



# EU Scheme for Young Professionals in BiH

## INVOLVEMENT OF INTEREST GROUPS IN DEVELOPMENT OF PUBLIC POLICIES IN BIH IN THE PROCESS OF EU ACCESSION



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## Executive summary

This paper analyses a need for relevant institutions across different levels of government to improve cooperation and communication with interest groups and civil society during the process of policy development and drafting of legislation.

Government institutions in BiH at all levels are obliged by law to organise public consultations when drafting and adopting new legislation, and in principle – they should consult the public when creating policies in a broader sense. However, there is a notable lack of a proactive approach on the side of institutions to involve interest groups in the process of drafting important documents. Even when the wider public is consulted, it is more of a formality than substantive engagement for the purpose of receiving feedback.

This paper discusses the legal and contextual framework that regulates the process of public consultations. One of our findings is that the legal framework exists, but it is incomplete and inconsistently applied. Our main recommendation is targeted towards the BiH Ministry of Justice and Council of Ministers BiH to amend the Rules for Consultation in Drafting Legal Regulations in a way which would ensure that public institutions are obliged to proactively seek feedback from interest groups whenever drafting legal acts, strategic documents, or other important documents. In particular, our proposal refers to:

- › Enabling direct contact between public institutions and relevant interest groups with aim of receiving feedback in each phase of drafting legislation,
- › At a minimum, one public consultation while drafting documents in order to enable receiving input from wider public,
- › Inclusion of three representatives of civil society organisations (CSOs) in working group on key strategic legislation and policy documents, particularly as part of the EU integration processes.



## Introduction

Bosnia and Herzegovina's policy making process is largely driven by public institutions, and it lacks a coordinated response from the interest groups. Some steps have been made to ensure consultations take place, but the way they are conducted needs to be improved.

Constitutional setup of Bosnia and Herzegovina established a unique decentralised political system where each of the 14 governments create public policies to some degree. Such environment makes policy making dependent on intragovernmental coordination, which is incoherent and often heavily politicised. Where there is functional coordination on policy planning, it is a result of negotiations between institutions across different level of government.

In such environment, it is very challenging for interest groups to get involved and provide input into the policy making process. More often than not, interest groups and external stakeholders are left out of the early stages of the policy-making process until a compromise solution is already prepared by decision-makers. This is an issue that exists across the board, and there is no harmonized approach in conducting public consultations.

European Commission advocates for a country-wide approach in policy making and insists on this being a prerequisite for Bosnia and Herzegovina's access to IPA III funds.<sup>1</sup>

Limited participation and inclusion in policy making, specifically for marginalized groups, civil society, youth, and business community, poses a challenge in Bosnia and Herzegovina's public administration reform. This paper addresses the problem of weak and insufficient participation in policy-making processes from the perspective of each of those interest groups.

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<sup>1</sup> *Cristina Vanghele, DG NEAR, 5th Official Meeting of the Special Group for Public Administration Reform between Bosnia and Herzegovina and European Union, 25 February 2021*



## Context analysis

Public policy development and inclusion are embedded in Strategic Framework for Public Administration Reform in Bosnia and Herzegovina 2018-2022 as one of the key strategic objectives<sup>2</sup>. It is a part of Public Administration Reform, an ongoing long-term process financed mainly by international donors, mainly EU member states, and supervised and supported by the European Commission.

