TOWARDS A NEW RURAL LOCAL GOVERNMENT SYSTEM IN SOUTH AFRICA: POSSIBLE OPTIONS

Alastair McIntosh

In this article I argue that the highly centralized, fragmented, unaccountable and unresponsive character of rural administration in South Africa may persist into the future unless serious consideration is given to establishing a strong, decentralized rural local government system. The article has been adapted from a report commissioned by the National Land Committee, a body which has been instrumental in highlighting many of the concerns raised here within different public policy arenas. The rural local government debate is contextualized in the light of urban and regional government debates, highlighting the challenges implied by the establishment of an effective rural local government system (part 1); and suggests policy measures aimed at overcoming them (part 2).

Contextualizing the Rural Local Government Debate

The issue of rural local government has received relatively little prominence relative to other national debates (particularly those around urban and regional government issues) (exceptions are Tandy, 1992; McIntosh, 1992). The rural local government question has generally only been considered incidentally in relation to these other issues. This holds obvious dangers, namely that rural people's concerns are unlikely to be addressed by rural structures which emerge out of processes which are residual to urban, regional and central government restructuring initiatives.

The urban local government debate:

The prominence of urban local government and service delivery issues over rural ones might be understood in the light of the important role played by largely urban-based civics in opposing apartheid policies generally. Their particular role in resisting government attempts to deflect demands for national democracy by creating avenues for black representation within ethnic local government bodies in the mid-1980s was a particularly important part of the United Democratic Front's (UDF) opposition to the tricameral parliament. The role of such civics within the liberation struggle and their capacity to win significant victories over bread and butter issues within South Africa's urban heartlands has meant that the

'local government' debate tends to be urban-centred. Prominent community organizations, able to articulate and pursue their interests, have not generally emerged within South Africa's rural areas, which have provided fewer opportunities and resources for building powerful civic organizations. A consequence of this is that in the early-1990s fairly articulate positions have been developed by urban-based civics in local level negotiations with white local authorities and other locally-based interests. However, similar positions have not been well developed by rural constituencies.

The civics' concern to restructure local government, in a way which enables resources to be transferred to previously excluded parts of the city, has led to the popularity of calls for single tax bases under non-racial metropolitan governments. These principles, which have been taken up as official ANC policy, have also recently been accepted by the National Party. This is a significant departure from its previous position which emphasised strong small local government units - a position which was widely interpreted as an attempt to entrench white privileges within wealthy enclaves.

Given the history of the civic movement's struggles around local service delivery issues and the highly centralized and fragmented form that service delivery has taken in urban areas, another concern of the civics has been that local government should be sufficiently autonomous to respond with flexibility to local priorities. However, calls for decentralization by the civic movement have been muted by the liberation movement's view that real victories at a local level would not be possible unless linked to the dismantling of apartheid nationally. Although civics have straddled both levels in the past - for example, rent boycotts complementing campaigns to end the state of emergency - their entry into local level negotiations in the early-1990s led to the fear that local agreements might be entered into which potentially undermined the negotiations taking place at a national level. This prompted some civics to place emphasis on the economic rather than the political issues of local government.

However, it proved difficult to separate the questions of political reform at a local level from the various economic issues in practice. The response of civics to this dilemma varied, some wanting to build upon gains made in local negotiations by pursuing local political reforms; others arguing that relative to their negotiating partners, they lacked sufficient professional expertise and would be out-negotiated. Tensions between and within civics over the relationship between local and national-level negotiations seem likely to diminish in the future, however. The recent establishment of a national Local Government Negotiating Forum which represents government, local authorities, civics and similar organizations with a stake in local government, provides a mechanism for coordinating different negotiation processes being undertaken at local and

national levels.

The issue of decentralization amongst the civics has been clouded by national negotiation processes, and by some initial National Party attempts to advocate decentralized local government arrangements which entrench white privilege. In other senses, however, the positions being articulated by the civics are strongly decentralist, at least implicitly. Another ongoing debate within the civic movement has been over its relationship to political parties and whether civics should be subsumed within the ANC or constitute themselves as an independent force with their own specific interests. The latter position has prevailed, and civics have expressed the concern that they retain their capacity to voice local concerns and avoid simply becoming party or government stooges. It is this concern to foster an 'independent civil society' which underlay the establishment of an independent national civic movement in 1991 (see Collinge, 1991).

