

RUSSO-UKRAINIAN RELATIONS: SEVASTOPOL
AND THE BLACK SEA FLEET

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While the Russo-Ukrainian dispute over natural gas has dominated international political discourse in recent months, it is Crimea that has the long-term potential to become a flashpoint for future conflict in bilateral relations. The port city of Sevastopol and the Black Sea Fleet stand as the strategic crux of the current dispute between Ukraine and Russia. Founded by Empress Catherine the Great as a naval base in 1783, Sevastopol's history is one of enduring conflict and violence. The Black Sea Fleet's presence is woven into Russia's historical fabric, with the epic battles of the Crimean War (1853-1856) and World War Two (1939-1945), standing as the epitome of Russia's military glory. Crimea remained a part of Russia until 1954, when then Soviet leader Nikita Khrushchev incorporated the region into Ukrainian territory as a gift to commemorate friendly relations between the two countries.¹ However, the collapse of the Soviet Union in 1991 meant that Crimea's majority Russian population and the headquarters of Russia's Black Sea Fleet were now legally a part of newly independent Ukraine, whereby each country was left with conflicting interests in Crimea. The dispute was resolved temporarily in May 1997 through the "Treaty of Friendship and Cooperation between Russia and Ukraine." Nevertheless, the apex of the conflict was reached on June 24,

2008 when Ukraine explicitly stated that the lease would not be renewed and the Russian Fleet was to leave Sevastopol by May 29, 2017.²

The following analysis examines both Russia and Ukraine's perspectives and main interests in the dispute. It shows that the entrenched disagreements over the Fleet's status are closely related to three key factors straining the bilateral relationship: borders and Crimean sovereignty, EU enlargement, and the possibility of Ukraine's NATO accession. By first understanding the various types of power each party uses to legitimate its interests in Crimea, it becomes clear that until each of these issues is adequately addressed, bilateral relations between the two countries will continue to deteriorate, with Russia finding itself with fewer diplomatic options without resorting to major upheaval in its relationship with Ukraine.

POWER POLITICS

To help conceptualize the dispute in a way that illuminates each country's interests in Crimea, it is useful to explore the connection between the different types of power each state claims to the region. Russia has two sources of power at its disposal as it negotiates its future role in Crimea. It has what political scholar Angela Kachuyevski has referred to as the "power of possession" and what Roger Fisher has coined the "power of legitimacy." The power of possession in this case refers to the fact that much of Sevastopol and the rest of Crimea are controlled by Russian or Russian-leaning officials. As the Black Sea Fleet personnel largely populates the area, the disengagement of the Fleet from the local economy and surrounding infrastructure is virtually unattainable.³ Any

attempts to do so by the Ukrainians would adversely affect their own population and the stability of the region. Russia also possesses some power of legitimacy, insofar as it has internal legitimacy in the Crimean region. In this framework, legitimacy is dependent on the audience, and particularly understood to be derived directly from those citizens who inhabit the region. In the case of the Crimea, where ethnic Russians hold a strong majority - 65.6 percent in the region, and 74.4 percent in Sevastopol⁴ - the local population largely favors a strong Russian presence, citing the employment provided by the Fleet's presence and the protection it offers against "encroaching Ukrainian nationalism."⁵

By contrast, Ukraine possesses the "power of legitimacy" outside Crimea. This power is bolstered by strong Western support, international law, and bilateral treaties, including the "1997 Treaty of Friendship and Cooperation between Russia and Ukraine."⁶ The fact that Ukraine has the rule of law on its side is vital, but this may not be enough to reach a sustainable long-term agreement with Russia. To do so, Ukraine must achieve full sovereignty in Crimea and win over the hearts and minds of the strong majority of ethnically-Russian Crimean citizens.