The European Commission adopted in 2019 its Opinion on Bosnia and Herzegovina's EU membership application,<sup>3</sup> which confirms the EU's commitment to BiH in undertaking the necessary reforms on its path towards European integration. The Opinion identifies 14 key priorities for the country to fulfil in order to be recommended for opening of EU accession negotiations. One of the 14 key priorities outlined in EC's Opinion on BiH reads as follows:

*“Complete essential steps in public administration reform towards improving the overall functioning of the public administration by ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy making.”<sup>4</sup>*

The European Commission defines public administration reform (PAR) in the enlargement context according to six core areas, which are further detailed by the (Sigma) Principles of Public Administration: A well-functioning public administration requires a professional civil service; inclusive and evidence-based policy and legislative development; well-defined accountability lines between institutions and towards citizens; capacity to deliver services to citizens and businesses; and a sound public financial management system. A strategic framework on PAR ensures that reforms in different core areas are sequenced and inter-linked.<sup>5</sup>

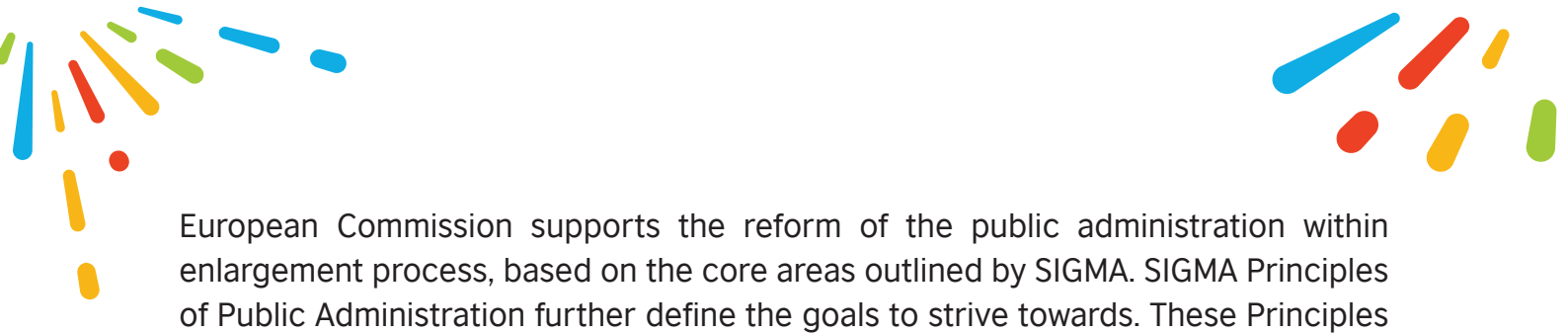
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<sup>2</sup> Council of Ministers BiH, 25 September 2018, *Strategic Framework for Public Administration Reform in Bosnia and Herzegovina 2018-2022*; Available at: <https://parco.gov.ba/en/dokumenti/rju-dokumenti/>; last access: 05 August 2021

<sup>3</sup> European Commission's Opinion on Bosnia and Herzegovina's Application for the Membership of the European Union, available at: <https://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-opinion.pdf>, last accessed at 2 June 2021

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*



European Commission supports the reform of the public administration within enlargement process, based on the core areas outlined by SIGMA. SIGMA Principles of Public Administration further define the goals to strive towards. These Principles cover key horizontal layers of the governance system, and one of key requirement under Policy Development and Co-ordination is inclusive, evidence-based policy and legislative development that enables the achievement of intended policy objectives. One of the principles is that policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government.<sup>6</sup>

One of the measures defined by BiH's Strategic Framework for PAR 2018-2022 is *“Insuring inclusive access and public involvement in the phase of creating, implementing and monitoring strategic plans, public policies and regulations”* by making sure they go through the process of public consultation.<sup>7</sup>

There is a legal obligation at state level stipulated by the Rules on Consultations in Drafting Legal Acts (Official Gazette BiH, no. 52/17) to put all legislation on public consultation internet platform called ‘eKonsultacije’, where all third parties have two weeks to comment and propose changes. No legislation can be adopted without going through this system, and institutions need to elaborate position regarding propositions received in this procedure when proposing policy to government. General Secretariat of Council of Ministers (CoM) implements this through control of documents sent to CoM.

Also, based on the Article 114. of Rules of Procedure of House of Representatives of BiH (adopted 2014), any legal draft can be made subject to open hearing, which would involve interest parties, public institutions and individuals.