The concern of civics to maintain an independent role at a local level coupled with the emergence of broad consensus around various positions - such as the 'one city' concept - out of local level negotiation processes bodes well for the future of local government in South Africa's cities. This is particularly the case given the emergence of non-partisan development forums which have begun to discuss and articulate common concerns, as well as the enviable record of public management and service delivery of the white municipalities, which can be built into the new non-racial urban authorities which emerge to replace existing ethnic bodies.

The above is not to suggest that detailed prescriptions for future urban local government arrangements have been agreed to. Many issues remain to be resolved. One is whether the competence of urban local authorities should be limited to specific types of service provision or whether they should be given a competence which enables them to pursue more general local political priorities. Another is precisely where to draw metropolitan boundaries. Does one include even those commuter settlements which are geographically isolated from the city? Yet another is whether neighbourhood level units below metropolitan/city levels are necessary to foster participation and representation. Moreover, should representation be through the single direct vote or should some form of proportional representation also be involved? Should the local government franchise be loaded in favour of property owners or not?

It is beyond the scope of my concern to deal with each of these and other urban local government issues in detail. For the purposes of this article, it suffices to emphasise the point that fairly sophisticated negotiating positions are being articulated by the major political parties as a consequence of extensive local negotiation processes involving local constituencies. Moreover, there would appear to be sufficient consensus amongst different local stakeholders to assure

a vibrant and independent system of urban local government in the future.

The regional government debate:

Urban local government and service delivery issues may have received prominence in national debates as a result of the efforts of civics and other locally-based constituencies. However, the national prominence of the regional government debate can hardly be ascribed to such locally-based efforts. Its prominence has got more to do with the quest for central power by the major political parties. In this regard, the National Party has advocated significant decentralization to regional tiers to place itself in a position to acquire power at the regional levels within at least some parts of the country, where it is unlikely to win power nationally. Likewise, the IFP has outlined what virtually amounts to secession to assure its dominance within the Natal/Kwazulu region.

The point about these proposals as well as the ANC's recent compromise position on a unitary state with strong regional elements is that they are being articulated primarily by national power seekers with a view to acquiring central power. It is for this reason that the major focus of the regional government debate is on the relationship between the centre and the region rather than the relationship between the region and the locality. The problem this poses is that international and local experience suggests that '... strong regional government is generally not conducive to local empowerment' (Wittenburg and McIntosh, 1992). The general pattern in developing countries is for political parties at the regional tier to agglomerate power at the expense of localities, particularly where different political parties are represented at the local and regional tiers. Landed or other elites with supra-local networks and perspectives typically dominate these levels and often prevent popular national programmes from being implemented (such as land reform programmes).

Few would dispute the necessity for intermediate government arrangements to facilitate liaison between the centre and localities, to make the delivery of regional services and planning at a regional scale possible and, perhaps, to provide a mechanism for resource transfers within regions (to depressed subregions, for example). Whether these requirements justify strong representative regional governments, or whether an administrative link would suffice, remains in question. It has been argued, for example, that the kinds of community identities which might necessitate sub-national representation are more meaningful at district or metropolitan scales than at regional levels (McCarthy, 1992). However, the fact that the principle of strong representative regional governments has been agreed to by all parties makes this debate somewhat academic.

This agreement on the necessity for a strong regional government system has less profound implications for the future of local government within the major

metropolitan centres than for local government elsewhere. Within the major urban centres, white local authorities already possess considerable administrative capacity. Moreover, given that such cities provide the major source of the nations wealth, they can be expected to finance their future local government systems. These factors, coupled with the levels of consensus which have already been reached by the various stakeholders, suggest that such centres will be in a position to defend their local interests. Processes of local negotiation have not yet been entered into within many of the smaller towns and other rural settlements. Where such settlements also lack revenue-raising and administrative capacities, they will be much more vulnerable to regional and central government interference in local affairs.

For this reason, and since the detailed form which regional government will take remains to be negotiated, it is necessary to outline some of the factors which are likely to determine whether regional government complements or undermines local-level initiatives. One is the question of representation. Where regional assemblies are only elected directly (whether through proportional representation or the single direct vote), regional representatives do not necessarily have a vested interest in protecting the integrity of local tiers. Indeed, where different parties dominate the regional and local tiers, it can serve the interests of regional politicians to build their own power bases by undermining the powers and capacities of lower government tiers. Such dangers are potentially circumvented where regional government is, to some extent, based on local control. The indirect election of local government representatives onto regional assemblies provides one mechanism for doing this. Placing user representatives on the boards of regional service organizations provides another.