BORDERS AND CRIMEAN SOVEREIGNTY

The fall of the Iron Curtain posed a challenging new geopolitical reality for both Russia and Ukraine. Among the most immediate concerns following the Soviet dissolution was the loss of strategically important territory, and the future status of bases and Soviet forces in the neighboring states. The combination of strategic and historical factors led to strong incentives for Russia to maintain an influence in what is now referred to as the "near abroad"- the area comprised of the non-Russian independent states once part of the former Soviet Union.⁷ Such incentives

were further emboldened by the presence of large Russian minorities living in the Newly Independent States (NIS).⁸

Almost immediately following the Soviet dissolution, it became obvious that both countries had divergent views on the proper role and function of the Commonwealth of Independent States (CIS).⁹ Ukraine viewed the break-up of the USSR as requiring an allocation of the Former Soviet Union (FSU)'s assets and liabilities among the independent, separate, and equal successor states. Thus, Ukraine perceived the CIS as a transitory structure, intended primarily to assist in the distribution of the FSU's resources and ensure a smooth transition from a centralized union to independent states. In contrast, Russia envisioned itself as somewhat of the heir of the Soviet Union. Many counties in the NIS were previously under the control of Imperial Russia long before the Bolshevik Revolution. As such, Russia viewed the CIS as a permanent structure that would constitute a voluntary union underpinned by democratic principles and dedicated to market reform – at least in theory – yet would still be tacitly ruled by Russia akin to the way it was in Soviet times.¹⁰

These conflicting views set a contentious tone for future agreements involving Crimean territory, particularly the status of the Black Sea Fleet. After remaining in a stalemate for three years following the collapse of the Soviet Union, a provisional agreement, referred to as the Black Sea Fleet Accord, was finally reached between Ukraine and Russia regarding the division and basing of the Black Sea Fleet. Signed on May 28, 1997 in Kiev, the agreement permits Russia to lease space from Ukraine for twenty years. The Accord also granted Russia the right to keep its main naval base at Sevastopol, provided that it shares the city's facilities with the Ukrainian Navy. The agreement also grants Russia the right to lease 18,500 hectares of land in Crimea including important facilities and infrastructure. Russia and Ukraine agreed to split the Fleet evenly, but Ukraine agreed to sell a share of its portion to Russia, allowing Russia to maintain approximately 82 percent of the Fleet. Russia agreed to pay

Ukraine a one-time fee of approximately \$526 million for warships and vessels, and slightly less than \$100 million per year in rent for the use of Crimean facilities.¹¹

However, nationalists in both Russia and the Ukraine did not favorably receive the 1997 agreement. Opposition members in the Russian Duma argued that Crimea is a part of Russia, and opposed the very fundamental premise of the agreement; it was intolerable for them to agree to lease something that they believed they rightfully owned.¹² Furthermore, Russian nationalist politicians, including Moscow mayor Yuri Luzhkov, have repeatedly travelled to Crimea and particularly to Sevastopol, to show support to Russian irredentists, many of whom are retired Russian military officers with a strong allegiance to Moscow.¹³ Luzhkov has also said that the agreement was “incorrect” and claimed that “Sevastopol is a Russian city, and it will remain Russian no matter what decisions are made.”¹⁴ In Ukraine, much dismay was expressed over allowing foreign troops to remain on Ukrainian soil, especially since the stationing of foreign troops is forbidden in Ukraine’s constitution.¹⁵ The concerns of many Ukrainians were expressed by Vyacheslav Chornovil, then-leader of the powerful anticommunist movement “Narodny Rukh” when he argued that this constitutional provision was especially vital in relation to Russia, since Russia harbors “aggressive imperial ambitions with regard to Crimea generally and Sevastopol in particular.”¹⁶

Since Ukraine’s Foreign Ministry has required that the Russian Black Sea Fleet is to leave Crimea by its lease expiration date in 2017, the long-standing disagreements between the two countries have intensified. The most recent manifestations of hostilities continue to largely concern territorial borders and Crimean sovereignty. For example, Wall Street Journal writer Leon Aron reported on the accusation made by Ukraine’s Foreign Minister Vladimir Ogryzko on September 5, 2008 that the Russian consulate in the Crimean capital of Simferopol of distributing Russian passports to Ukrainians in the peninsula region.¹⁷ The Moscow City Hall appropriated \$34 million this

past May for “the support of compatriots abroad” over the next three years.¹⁸ The Russians have also been adamant about the inclusion of the Russian language in Ukrainian schools in Crimea. With nearly three-quarters of Sevastopol’s 340,000 citizens ethnically Russian¹⁹ and Ukrainian leadership that is deeply fractious, a major political rift within Ukraine could put the territorial integrity of the country in question and encourage Russian nationalists to propose holding a referendum to join Russia in overwhelmingly Russian-speaking Crimea.

