Oslo Accords and it occasionally penetrates Area A controlled by the Palestine National Authority, which was created as a result of the peace process.

The state of Palestine, which since 2012 is a non-member observer state in the UN, only controls the towns and villages in the West Bank.

The two-state formula entails establishing a Palestinian state alongside the state of Israel as envisaged in the 1947 UN Partition Plan, while neither necessarily abiding by the exact borders proposed in that plan nor establishing Jerusalem as an international zone, neither of which would satisfy the national aspirations of the Palestinians and Israelis alike. Conversely, the establishment of a Palestinian state in the Palestinian territories occupied in the 1967 War, which are recognized as Palestinian by the international community, would assure Palestinian demands. More specifically, these territories are East Jerusalem, the West Bank, and the Gaza Strip. Israeli presence in those territories is not recognized by the UN, the EU, and other international organizations; however, Israel is particularly entrenched in Jerusalem and the West Bank, and its disengagement would be of utmost difficulty and require some sort of consensus between the two parties. While the territories occupied in the 1967 War are not sacrosanct for Israel, religious, national and strategic concerns have gained the upper hand in the last 56 years. Jerusalem's significance for Israelis is evident, but the West Bank, known by its biblical name "Judea and "Samaria" for many Israelis, is also considered a national asset offering strategic depth to the country. Moreover, the existence of Israeli settlements, especially Gush Etzion and Ma'aleh Adumim around Jerusalem and Ariel in the north, are viewed as areas that can never to be relinquished by the majority of Israeli politicians despite criticism by Israeli human rights organizations, such as Peace Now and B'Tselem. It seems like in the West Bank a one-state reality has come into existence eradicating the borders, which were never finalized in any way, despite the existence of the Palestinian Authority in Ramallah and other cities including Hebron, Nablus, Jericho, Tulkarem, and Jenin. Having said that the status quo where the region is in a limbo should be rectified, through the recognition of Palestinian national rights.

Even though the two-state solution has been accepted by the international community, it has never actually materialized. Meanwhile, the Palestinians are represented at international organizations, such as the United Nations, the Organization of Islamic Cooperation (OIC), and the Arab League, and the UN has a number of bodies such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) that deal directly with the Palestinian issue. Similarly, the human rights issue in occupied Palestinian territories is on the permanent agenda of the UN's Human Rights Council, which appoints a Special Rapporteur to investigate human rights violations in the Occupied Territories. For instance, the current rapporteur, Francesca Albanese, has been critical of Israel and described it as an apartheid state practicing settler colonialism and ethnic cleansing.

The UN is quite active in Palestinian affairs and this is the main reason why Israel is critical of the international body and accuses it of being "anti-Israel." The recent Israeli reaction to UN Secretary General António Guterres's statement to the effect that the Hamas assault did not occur in a vacuum resulted in the Israeli ambassador's call for his resignation. The call for resignation took place despite the fact that the Secretary General was also critical of Hamas's initial attack on Israel on October 7.

Overall, Palestine lacks material power and control of territory, but has a strong legal backing especially regarding representation in international organizations. The truth on the ground is that what exists in the West Bank is a quasi-state with juridical recognition from more than 130 countries but lacking some of the attributes of statehood, such as full control over its territory. Ultimately, the legal and moral support, and the justification of the Palestinians' right of self-determination do not have any substantial impact on the ground.