A second factor relates to whether the institutions responsible for supporting local government are nationally or regionally based. Vesting powers over local government in regional assemblies, as the IFP and the National Parties are advocating, could well mean that regional politicians not only have a vested interest in undermining local government, but also have the capacity to do so. While local government would undoubtedly benefit from professional assistance provided by the regional tier, it remains important for central government to have a direct role in providing such support.

Questions underlying the rural local government debate:

If urban local government issues have been thrust into the forefront of public concern by local stakeholders, and regional government concerns by national power seekers, a real problem for rural local government has been its singular lack of champions. This is no doubt a consequence of the fact that many rural constituencies are not able to develop coherent positions, let alone promote them.

Such constituencies often lack the resources around which to organize effectively and, in any event, occupy areas which are relatively marginal to the national economy. Also, certain categories of rural people are often locked into highly dependent relationships with employers and other patrons which undermines organizational efforts.

However, it is most unfortunate that the rural local government debate should have been carried on the coat tails of urban and regional government concerns; that the local government question is often viewed as synonymous with urban local government; and that local constituencies have been so little involved in the policy formulation process. There is a real fear that this vacuum might result in the interests of existing rural elites with bases in existing regional structures - such as civil servants, commercial farmers and erstwhile bantustan politicians - prevailing in the new local government arrangements which emerge. There is a strong likelihood of such arrangements making minimal provision for local government in favour of existing patterns of unresponsive delivery from distant regional centres with little local accountability. This underscores the importance of the rural local government question.

The absence of rural local government champions also highlights the difficulties likely to be faced in promoting such alternatives. These become apparent in considering the nature of the questions underlying the rural local government debate in South Africa.

One question is how to establish a viable local government system where there are such limited revenue raising capacities outside of the metropolitan centres and secondary cities, where the majority of the population rely on urban remittances or welfare disbursements, and where there are distinct limits to what the commercial agricultural and the trading sectors within the market towns could contribute to local government.

Another is how to build upon the very limited existing capacity of local institutions, given the absence of any local government - outside of market towns - within the commercial farming areas and the limited role and inadequacy of tribal authorities within the bantustans. Can new local government systems built on such a weak base be expected to overcome the problems associated with existing systems of fragmented, centralized and uncoordinated delivery? Can they be expected to deliver responsively? Would they be able to ensure that services from higher authorities or outside organizations are provided in a way which is consistent with local political and developmental priorities?

A third question is how to establish and sustain local structures of representation and accountability. To what extent does the institution of chieftainship retain popular legitimacy? Should it be accommodated within future local government arrangements? Could rural (or district) councils be expected to be truly repre-

sentative and accountable where institutions of civil society are so weakly developed and where local elites tend to monopolize local affairs and development resources to the exclusion of marginal groups such as farm-workers, landless people and women? How might the specific needs of such marginal groups be accommodated at a local level in the future? Will the franchise suffice?

Suggested Rural Local Government Policy Measures

Rural local government principles:

The weak economic and political position of rural people and their institutions highlights the difficulties of sustaining a viable local government system and the importance of outside support. Unless rural constituencies become more assertive within national politics and unless vested interests in sustaining an independent local government system can be created at regional and national levels. there is a danger that rural local government will simply become an agent of central or regional government. The case has already been made that institutional support for rural local government should ideally come from the centre rather than the regions, since the centre is likely to be less threatened by local government than the regions. Caught between local and central government, regional political parties often try to agglomerate power to themselves at the expense of local government where central government is able to resist such incursions. However, it is by no means clear whether it will be possible to sustain the argument for central rather than regional support for rural local government, The significant concessions which have already been made to the principle of strong regional government could preclude this possibility. However, even if the principle of strong central, rather than regional, support for rural local government were to be accepted, it should be emphasized that central government's more important constituencies are likely to remain urban-based and it may not have sufficient incentive to provide the necessary support to sustain an independent system of rural local government, let alone assertive rural development programmes.