However, one cannot fully evaluate the extent and seriousness of Russia’s challenges to Ukraine’s territorial integrity without acknowledging the Tuzla border dispute in October 2003. The island of Tuzla is a tiny but strategic stretch of sand located in the Kerch Strait between the Black Sea and the Sea of Azov. It became the centerpiece of a volatile and aggressive standoff when Moscow began the construction of a causeway from the Russian coast towards the Ukrainian-controlled island, thus constituting a direct challenge to Ukraine’s national sovereignty. In 1941, the Soviet authorities decided to make the newly formed island an administrative part of the Crimean town of Kerch, which sits on the western bank of the strait, just a few kilometers from Tuzla. In 1954, Nikita Khrushchev’s government made the whole of the Crimean peninsula, then a Russian enclave, a part of Ukraine – the same decision that incorporated Sevastopol into Ukraine. Although Russia’s recognition of its borders with Ukraine was enshrined in several bilateral and multilateral treaties, particularly the 1997 Treaty on Friendship and Collaboration, it applied much the same argument to Tuzla as it today applies to Sevastopol. More specifically, Russia disagrees with the terms of the 1941 agreement that made the island a part of Crimea, and as such, questions whether Tuzla was included in the Crimean territory transferred to Ukraine in 1954.²⁰ While Moscow halted construction of the causeway after high-level talks between then Ukrainian Prime Minister Viktor Yanukovich and Russian Prime Minister Mikhail Kasyanov, Russia’s heavy-handed

strategy left the Ukrainians wary of Kremlin's initiatives and gave Kiev a potent argument for forging stronger ties with the West.²¹

Numerous treaties and agreements leave little doubt that the rule of law and power of external legitimacy is in Ukraine's favor. Nevertheless, Russia continues to inflame tensions and challenge Ukraine's territorial integrity through a variety of tactics, ranging from distributing Russian passports in the Crimean peninsula to pledging millions of dollars to support Russians living in Ukraine.²² Their efforts are further bolstered by pro-Russian citizens living in the predominantly Russian-leaning southeastern region of Ukraine and lend Russia some internal power of legitimacy. It is fair to predict that tensions will continue to intensify in the lead-up to the expiration of the Fleet's lease in 2017, and borders and Crimean sovereignty will feature prominently in bilateral relations. The Tuzla dispute makes it all too clear that Moscow is willing and able to aggressively pursue its objectives, particularly regarding strategically and historically important city like Sevastopol. As Russia remains contractually obligated to withdraw from Sevastopol in 2017, and thus finds itself with fewer diplomatic options to pressure for the extension of the Black Sea Fleet, the potential for a major flare-up between the two countries remains a possibility.

EU INTEGRATION

The collapse of the Soviet Union provided an impetus for greater coordination in European Union (EU) foreign policy-making. The decision to extend EU membership to Finland in 1995 and the Baltic States in 2004 made the EU and Russia literally neighbors.²³ Accordingly, the EU policy response to post-communist changes in Russia can be characterized by three interrelated stages, though it is essential to acknowledge that this was a reactive process, rather than a planned strategy by the EU. The first stage, the period immediately following the fall of the

Soviet Union, saw the EU construct a policy on the premise of a conceptual re-division of post-communist Europe. To help facilitate the post-communist transitions, the EU decoupled the central and eastern European states that were considered probable candidates for EU membership in the short-term from former Soviet Union states, which were not viewed as likely EU candidates in the near term. The EU's subsequent policy agendas reflected the clear differences between the two camps – aid and integration for the former, and aid and cooperation for the latter.²⁴

Beginning in 1994, the second stage disguised the territorial balance of power in Europe, at least rhetorically, by an EU policy that stressed “partnership” with Russia. This idea was sustained as the EU started to formulate policies to address its increasing dependence on external energy suppliers by focusing on the relationship with Russia in the late 1990s. Recognizing a stable relationship between the EU and Russia as essential to the future peace and prosperity of the continent, new instruments such as the Partnership and Co-operation Agreement (1994) and the Common Strategy (1999) were created to enhance the coordination of EU policy towards Russia. Since 2000, the third stage witnessed growing discord within the EU between the “old” and “new” member states. The former group's foreign policy goals give precedence to stable economic relations in a post-enlargement “strategic partnership” with Russia. The “new” member states, whose strong memory of suspicions of Russia, in addition to greater receptiveness to U.S. influence, directs their foreign policies towards Russia to focus more on normative issues, such as human rights and democratization.²⁵