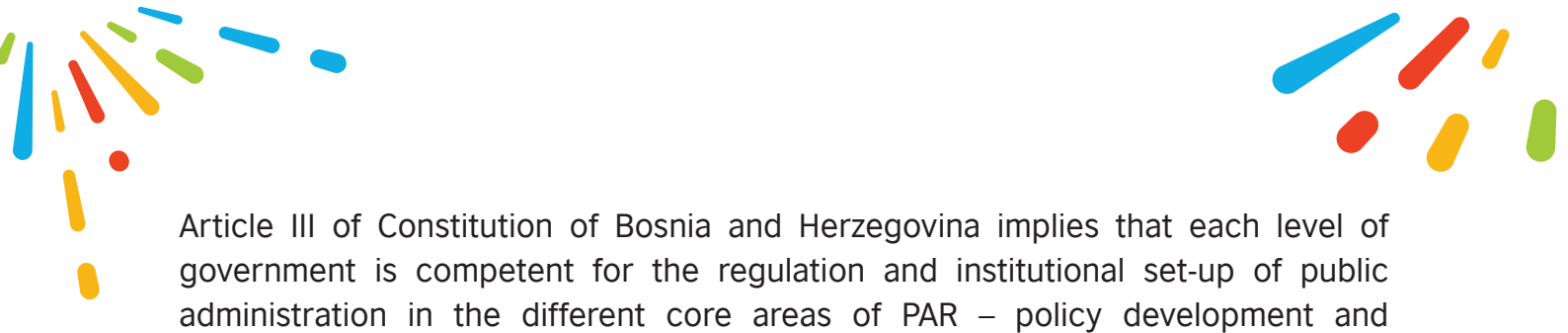
There is a steady increase in use of this system by interest groups in the past three years, as documented by the annual implementation reports, and more precisely in Report on the Implementation of the Rules for Consultations in the Development of Legal Acts for 2019<sup>8</sup>, but there is still much room for progress in having a proactive approach by institutions.

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<sup>6</sup> *The Principles of Public Administration, Sigma 2017, available at: <http://www.sigmaweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf>, last access: 2 June 2021*

<sup>7</sup> *Strateški okvir za RJU i Akcijski plan za razdoblje 2018. – 2022, available at: <https://parco.gov.ba/rju/o-rju-2/strateski-okviri-za-rju/>, last access: 2 June 2021*

<sup>8</sup> *Report on the Implementation of the Rules for Consultations in the Development of Legal Acts for 2019; p. 4, available at: [http://www.mpr.gov.ba/web\\_dokumenti/default.aspx?id=10631&langTag=bs-BA](http://www.mpr.gov.ba/web_dokumenti/default.aspx?id=10631&langTag=bs-BA), last access: 5 August 2021*



Article III of Constitution of Bosnia and Herzegovina implies that each level of government is competent for the regulation and institutional set-up of public administration in the different core areas of PAR – policy development and coordination, public service and human resources management, accountability, service delivery and public financial management. This division of competences has resulted in differences in legislation, procedures, practices and administrative capacity as well as accountability and services to citizens and businesses. PAR efforts are coordinated by competent institutions, such as the Public Administration Reform Coordination Office at state level, the Institute of Public Administration in the Ministry of Justice in the Federation entity, the Ministry of Administration and Local Self Government in the Republika Srpska entity, and the office of the Mayor of Brčko District. Cantonal ministries of justice and administration also perform administrative and professional tasks related to public administration. The current division of competences on PAR requires sound institutional coordination and cooperation between all government levels.<sup>9</sup>

## Engagement of key stakeholder groups in public consultations

This section analyses the practices of engagement of key stakeholder groups in the process of public consultations, focusing on several groups that represent different perspectives in that process. Although other stakeholders have a role and their specific interests in the process of creating and making policy decisions, we chose to discuss the inclusion of main perspectives which are important for democratic development and creation of a more inclusive society.