· Institutional support for rural local government -

It follows that if central (and regional) support for a viable rural local government system is to be sustained, a strong Ministry of Local Government needs to be established. This is not only necessary to ensure the defense of the interests of local government within the centre (and/or regions), where such a ministry has a vested interest in defending localities from the tendency of other regional and central ministries to agglomerate such powers and functions of

localities to themselves. It is also necessary to assure the defence of localities' interests at a local level. Newly established structures of local government with relatively weak constituencies can hardly be expected to carry the necessary political authority adequately to pursue their local political and developmental priorities. For this reason, it may be necessary for field representatives of a Ministry of Local Government (ie District Commissioners) to fulfil certain functions on behalf of rural local government structures in the short-term. For example, in themselves, District Councils may not carry the political authority to ensure that the services of regional and central ministries are delivered according to local priorities, or to challenge them when they overstep their jurisdiction. Where service delivery organizations not only have to contend with District Councils but also powerful District Commissioners attached to such councils, their scope for unilateral action is diminished.

However, support from District Commissioners is not only necessary to lend District Councils the political authority which they may not be able to muster in their own right. District Councils will also need to rely on the professional support of such officers where, in most cases, these are being built upon weak or non-existent institutional bases.

· Financial support for District Councils -

Central (and/or regional) support for District Councils should take the form of block grants in recognition, on the one hand of their limited revenue raising capacities within most rural areas and on the other of the contribution of rural people to urban economies - whether through migrant/commuter labour or purchasing activities. The suggestion is that such grants would be calculated according to a national formula based on the populations within rural council areas. Apart from providing a basis for dispersing resources equitably, these criteria would be aimed at maximizing decision-making autonomy. Although other criteria would, no doubt, need to be attached to funding District Councils - to ensure that statutory duties are performed, and that national performance standards are adhered to - it would be important for at least a portion of these funds to be made available as discretionary grants. Without such discretionary funding, District Councils could find that their role is limited to performing duties specified by higher authorities. Under these conditions District Councils could face difficulties addressing local priorities and acquiring political legitimacy at a local level.

Local government staffing -

Another element of outside support relates to the staffing of District Councils. The one possibility is for central or regional government tiers to second staff to

District Councils. The problem with this is that although staff are formally accountable to the council, in practice they will follow the lead of their mother departments. Also, regional or central government departments typically do not value the contribution of seconded staff to local authorities. The consequence is that the least able staff are the ones who end up being seconded and ambitious individuals usually seek promotion to regional or central tiers. A second possibility is for different councils to hire their own staff according to service conditions set by councils. Although this gives greater autonomy to local councils, the general tendency is for the better qualified and more capable local government professionals to find work within more attractive and lucrative city environments. The third preferred option is to establish a national local government service commission which is independent and parallel to the national government service commission which would determine conditions of service within local government and make appointments. Although this potentially undermines local government autonomy, it has the advantage of establishing clear career and promotion structures within local government and ensuring that the more capable local government officers are not enticed into more attractive opportunities within central or regional government agencies.

The boundaries of District Councils -

A viable rural local government system cannot only be founded on support from higher government tiers, alone. To the extent that it is possible, it is, therefore, imperative that District Council boundaries be delimited according to criteria which maximize their revenue raising potential and facilitate scale economies in service delivery. There are two ways in which such principles might be fostered, both of which potentially undermine prospects of local representation. The first is to incorporate the rural hinterlands of the major metropolitan centres and secondary cities into single local government bodies, where possible, to maximize possibilities for redistribution. Although this might be justified in the case of commuter settlements on the outskirts - or even fairly distant - from the cities, there is a real fear of rural constituencies being completely overwhelmed by more powerful urban constituencies with quite different interests. The second is for District Councils to incorporate areas serviced by the major rural service centres (or market towns) such that they incorporate trading centres, commercial farmlands, tribal landholdings and other rural settlements where possible. The theory is that District Councils which are delimited in this way might be able to provide at least some of their own revenue. support a cadre of local government professionals and potentially carry some weight politically.