The resulting geopolitical reality has been described by some political analysts as that of “Two Europes” – the EU with its center in Brussels and the Russian-led “Euro-East.”²⁶ However, such an assessment goes against the very spirit of the EU and is not sustainable as a divided continent would undermine and ultimately destroy the potential of European integration, one of the vital pillars of the EU. While it has long been speculated

whether Ukraine would oscillate between two opposing centers of gravity, Russia and the West, President Yushchenko clearly stated that Ukraine's integration into the EU was a strategic goal for the country during the 2004 elections. A majority of Ukraine's elite and at least a plurality of the population express support for EU membership.²⁷ However, Yushchenko has also claimed that his country "has a great geopolitical interest"²⁸ in the development of relations with Russia. In contrast to the Baltic States, whose geopolitical alliance with Western integration made clear their desire for minimal ties with Russia, Ukraine wants to preserve as close a relationship with Russia as possible.²⁹ It is completely plausible that Ukraine may choose to prioritize its relations with Europe over Russia. While Ukraine's integration with the EU will undoubtedly face many deviations and setbacks, it will nevertheless continue to proceed. More specifically, Ukraine will not accept the prospect of being forever left outside of the EU when the alternative is to be an insignificant borderland or a bridge between the so-called post-Soviet space of "managed democracy" and the consolidated democracies of the West.³⁰

Ukraine's aspirations for a closer relationship with the EU were given greater context following the formulation of several policies. In 2002 and 2003, the EU initiated a new "European Neighborhood Policy" (ENP), with the primary objective of integrating the former neighborhood policies towards the southern and eastern regions under a single and coherent framework, and stimulating additional political and economic reforms in those countries without offering them full membership in the EU.³¹ ENP Action Plans are negotiated on a bilateral basis and build on the existing contractual relationship as articulated by the Partnership and Cooperation Agreements or Association Agreements.³² Ukraine's Action Plan was launched in 2005 for a three year term, with the aim of building solid foundations for further economic integration, particularly through combined efforts towards an EU-Ukraine Free Trade Area following Ukraine's accession to the World Trade

Organization (WTO). The Action Plan also sought to develop and implement policies to strengthen the stability and effectiveness of institutions guaranteeing democracy and the rule of law, ensure the democratic conduct of presidential and parliamentary election in Ukraine in accordance with OSCE standards, ensure respect for freedom of the media and freedom of expression, develop possibilities for enhancing EU-Ukraine consultations on crisis management, and enhance co-operation in the field of disarmament and nonproliferation, among others.³³ Some observers immediately questioned the ENP's comprehensive outreach and its pragmatic worth, describing it as a value-based policy that relies on the same principles of conditionality as the process towards full membership, but without the reward of actual membership.³⁴ Nevertheless, its symbolic value was apparent, and signaled to Russia a deeper commitment in the Ukraine-EU partnership.

Russia's recent disputes with Georgia and Ukraine, however, have incited the strongest response from the EU to date. Following a meeting of EU foreign ministers on February 23, 2008, in Brussels, EU External Relations Commissioner Benita Ferrero Waldner claimed that Russia's recent conflicts with its neighbors over territory and gas have forced the EU to react. Commissioner Waldner stated that "I think that after the August 2008 Russia-Georgia war and the 2009 Russia-Ukraine gas crisis we see that there is a clear imperative of stepping up our game in the eastern neighborhood and therefore we have a crucial interest in political and economic stability there."³⁵ These factors prompted the EU to offer an upgrade of its ENP in a new agreement called the "Eastern Partnership." The new partnership was defined on March 20, 2008, at the EU Summit in Brussels as a response to Russia's growing assertiveness in what EU officials call "the shared neighborhood." The upgraded ENP targets six of the EU's eastern neighbors – Ukraine, Georgia, Moldova, Azerbaijan, Armenia, and provisionally, Belarus.³⁶ The accord has three specific objectives for Ukraine: freeing up travel restrictions and developing conditions to help facilitate the long-

term goal of establishing a visa-free regime between the EU and Ukraine; reemphasizing that future ties remain open between Ukraine and the EU; and highlighting the common history and values shared by Ukraine and Europe. The Partnership also pledges to increase its aid to the six target countries by 600 million Euro (\$814 million).³⁷