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<sup>9</sup> *European Commission's Analytical Report*, available: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019SC0222>, last access: 2 June 2021



## Marginalized groups

Social inclusion is one of the eleven priorities for Cohesion Policy in 2014-2020, where the urgent need to tackle the issue of marginalised communities has been put forth, with focus on Roma people and the longstanding demand to improve their living conditions.

European Commission's new proposal of instruments for Cohesion Policy 2021-2027 has been politically greenlighted by the Council and European Parliament, pending only formal approval by these two institutions. <sup>10</sup>

There is no clear definition on what constitutes a marginalised group in BiH legal framework. It is necessary to take into account their specific situation and needs, such as living and working conditions, limited access to education and health care systems and employment, early school leaving, accompanied by structural and systemic exclusion and aims at ensuring their effective socio-economic inclusion. <sup>11</sup> This makes definition and scope of this term vary from country to country.

The main issue in involving marginalized groups in process of making policies in Bosnia and Herzegovina is first of all the poorly defined process of public consultations and insufficient vertical and horizontal communication at all government levels. Therefore, it is important to mention that many of marginalized groups in Bosnia and Herzegovina that were contacted for interviews were not willing to give any information about inclusion in process of making policies, either from the perspective of issues that concern them, or to express their own views on the matter.

Marginalized groups in Bosnia and Herzegovina find the system even more challenging because of a complex system of decision-making.

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<sup>10</sup> *New Cohesion Policy*, available at: [https://ec.europa.eu/regional\\_policy/en/2021\\_2027/](https://ec.europa.eu/regional_policy/en/2021_2027/), last access: 2 June 2021

<sup>11</sup> *European Parliament resolution of 24 November 2015 on cohesion policy and marginalised communities*, available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2015-0402\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2015-0402_EN.html), last access: 2 June 2021





## Civil society

The civil society organisations through a range of tools at their disposal, like distribution of information, public campaigns, informal educational programs, analysis, monitoring and evaluation of the impact of certain laws, have a major role to play in the EU accession process, as expressed in the following view: *“For the European Union, civil society organizations represent a significant, independent source of information and advice, while they can also have a function of being a control mechanism especially in those areas where reforms are sensitive in the political sense.”*<sup>12</sup>

The poor economic situation and unemployment are the two factors that affect the social inclusion of citizens.

Civil society could be more successful, for example, in their efforts to eradicate the social exclusion of citizens only through harmonized action, focusing on increasing the accountability of local authorities and providing support to categories of citizens who are most affected by the problem of exclusion.

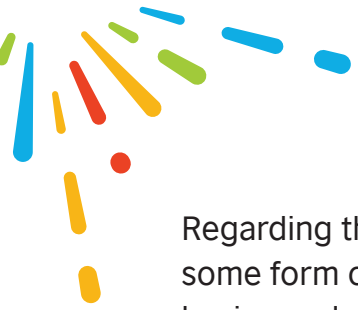
Even though there are documents in place that regulate this process fairly well, their effects are not so visible in practice. In our view and based on our research, CSOs are not adequately involved in the consultation process.

Dajana Čelebić, project manager at the Association for Democratic Initiatives (ADI), points out that the main issue of public policies is that they are not implemented in practice due to the complex state organization of Bosnia and Herzegovina, and a lack of coordination and insufficient cooperation between public institutions in Bosnia and Herzegovina.

In her experience, this issue was especially evident during the COVID-19 virus pandemic, where citizens could witness insufficient cooperation between institutions, often undefined or unclear protocols between and within institutions, and that confusion often occurs regarding the question of competence for implementation of certain parts of public policies.

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<sup>12</sup> Izazovi civilnog društva u Bosni i Hercegovini, available at: <https://www.sif.ba/dok/1386600343.pdf>, last access: 2 June 2021



Regarding the role of CSOs in creating public policies, many CSOs still participate in some form of proposing and creating public policies, namely through their projects, basic goals and missions, dialogue and public consultations on certain topics, participation in working groups, submitting various reports on the situation on the ground to various institutions and international organizations.