Reasons for the Failure of Previous Peace Processes

Following the establishment of the state of Israel in 1948, after a number of wars, Israel managed to establish diplomatic ties with numerous Arab countries and even with the Palestinians represented by the PLO. In 1993, after secret negotiations in Oslo, Israel and the PLO, which the former considered a terrorist organization, signed the Declaration of Principles while also agreeing on mutual recognition between the two entities. The parties adopted the step-by-step approach by which Israel would first withdraw from parts of Gaza and Jericho and, then, gradually from all Palestinian towns in the West Bank. With these agreements, Yasser Arafat, the leader of the PLO, returned to Gaza and the West Bank and established the Palestinian National Authority. The Oslo Accords did not guarantee Palestinian statehood—that matter together with borders, settlements, and water allocation would be discussed in final status talks to start no later than five years after the agreements. However, due to a number of reasons such as Hamas's continued armed struggle with Israel and the assassination of Israeli Prime Minister Yitzhak Rabin by a Jewish extremist student in 1995, the peace process was derailed. Moreover, the right wing of Israeli politics, namely the Likud Party among others, were never fully convinced that Israel should withdraw from the West Bank, let alone Jerusalem. Right-wing Israeli positions hardened due to ideological and strategic reasons, and holding on to the territories captured in the West Bank became an imperative based on religious and nationalist claims. The Palestinian leadership, on the other hand, felt that they have already made enough concessions and that they should get, if not the entirety, then most of the West Bank together with East Jerusalem as part of their independent state. Palestinian leadership also had difficulty in transitioning from a liberation movement to official representatives of an independent state.

As a result and due to the step-by-step nature of negotiations, the final status talks were never tackled to the extent that they should have been, despite the Camp David Summit of 2000 which was attended by U.S. President Bill Clinton, Israeli Prime Minister Ehud Barak, and Palestinian President Yasser Arafat. Arafat could have succeeded in reaching statehood for Palestine at that summit, but the terms were not satisfactory to the majority of his base and he had to give further concessions. Thus, the talks collapsed without any positive results.

An alternative approach to resolving the decades-long conflict could be an international conference that would directly address statehood, borders, settlements, water, and refugees with the participation of major regional and international actors. It should be remembered that the 1991 Madrid Peace Conference did not bear overall success, but it indirectly resulted in the Oslo Process and the Jordanian-Israeli Peace Treaty of 1994. Therefore, the idea of an international peace conference should be incorporated within the framework of the more direct approach of the four-state guarantorship.

Türkiye's Proposed Alternative of Guarantorship

Türkiye has tried to keep a balanced approach towards Israel and Palestine. It was one of the first countries to recognize Israel in 1949, has kept its embassy in Tel Aviv open, and has never forced Israel to close down its embassy in Ankara despite numerous crises emanating from the dire situation of the Palestinians. On the other hand, the PLO opened its representative office in Ankara in the late 1970s, and both the Israeli and Palestinian diplomatic missions were upgraded to embassy status in 1991. This balanced approach, while commendable, has been hard to sustain in light of the Turkish public's sympathies towards the Palestinians, the military operations conducted especially against Gaza, and the problems surrounding Haram al-Sharif, where the Al-Aqsa Mosque is located.

Türkiye and Israel started a normalization process which is now under serious threat due to Israel's war on Gaza; however, Türkiye is trying to devise a new mechanism to reach peace for Palestine and is offering regional countries, including Türkiye, as the guarantor for Palestine.

Türkiye's pro-Palestinian stance emanates from its religious, ideological, and humanitarian concerns, and the fact that Turkish leaders perceive Hamas as the official representative of the Palestinian national will since it won the 2006 legislative elections. Türkiye considers itself as one of the important countries of the Muslim world, and the Palestine issue causes both domestic and international reverberations. Having the feeling of responsibility towards a people unjustly wronged and outpowered, Türkiye has always taken relations with Israel seriously and proceeded with the normalization process with Israel on the basis of its national interests being better served by the military, strategic, and economic cooperation between the two countries. Moreover, Türkiye can better serve as an intermediary for the Palestinians if it has a working relationship with Israel, while its balanced approach permits it to reach out to more moderate politicians on both sides.

The status of guarantorship has a historical presence as seen in the example of France, Sweden, and, later, Russia serving as guarantors of the Holy Roman Empire with the Peace of Westphalia of 1648 whereby the three states agreed to uphold the imperial order, especially the principle of freedom of religion. The concept of guarantor entails an outside power or a third party preserving the status quo in a particular state. Whether the guarantor is ready to use force or diplomatic means to maintain the state of affairs depends on calculations relating to its national interests. Compared to mediation, guarantorship is more permanent as the former involves an *ad hoc* form of conflict resolution.