However, the problem posed by boundary demarcations which attempt to

generate at least a portion of their own revenue and achieve scale economies in service delivery, is their size. Given the existing spatial distribution of wealth in South Africa, boundary demarcations which meet the above criteria could encompass massive areas, of the scale of the present Regional Services Councils and Joint Services Boards. In this context, if District Councils do not incorporate those urban settlements (or towns) outside of the metropolitan centres and secondary cities, the possibility of their generating a reasonable proportion of their own revenue is undermined. This in turn diminishes the likelihood of District Councils sustaining political autonomy where they become completely dependent on central or regional government grants.

· Representation and composition of District Councils -

The reason why such large District Councils demarcations are potentially problematic relates to the question of representation. Will such large local authorities be able adequately to represent their constituents? Large, directly-elected local authorities implies distance between councillors, officials and the many location-bound constituents within different types of rural settlements (such as farm-dwellers, relict women in tribal lands, etc.), suggesting the prospect of distant, unresponsive, bureaucratic and expensive councils. This underlies the suggestion that District Councils should be composite, not only comprising District Councils but also elected primary local councils. Not only would local councils provide selected services but they would also provide local channels of representation onto District Councils. For this reason it is argued that local councils should be indirectly elected onto District Councils. However, indirect representation onto District Councils should be complemented by direct election to assure direct political accountability of District Councils and to encourage District Councillors to acquire supra-local perspectives.

Of course, whether District Councils of whatever complexion become meaningful channels of representation is not only a function of their scale, composition or voting criteria. It also depends very much on the process that is entered into in establishing a new rural local government system. In this context, it is important to recognise that many existing representative local bodies (whether development committees, civics or tribal authorities) already have legitimacy and some capacity to deliver services and to raise funds.

Consequently, the failure of new local government arrangements to incorporate existing legitimate institutions risks alienating the public and undermining existing mechanisms of mutual support. This raises the question of whether criteria underlying incorporation should take traditional practices, like chiefly inheritance, into account. It may be important to make such concessions, although arguably they need not significantly undermine requirements for

democracy and accountability. Ex-officio representation of chiefs on local or District Councils in recognition of chiefly inheritance need not fundamentally affect the capacity of these bodies to represent local people where the other office bearers are elected, for example, and have voting powers to over-rule chiefly preferences.

However, the difficulty posed by this necessity to incorporate existing legitimate representative local institutions into a new local government system is that many existing local bodies lack legitimacy and represent few sectors of the population (such as many tribal authorities in the Ciskei) (see Manona, 1990). An interim process which enables legitimate local institutions to be incorporated within - and illegitimate local bodies to be excluded from - a new local government system is consequently, imperative.

Targeting disadvantaged groups -

The fact that inadequate channels of representation currently exist is not the only constraint to local democracy. Given existing levels of landlessness and social inequalities in rural areas, it is apparent that, to some degree, local elites are likely to be in a stronger position to pursue their interests through District Councils than the more marginal groups. The fact that groups such as farmdwellers and the landless are often locked into highly dependent relationships with employer or landlord-patrons can mean that the vote means very little to them. What this implies is that there are very distinct limits to formal democracy and that outside agencies need to give specific attention to targeting marginal groups to enable them to exert greater leverage in local affairs. This applies particularly to programmes and services which are vulnerable to inequality; in other words to services whose benefits are most likely to be monopolized by the more advantaged sectors of the population. International and local experience suggests that government efforts at minority targeting have been ineffective and that non-government organizations have been much better equipped to provide the support necessary for such minorities to organize in defence of their interests. It is, consequently, important that lobbying around rural local government issues should be accompanied by the call for national and international support for specialist institutions committed to targeting minority groups.

Interim arrangements

The practical difficulties likely to be encountered in establishing a new rural local government system emerge from a consideration of the agreements that have been reached within the Local Government Negotiation Forum (LGNF) (established in 1993 to negotiate local government issues at a national level). In

September 1993 these agreements had yet to be ratified by the national negotiators at the World Trade Centre, and had not yet been given legal effect.

Briefly, the LGNF agreed that initially (in 1994), racially-based councils would be replaced by non-racial transitional councils appointed from local negotiating forums on a 50/50 basis between parties and organizations which are currently in power (statutory groupings) and those that are not (non-statutory). These would oversee existing local government administrations and prepare for local government elections (involving the demarcation of council and ward boundaries, finalizing municipal voters' rolls, etc). Interim local councils would then be elected (in early 1995) prior to the finalization of the national constitution. Once this occurs, another set of local government elections would then take place in terms of the national constitution.