## The role of youth

Young people in the Western Balkans face a number of obstacles in their transition from education to the labour market. One of the biggest obstacles is the lack of skills that would help them cope in a modern and dynamic job market.

According to the (UN)Locking Youth Participation through the Education System, key challenges in Western Balkan countries have been identified:<sup>13</sup>

1. Young people do not have access to quality career counselling services that would help them acquire career management skills.
2. Lack of coordination and cooperation among key stakeholders prevents young people from easily identifying which support services are available to them.
3. Young people have limited access to credible career information.
4. The quality of internships performed by young people is not guaranteed.

Among young people in Bosnia and Herzegovina, aged 15 to 30, only 1% participates in youth representative bodies, 5% in youth organizations and 6% in political parties. Only 13% of young people are expressing interest in politics and 19% express sufficient knowledge of politics (politics in this instance including the knowledge of their own rights and obligations as provided to them by entity laws)<sup>14</sup>.



The participation of youth in decision making processes is foreseen by law in Bosnia and Herzegovina, as well. The law on youth in Bosnia and Herzegovina does not exist at state level, where these matters are addressed by a coordinating body founded by the Council of Ministers of Bosnia and Herzegovina, i.e. the Commission for Coordination of Youth Issues in BiH. The youth issues at the national level are under the jurisdiction of the Commission for Coordination of Youth Issues in Bosnia and Herzegovina and the newly established Section for youth and mobility at the Bosnia and Herzegovina Ministry of Civil Affairs.<sup>15</sup> The Youth Council of the Federation of Bosnia and Herzegovina consists of the six cantonal youth councils: the youth councils

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<sup>13</sup> Smolo E. Dž. (2019). (UN)Locking Youth Participation Through the Education System. Sarajevo. Bosnia and Herzegovina Association for United Nations.

<sup>14</sup> Jusić M. and Lavrič M. (2019). Regional Youth Study 2018/2019. Berlin: Friedrich Ebert Stiftung (FES).

<sup>15</sup> Jašarević J. (2019). Contribution of Non-Programme Countries to EU Youth Wiki. Chapter 5. Participation Bosnia and Herzegovina. Sarajevo EKCYF.



of Tuzla Canton, Canton Sarajevo, Una-Sana Canton, Canton of West Herzegovina, Central Bosnia Canton and Posavina Canton. As an umbrella youth organisation, the Youth Council of the Republika Srpska brings together local and republic youth organisations in its membership with the aim of presenting and representing their interests to the institutions of the Republika Srpska, in international cooperation, and others. The youth council of Brcko District is the umbrella organisation composed of 10 youth organisations from Brcko District.



## Business Community

In February 2002, thirty prominent businessmen founded the FBiH Employers' Association, with significant assistance and adequate support from the International Labor Organization (ILO). The Association of Employers of FBiH proposes and directly participates in the creation of business policies and strategies, amendments to existing laws and regulations, adoption of new regulations, and adoption of new collective agreements.

In 2015, authorities in BiH under the guidance and support from the EU and key international financial institutions defined a package of reforms intended to improve the socio-economic situation in the country. From the perspective of the business community, one of the main goals of the Reform Agenda<sup>16</sup> is to create a more favourable business environment and attract foreign investment. The key factors that have long been recognized as an obstacle to foreign investment in BiH are political instability, corruption, complex and inefficient bureaucracy, etc. It was pointed out, by a number of managers of companies in BiH, that the negative demographic trends are one of the most significant obstacles to attracting investors. The total number of inhabitants is constantly declining, especially young and highly educated people are leaving BiH (brain drain), and all this is affecting the reduction of the domestic market that an investor can count on. One of the key issues for the business community, as pointed out during our interviews, was that a large number of parafiscal levies have a negative impact, as it is an invisible burden that significantly affects the reduced competitiveness of the domestic economy.