Russian Foreign Minister Sergei Lavrov immediately condemned the bloc's new partnership, claiming that the EU was looking to extend its own sphere of influence. "We are accused of trying to have spheres of influence," Lavrov said. "What is the 'Eastern Partnership'? Is it a sphere of influence, including Belarus?"³⁸ The inclusion of Moscow's staunch ally, Belarus, in the new partnership, and the decision by the EU foreign ministers to extend the suspension of travel restrictions for Belarusian President Alexander Lukashenko and other top government officials until December further aggravated the situation. Lavrov continued to criticize the EU's attempts to deepen ties between ex-Soviet countries and the West as meddling into other countries' internal affairs, adding: "Is it about pulling countries away from the decisions that they are supposed to take freely?"³⁹ Russia has made clear its concern that the terms of integration offered by the Eastern Partnership may contradict their existing integration commitments in the CIS, essentially making them choose between Russia and the EU.⁴⁰ With the prospect of losing legitimate influence in Crimea after the Fleet's lease expiry date in 2017, Moscow is especially sensitive to relinquishing additional influence in its "near abroad." Any action that is perceived as inflammatory, invasive, or threatening to its strategic interests in the surrounding area will likely elicit a strong retaliatory response from Russia.

French Socialist Member of the European Parliament (MEP) Bernard Poinant starkly articulated the potential upheaval in the Russia-Ukraine relationship when he warned in an article in the daily French newspaper *Le Monde* that the Georgian war represents a precedent for a Crimean war and called for greater European integration with Ukraine to counterbalance Russia's

growing assertiveness. Poignant claims that with the Sevastopol agreement between Kiev and Moscow nearing its expiration date in 2017, Moscow could plausibly continue to issue Russian passports to the local population in the region until these Russian citizens call on their guardians in Moscow to protect them: "If Europe does not anticipate, all it will have left is its tears."⁴¹ While a large-scale war is quite unlikely, EU integration and specifically the Eastern Partnership will only further exacerbate tensions in the bilateral relationship already posed by the Fleet dispute.

CONTAINING NATO

After the end of the Cold War, no common security approach to the post-bipolar borders in Europe existed.⁴² The end of bipolarity deprived NATO of its *raison d'être*: containing the Communist threat, which left the alliance with a deep internal identity crisis and the difficult choice to find new missions or to become irrelevant. NATO's decision to expand to the east was interpreted by Russia as the end of NATO's readjustment to the post-bipolar climate. Moscow's ensuing grievances and suspicions stemmed from several key factors and instances where the Russian government believed that NATO had deceived them.⁴³ First, despite assurances made at the time of the collapse of the Soviet Union and the Warsaw Pact that NATO would not expand to Russia's borders, nearly all the former Warsaw Pact countries are now NATO members.⁴⁴ Second, Lawrence Eagleburger, the founding father of NATO enlargement, said in the mid-1990s "everyone who thinks about taking the Baltic States into NATO needs his head to be examined, because it would create serious problems in NATO relationship with Russia."⁴⁵ Finally, NATO has enlarged its military presence in the region in a way that the Kremlin finds threatening. Russia claims that enlargement would reduce its international influence and deteriorate its geo-political and geo-strategic status.⁴⁶

While such grievances are vital in understanding the basis for Moscow's hostile attitude towards NATO expansion, Russia has also made several crucial mistakes after the collapse of the Soviet Union. It entirely ignored the need to foster new relations with the former Soviet states, which found themselves in economic and political disarray. Moreover, it is responsible for the absence of a practical and realistic new Russian military and political doctrine for European security.⁴⁷ Finally, Russia reinforced the fears of the Central and Eastern European (CEE) nations by its poorly conceived and highly controversial policy in Chechnya, fueling the CEE nations' desire to join NATO as soon as possible.⁴⁸