The point about these agreements is that they do not affect areas where there are no formally-constituted local authorities, although they could affect settlements abutting local authorities which might potentially be incorporated within a local authority (like areas adjacent to rural towns). The very real problems of rent and service arrears within black townships undoubtedly account for this emphasis. It would, in any event, be difficult to anticipate a similar process being set in place - according to a similar timetable - for many rural areas. Not only does local government often not exist and locally-based administrative capacity is lacking, but local government negotiating forums have also not emerged within many of these areas.

The implication is that while interim councils might be established within and adjacent to rural towns in terms of the proposed Local Government Transition Act, a process for establishing a rural local government system more generally has yet to be devised or agreed to.

Given the impracticality and expense of attempting to set in place innumerable local negotiation forums and interim local councils within all rural localities in the short-term, one way forward might be initially to establish Interim District Councils on a similar basis to that which is envisaged for urban areas (ie, on a 50/50 basis from statutory and non-statutory sides).

These would have two important roles. Firstly, to initiate a process through which a legitimate local government system could be established. Appointed and/or elected Interim District Councils would be given formal authority over the broad policy direction of existing local government and administrative structures in the interim. They would be tasked with overseeing and supporting existing (or yet to be established) local negotiating forums. These local negotiations would decide the form and boundaries that local councils should take. These would be conducted within broad national guidelines regarding principles of representation and accountability and the role chiefs might play within the new

local government system. While this process would undoubtedly take much longer than that which is envisaged for urban areas, it will be essential if a new local government system is to acquire local legitimacy.

Secondly, to play a coordinating role in respect of local services provided by the variety of line ministries and parastatal agencies active in various localities. It is by no means clear how such an interim local government body might exert influence over higher authorities to ensure that services are delivered in a way which is consistent with local political and developmental priorities. This could be done through funding mechanisms - which enable the District Councils to supplement agency budgets, for example. Alternatively, regional or central government officers who have been granted coordinating powers over other departments could be assigned to District Councils to play this role. It is quite clear, however, that unless interim local government arrangements are seen to deliver (or to orchestrate the delivery) of development resources in the short-term, they will be seen as ineffective bodies to be bypassed in favour of specialist regional or central agencies.

Regional Services Councils (and Joint Services Boards, as these structures are called in Natal/KwaZulu) could provide an institutional framework for establishing Interim District Councils in the short-term. Regional Services Councils and Joint Services Boards were established in the late-1980s as a mechanism to finance bulk services at a supra-local scale and to extend the political and constitutional principles of the 1983 tricameral constitution (particularly the principles of own and general affairs) to the third tier (Humphries, 1991:60). They also came to be regarded as one of the main constitutional strategies to deal with the economic and political problems of black local authorities, including their lack of own revenue and their questionable legitimacy in view of the exclusion of black participation in central government affairs.

Regional Service Councils/Joint Services Boards allocate resources/services (raised through a variety of local taxes) according to a voting system between members of the council (that is local authorities or other RSC/JSB members) which is determined by the financial contribution to services by member local authorities (or equivalents).

RSCs/JSBs have been built on the basis of ethnically-based local authorities. They also exclude large sections of the population (such as farm-workers), and are not devolved local authorities in their own right. Rather, they are agencies servicing a variety of existing local bodies. However, they have been delimited according to criteria which include the ability to raise local revenue and to achieve scale economies in service delivery. For this reason, and since interim structures will have to be built upon existing institutional arrangements, there being no other supra-local administrative framework, there seems to be little

choice but to adapt the existing RSC/JSB framework to accommodate the Interim District Council model outlined above. Since RSC/JSBs do not incorporate bantustan areas outside of Natal, RSC boundaries would have to be adjusted to incorporate bantustan areas, where possible, before Interim District Councils could be put in place.

Conclusion

Whether South Africa will acquire an effective future rural local government system is unclear. The odds are stacked against it given the political weakness of rural communities and the fact that powerful political constituencies within rural areas - like homeland civil servants and politicians - may have a vested interest in centralized regional arrangements. South Africa's unhappy experience of such arrangements under apartheid suggest that this is a model which should not be replicated, even in a deracialized form.

NOTE

 Other ways of delineating boundaries for Interim District Councils would need to be formulated in the Transkei where there is no prospect of their being incorporated within existing RSC boundaries.

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