In 2018, the Association of Employers of the Federation of Bosnia and Herzegovina proposed amendments to the Rules of Procedure of the FBiH Government. The aim of the proposals submitted to the Government and Parliament of FBiH is to present to the representatives of the executive and legislative authorities the views and attitudes of employers and unions as members of the Economic and Social Council for the territory of FBiH on laws and decisions made by the Government and Parliament of FBiH.

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<sup>16</sup> *Reform agenda is a package of policy reforms that as a whole seeks to systematically improve critical regulatory, institutional, structural, financial, cultural, physical and informational conditions affecting basic education provision, access and delivery on the ground.*



In the Federation of BiH, employers are not directly involved in the adoption of legal regulations, which usually directly affects many companies. Involving employers in the process of enacting legislation is a common practice prescribed by international conventions and agreements, such as agreements concluded jointly by the Member States and the European Union and/or the European Atomic Energy Community with non-EU countries or with international organisations in areas where the EU and the Member States share competence ('mixed' agreements); Bilateral and multilateral agreements concluded by the European Union and/or the European Atomic Energy Community with non-EU countries or with international organisations in areas where the EU can act alone ('EU exclusive competence') or acts of bodies created by such international agreements<sup>17</sup>, that has long been applied in the countries of the European Union, the region, and in Republika Srpska.<sup>18</sup>

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<sup>17</sup> *International agreements - EUR-Lex (europa.eu)*

<sup>18</sup> *UP FBiH: Obavezno uključivanje poslodavaca u donošenje propisa u FBiH, available at: <http://privrednastampa.ba/up-fbih-obavezno-ukljucivanje-poslodavaca-u-donosenje-propisa-u-fbih/>, last access: 2 June 2021*



## Conclusions and Recommendations

Public institutions should be obliged to proactively seek feedback from interest groups whenever drafting legal acts, strategic documents, or other important documents, by:

- › Direct contact between public institutions and relevant interest groups with aim of receiving feedback in each phase of drafting legislation,
- › One publicly available conference while drafting documents which concern the public, to discuss and propose changes,
- › Inclusion of three representatives in each working group which drafts documents which concern public.



## Bibliography

- › European Commission's Opinion on Bosnia and Herzegovina's Application for the Membership of the European Union, available at: <https://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-opinion.pdf>, last accessed at 2 June 2021
- › European Parliament resolution of 24 November 2015 on cohesion policy and marginalised communities, available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2015-0402\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2015-0402_EN.html), last access: 2 June 2021
- › Izazovi civilnog društva u Bosni i Hercegovini, available at: <https://www.sif.ba/dok/1386600343.pdf>, last access: 2 June 2021
- › Jašarević J. (2019). Contribution of Non-Programme Countries to EU Youth Wiki. Chapter 5., Participation Bosnia and Herzegovina. Sarajevo EKCYP.
- › Jusić M. and Lavrič M. (2019). Regional Youth Study 2018/2019. Berlin: Friedrich Ebert Stiftung (FES).
- › New Cohesion Policy, available at: [https://ec.europa.eu/regional\\_policy/en/2021\\_2027/](https://ec.europa.eu/regional_policy/en/2021_2027/), last access: 2 June 2021
- › Odgovori BiH na Upitnik EK, available at: <https://www.dei.gov.ba/bs/odgovori-na-upitnik-ek>, last access: 2 June 2021
- › Smolo E. Dž. (2019). (UN)Locking Youth Participation Through the Education System., Sarajevo. Bosnia and Herzegovina Association for United Nations.
- › Strateški okvir za RJU i Akcijski plan za razdoblje 2018. – 2022, available at: <https://parco.gov.ba/rju/o-rju-2/strateski-okviri-za-rju/>, last access: 2 June 2021
- › The Principles of Public Administration, Sigma 2017, available at: <http://www.sigmaweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf>, last access: 2 June 2021
- › UP FBiH: Obavezno uključivanje poslodavaca u donošenje propisa u FBiH, available at: <http://privrednastampa.ba/up-fbih-obavezno-ukljucivanje-poslodavaca-u-donosenje-propisa-u-fbih/>, last access: 2 June 2021
- › European Commission's Analytical Report, available: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019SC0222>, last access: 2 June 2021