In the former Yugoslavia, Americans were instrumental in ending the war in Bosnia and Herzegovina (1992-1995), by having the Serbs, Croats, and Bosniaks sign the Dayton Accords which established the Office of the High Representative for Bosnia Herzegovina.

While not formally a guarantorship, the High Representative oversees and monitors the civil and political status quo created by the treaty and tries to preserve peace amongst the signees. The Office of the High Representative works as an international institution and a diplomatic mission out of Sarajevo. However, it can also remove Bosnian officials from office if they are deemed to have violated the terms of the peace agreement, and therefore, to some extent, the office curtails the sovereignty of Bosnia.

In more recent times, there have been numerous endeavors to reach peace in the conflict in Syria (2011-ongoing), one of which was the Astana Process hosted by Kazakhstan where Iran, Russia, and Türkiye cooperated as guarantor states. These three states protected their own interests in Syria by establishing de-escalation zones and spheres of influence. To date, however, no comprehensive stability has been achieved in the country.

A separate case of guarantorship is the Troika consisting of the United States, the United Kingdom, and Norway and their relationship to South Sudan. They, especially the U.S., were supportive of the secession of South Sudan from Sudan and wanted to preserve the independence of South Sudan. Other guarantors include the African Union Mission in South Sudan and the UN Mission in South Sudan.

Furthermore, as of October 2023, Switzerland became the guarantor of the peace negotiations between the Colombian Government and EMC, also known as FARC EP, to preserve the peace treaty signed in 2016.

As far as the concept of guarantorship as it relates to Türkiye, the country became a guarantor of Nakhchivan with the Treaty of Moscow of 1921 signed between Russia and Türkiye, leaving the territory to Azerbaijan under Russian control. Reaffirmed with the Treaty of Kars, signed the same year, Türkiye guaranteed Nakhchivan's status as an autonomous region within Azerbaijan, hence supporting Azerbaijan's territorial sovereignty even though the country was already occupied by the Russian forces.

Nonetheless, these treaties became more relevant after Azerbaijan's second independence in 1991 as any change of the status would have given Türkiye the right to intervene in the region. With the same treaty, as a guarantor, Türkiye also ascertained the rights of Muslims in the Adjara region with Batumi as its capital, while accepting it to be part of Georgia.

It should be mentioned that unrelated to the conflict at hand, the issue of guarantorship was recently discussed by Ukraine after Russia's invasion in 2022. Ukraine requested that Türkiye, France, Germany, and the United States serve as guarantors of Ukraine's security against Russia. The proposal never gained traction and the Russia-Ukraine War is ongoing, but the fact that Ukraine specifically asked for Turkish involvement demonstrates the value of the balanced approach Türkiye has kept between Russia and Ukraine. It should be recognized that guarantorships usually include the right to intervene and, therefore, the fact that the initiative never materialized is a direct result of power relations in the region, namely Russia's strength and the fact that no country, including the U.S., was ready to fight against the Russian Federation.

Türkiye's most significant role as guarantor was in the case of Cyprus. Alongside Greece and the United Kingdom, Türkiye became one of the three guarantor states of the 1960 Republic of Cyprus through the Treaty of Guarantee signed in the same year. This treaty, one of three treaties on which the 1960 Republic was based, ascertained that the UK, Greece, and Türkiye would guarantee the territorial integrity, independence, and security of the Republic of Cyprus. If there was a breach, in accordance with the treaty's provisions, after consulting with one another, the guarantor states had the right to take unilateral action if necessary to restore the state of affairs established by the treaty. Türkiye's 1974 Cyprus Peace Operation was a direct exercise of its rights and obligations under the treaty, with the objective of preventing the island's annexation to Greece.