It is unsurprising then, that Russia is adamantly opposed to NATO membership for Ukraine. In Victor Yushchenko's five years as Ukraine's president, he has pushed the country in a pro-Western direction by actively seeking membership into NATO as a way to ensure Ukraine is a secure and thriving democratic state. Moscow was quick to oppose Yushchenko's NATO ambitions, and it was not long until the Kremlin released threats that Ukraine shall be "destroyed and divided"⁴⁹ if it pursues a NATO Membership Action Plan (MAP). Putin was even more explicit when he threatened to target missiles at Ukraine if it joined NATO.⁵⁰ Moreover, Konstantin Simanov, the General Director of the National Energy Security Foundation, claimed that Ukraine's economy would collapse without Russian gas: "If they do not see Russia as a political partner, they will not be getting any money from us."⁵¹ In other words, Russia would abruptly raise the price of gas for specifically political reasons. Indeed, admitting Ukraine into NATO extends the organization's security umbrella to include the very vulnerable energy transit routes to the West from the Caspian Sea, and makes possible the consolidation of strategic positions in Russia's near abroad, including Crimea and the strategically important base of Sevastopol.

The standing of the Black Sea Fleet is particularly salient in determining the outcome of Ukraine's NATO accession

ambitions. One of the conditions for NATO membership is an absence of foreign bases on the country's territory.⁵² If Ukraine were to acquire a NATO Membership Action Plan in the foreseeable future,⁵³ the Russian Sea Fleet would need to withdraw from Sevastopol completely. In 2006, Russian irredentists in Sevastopol organized anti-NATO protests that led to the cancellation of the joint Ukraine-NATO Sea Breeze military exercises.⁵⁴ Such protests highlight the fact that NATO membership does not have the support of a majority of Ukraine's population, with no more than one-fifth of the population currently prepared to vote for NATO accession. Equally problematic is the fact that NATO membership does not have concrete support amongst Ukraine's fractious "Orange Coalition": both the Yulia Tymoshenko Bloc and the Socialist Party are against it.⁵⁵

Moscow capitalized on these Ukrainian political tensions by arguing that NATO accession should only result with the consent of a majority of the population. The Kremlin also emphasized Crimean opposition to recent NATO exercises in the area, claiming that Moscow could not be indifferent to the fate of the many Russians living in Crimea. This further prompted the Russian Duma to reiterate its position that Ukraine's prospective entry into NATO would consequently terminate the 1997 Treaty on Friendship and Cooperation between Russia and Ukraine.⁵⁶ Such a stance is especially problematic considering that Russia remains contractually obligated to withdraw from Sevastopol in 2017, and as an autonomous and independent state, Ukraine has every right to legally pursue membership in the NATO alliance. Nevertheless, Ukraine's membership prospects cannot be realized if anti-NATO protests, widespread dissent, and lack of support for NATO exist within its borders, as it would be undemocratic and dangerous for stability.⁵⁷ Thus, Ukraine must couple its accession rhetoric with action, using existing institutional mechanisms such as the NATO-Ukraine Action Plan to signal its readiness and commitment to reform internally.

THE FUTURE

Russo-Ukrainian relations are most likely to continue to deteriorate, with the standing of the Black Sea Fleet further aggravating an already strained bilateral relationship. Moscow and Kiev have conflicting views on the future of European and Euro-Atlantic security, and the relationship currently has little stability and context due to a lack of a complementary strategic agenda. Negotiations between the two countries must seek to address the three key issues linked to the Black Sea Fleet dispute: borders and Crimean sovereignty, EU enlargement, and NATO accession. Ukraine's focus regarding the West, however, should be on the promotion of reform. If Ukraine is able to successfully transform itself, it will be a better partner for the West regardless if it is a member of the EU or NATO. This is a more realistic approach to take in the current frosty climate and will be especially important in tempering mounting hostilities in the period leading up to the Fleet's expiry date in 2017. As for Russia, its ability to use gas supplies as a tool of political leverage is likely curtailed because of its far-reaching consequences for the rest of Europe. Paired with the fact that Moscow remains contractually obligated to withdraw from Sevastopol in 2017, it will find itself with fewer diplomatic options to pressure for the extension of the Black Sea Fleet without the strong possibility of a major upheaval in the bilateral relationship.

NOTES

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28

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⁵⁵ Moshes, 2006.

⁵⁶ Kuzio, 2008.

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