## Interview list

- › Aleksandra Petrić, United Women Foundation Banja Luka
- › Almir Smajić, Assistant Minister for Transport, Communications, Tourism and Trade in USC; personal interview, 24 May 2021
- › Andrijana Marjanović, National Assembly of Republika Srpska, personal interview, 02 June 2021, personal interview, 03 June 2021
- › Asija Filan, Secretary of the Office of the Government of USC for Legislation, personal interview, 26 May 2021
- › Bekira Arapović, USC Ministry of Internal Affairs, Chief of the Cabinet; personal interview, 25 May 2021
- › Biljana Andrijević, Perpetum Mobile - Institute for Youth and Community Development, personal interview, 01 June 2021
- › Branka Malešević, Assistant Minister for Youth Policy in Ministry of Family, Youth and Sports, personal interview, 31 May 2021
- › Dajana Čelebić, Project manager at the Association for Democratic Initiatives (ATI), e-mail correspondence, 02 February 2021
- › Darko Telić, Jelena Stegić, Ministry of European Integration and International Cooperation, personal interview, 28 May 2021
- › Darko Vučenović, Head of the Department for Parliamentary Supervision and Work with NGOs, Ministry of Administration and Local Self-Government, personal interview, 31 May 2021
- › Dijana Dedić, Coordinator for the EU integration process in USC, personal interview, 24 May 2021
- › Dragana Bajrić, USC Secretary of the Assembly, personal interview, 26 May 2021
- › Dusko Jovovic and Dragan Vukovic, senior expert associates for youth policy in Ministry of Family, Youth and Sports, personal interview, 31 May 2021
- › Emina Miljković, Assistant Minister for Energy, Mining, Industry, Entrepreneurship and Crafts in USC, personal interview, 24 May 2021
- › Ivana Sandić Blagojević, Assistant Minister for Economic Development in Ministry of Economy and Entrepreneurship, personal interview, 02 June 2021

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- › [Marica Berić](#), Head of the Department for Strategic Planning of SME Development and Entrepreneurship in Development Agency of Republika Srpska, personal interview, 03 June 2021
  - › [Mersija Talić](#), Assistant Minister in the Department of Environmental Protection; personal interview, 25 May 2021
  - › [Milan Batinić](#), expert advisor in the Department for the Development of Small and Medium Enterprises and Entrepreneurship in Ministry of Economy and Entrepreneurship, personal interview, 02 June 2021
  - › [Mira Vasić](#), Assistant Minister of Labor and Employment in Ministry of Labor and Veterans' and Disabled Protection, personal interview, 02 June 2021
  - › [Mirsada Mujagić-Pjanić](#), Assistant Minister in the Department of Construction and Physical Planning; personal interview, 25 May 2021
  - › [Mustafa Ružnić](#), Prime minister of the Una-Sana canton, personal interview, 24 May 2021
  - › [Rajko Lajić](#), Assistant Minister for Development of Small and Medium Enterprises and Entrepreneurship in Ministry of Economy and Entrepreneurship, personal interview, 02 June 2021
  - › [Razim Halkić](#), Chairman of the Assembly of the Una-Sana, personal interview, 24 May 2021
  - › [Slavica Lukić](#), Assistant Minister for Local Self-Government in Ministry of Administration and Local Self-Government, personal interview, 31 May 2021
  - › [Suad Prošić and Anesa Šupuk](#), USC Police, Chief of the Cabinet; personal interview, 25 May 2021
  - › [Tehirza Jakupović](#), Secretary of the Ministry of Justice and Administration



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