The 1960 Treaty of Guarantee regarding Cyprus allowed for concerted or unilateral military action by the guarantors. Whether this treaty can be taken as a model is doubtful as there is no international consensus for Türkiye to be the guarantor of Palestine, and especially Israel would not want any state to have such a status in its conflict with the Palestinians. Still, this can be balanced by having other guarantors for Israel; in other words, different countries would be the guarantors of Palestine and Israel, respectively. Türkiye and another Muslim country, such as Jordan, Saudi Arabia, or Egypt, or perhaps Ireland which seems to be quite sensitive to Palestinian suffering, can be the guarantors for Palestine, and two other countries, for instance the U.S. and the UK, could be the guarantors for Israel. It should be noted that in the Cyprus case, three countries were guarantors for the entire island, whereas in the Palestinian case, Palestine and Israel will have separate guarantors. Alternatively, all guarantors could propose to guarantee peace and security for both Israel and Palestine, but whether such an eventuality would be acceptable for Israel is a different matter.

With an international agreement, Türkiye can specifically offer to provide long-term peacekeeping, and economic, cultural, and educational support for Palestine. For that to happen, a multilateral mechanism such as the UN, the OIC, the Arab League, and other international organizations should get involved. Türkiye has been at the forefront of institution-making including the creation of the Black Sea Economic Cooperation (BSEC) in 1992, and the Cooperation Council of Turkic Speaking States (Turkic Council), established in 2009, and known since 2021 under the name “Organization of Turkic States.” Without a doubt, Türkiye has adequate experience in the creation of institutions in other settings.

The framework of the guarantorship agreement may involve the deployment of UN peacekeeping forces between Israel and Palestine both in the Gaza Strip and the West Bank, and the establishment of a committee composed of the four guarantors alongside Israel and Palestine to ensure political, security, economic, and humanitarian coordination.

To start such a process, as discussed above, an international peace conference needs to be held composed of the main stakeholders, and subcommittees must be established for the creation of the guarantor system. Türkiye would be willing to host such a conference which would bring all the parties including Palestinian President Mahmoud Abbas, Hamas leaders, Israel, the U.S., the EU, and representatives from Arab countries.

The most immediate goal should be a ceasefire, then, the decommissioning of arms, and the deployment of UN peacekeepers to the belligerents. The guarantorship framework should provide security for all the parties involved by deploying peacekeepers between the Palestinians and Israelis, and encouraging the undertaking of diplomatic negotiations. After the cooling off period, or, in other words, the cessation of hostilities, the mechanisms of the guarantorship should be meticulously negotiated. While, these might be considered out of reach at this point in time, an objective of peace should be presented which would offer peace and security for all the peoples in the region.

The main obstacle to peace is the *de facto* creation of a one-state reality in the Occupied Territories. Israeli settlements in the West Bank have created facts on the ground hindering the establishment of a Palestinian state. Moreover, the fact that East Jerusalem was annexed by Israel in 1967, a move later buttressed by the 1980 Jerusalem Law, presents a major dilemma for the international community, and for Turkish and Palestinian leadership. A reversal of the Israeli position on this matter is highly unlikely and can only be achieved if progress is made toward real peace with the Palestinians. Another obstacle is the political division between the PLO and Hamas in Palestinian politics. The rivalries between Arab countries and the perception of Hamas as a terrorist organization by the UAE and others is indicative of these divisions. Last, the U.S. Government's strong support towards Israel, especially after the recent war, complicates the efforts for the resolution of the conflict.

That said, critical voices towards Israel are being raised both in the U.S. and Europe. Türkiye can establish links with the politicians, academics, journalists, and intellectuals who are calling for a ceasefire and criticizing Israeli aggression. Türkiye can also reach out to pro-peace centrist and left-wing politicians in Israel who are less attached to the West Bank and Gaza, and keep the PLO leadership abreast as far as the future of Palestinian politics is concerned. Regarding the latter, it is the Palestinian people who will decide which political organization will represent them, while elections have not been held since 2006.

Due to the size of Israel and Palestine and their geographical proximity, there could be overlapping sovereignties between the two polities especially when it comes to Jerusalem. The Palestinian political presence in the city is one of the topics which should be intensely discussed as the positions of the two parties on this point seem to be divergent. The fact that Israel claims the entirety of the city and the Palestinians demand the eastern part, makes it difficult to reach a settlement. Yet, Israel has less interest in Palestinian neighborhoods such as Shuafat and Abu Dis where Palestinian political presence can more easily be established as opposed to the Old City of Jerusalem which is much more complex.

Another step towards the resolution of the Palestine Question could be the elevation of the status of the state of Palestine from non-member observer state, which has been in effect since 2012, to that of a full UN member. This requires nine votes out of fifteen at the UN Security Council and concurrence of the five permanent members, namely China, France, Russia, the UK, and the U.S.—a veto from any of the permanent members would prevent Palestine from becoming a full member. This objective, nonetheless, should be encouraged by Türkiye and other countries that are interested in a permanent resolution.

Conclusion: Peace or War?

This is probably the least opportune time to talk about peace and diplomacy, but the fact that a humanitarian crisis is occurring at the moment in Gaza and that the war shows no signs of ending in the foreseeable future, make the resolution of the Palestinian issue an urgent matter both for humanitarian and security reasons. The local conflagration can easily spread to other areas in the Middle East and even result in clashes between the supporters of Israel and Palestine in Western countries. The current state of events might offer prospects for a diplomatic solution to the Israel-Palestine conflict, which is much more complicated than the general Arab-Israeli conflict that to some degree has been solved through the “land for peace” formula.

In this regard, Türkiye has substantial prestige and soft power among Palestinians in Gaza and the West Bank, and even among Palestinian citizens of Israel; however, the country should refrain from taking sides in intra-Palestinian politics. At the same time, Türkiye also enjoys soft power among the Jewish population in Israel via its culture, cinema, television series, and music. The restoration of a certain amount of trust is essential if the country wants to play a constructive role between Israelis and Palestinians, and with that objective in mind, Türkiye needs to open channels with the peace camp in Israel despite the diminishing power of the latter in Israeli national politics. Yet, even for the most hawkish Israeli politician, perpetual war with the Palestinians cannot be sustainable—a perspective for peace is needed for all the peoples in the region.

To a large extent, the Palestine-Israel contention is over the same piece of territory, constituting an existential conflict between the two parties. Israel within its pre-1967 borders is recognized by more than 160 countries, but the Occupied Territories remain an unresolved issue. The occupation of Palestinian territories does not bring security to Israel, and the only logical and long-term solution is the permanent settlement of the Palestine issue with security guarantees for all. Türkiye’s involvement in this issue and its proposed alternative as a guarantor for the parties in conflict can offer exactly the required opening needed for the permanent resolution of the Palestine-Israel conflict.

About SAM

Center for Strategic Research of the Ministry of Foreign Affairs of the Republic of Türkiye (SAM) is a think-tank and a research center which is chartered by law and has been active since May 1995. SAM was established as a consultative body to provide Turkish Foreign Policy decision makers with scholarly and scientific assessments of relevant issues, and reviews Turkish foreign policy with a futuristic perspective.

SAM conducts research, organizes scholarly events relevant to the ever expanding spectrum of Turkish Foreign Policy in cooperation with both Turkish and foreign academicians, its counterparts from around the world as well as various universities and government agencies. SAM provides consultancy to the foreign ministry departments as well as some other state institutions in foreign policy issues while also establishing regional think-tank networks.

In addition to its role of generating up-to-date information, reliable data and insightful analysis as a think-tank, SAM functions as a forum for candid debate and discussion for anyone who is interested in both local and global foreign policy issues. Increasingly, SAM has become a center of attraction since it successfully brings scholars and policy makers together for exchange of ideas in panels, in-house meetings, seminars and training programs for young diplomats.

SAM has a widening range of publications. Along with its traditional publication, Perceptions, which is a biannual English language journal that hosts distinguished Turkish and international scholars within its pages, and SAM Papers that covers the current debates of foreign policy by various scholars.

With its commitment to contribution to the body of knowledge and constructive debate particularly in Turkish Foreign Policy, SAM will continue to serve as an indispensable think-tank and research center given its role promoting interaction and mutual benefits among the MFA, NGOs, other think-tanks and the broader scientific community and hence strengthen the human and intellectual capital of Türkiye.



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