

THE ROLE OF PARLIAMENT IN NATIONAL DEFENSE

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“Democracies exist because we have invented them,
because they are in our minds and also while
we comprehend the way to keep them well and alive”.
Giovanni Sartori¹

Abstract

One of the most important institutions in democratic regimes is questioned today in what relates to its operation. The Parliament, a place of representation and scene of different positions in a democratic environment, its importance in the reconstruction of the relation between society, State and Armed Forces is not usually an object of academic debate. At the same time, it doesn't act as a projection of defense policies in the region. Nevertheless, and while the democratic practice remains and it places its roots in different countries, its role as a control entity and civil conduction of defense will begin, necessarily, in order to acquire another level of debate and consideration. The following article proposes an analysis of the functions that this institution can fulfill in defense by contributing to the process of construction of control and civil conduction.

Key words: *Governability, Democracy, Parliament, Defense Policy.*

The weaknesses of democracy in Latin America have become a worrisome current issue. The fact that 53% of Latin Americans say that democracy is preferable to any other form of government, or that only 28% are very or rather satisfied with its function², it does not exactly represent a sample of confidence in kindness of political representation nor it's a sign of hope that the policy will come about as a factor of growth and development. Rather, it speaks about a deep distrust towards those who occupy the institutions, those who Raymond Aron denominated "the intelligence of the personified State".

To help thinking about the functions and profiles that must be developed by those who personify that intelligence, is part of what can be contributed from social sciences. Although the reflection concerning security and defense frequently reflects a threatful environment and the possible conditions for the future world, we can at the same time direct this analysis towards the institutions and political actors, responsible to give them life. Further more when - in the national contexts - the importance of a democratic

¹ Sartori, Giovanni. 1990. Theory of Democracy. KING Argentina, Buenos Aires, volume I, p. 40.

² *Informe Resumen Latinobarómetro* 2003. available in www.latinobarometro.org

institutional construction generally is turned away or can be diminished because it always appears distant from the most basic concerns in the short term.

One of the fundamental institutions of the regime –which is the newest- usually is in the center of attention, at the time of perceiving or judging the fluctuations of democracy: the Parliament. As a place of representation and scene of different positions of a democratic environment, its importance in the reconstruction of the relation between society, State and Armed Forces is not usually an object of academic debate. At the same time, it does not act as a projection of defense policies in the region. Nevertheless, and while the democratic practice remains and it places its roots in different countries, its role as a control entity and civil conduction of defense will begin, necessarily, in order to acquire another level of debate and consideration. The following article proposes an analysis of the functions that this institution can fulfill in defense by contributing to the process of construction of control and civil conduction.

Democracy, Defense and Civil Conduction

To think about democracy in Latin America makes it inevitable to talk about the actors, who led the authoritarian practice in the past. Democracy and defense are presented as closely related concepts in a complex reality where the construction of living institutions occurs. In any democratic regime, defense is a public policy among others. But, can this affirmation be applied to a country where the main actor of such policy - the military - took charge of all public policies? Where the Armed Forces have been the main participant of historical periods of aborting democracy; once restored, does its reinsertion mean one of the main aspects to address? If defense is the capacity of a nation to prepare and to maintain its military instrument in order to safeguard its security against external aggressions, then the fact of having this capacity means to control the use of force, as well as those who can exert it.

To establish the conception that defense is only one more of the public policies and not the one that rules rest, represents one of the most sensitive problems for a recent democratic regime. It supposes to take away all that does not belong to the real concept of "defense" from what its real role, and relocate the role of the military instrument in the national area. It is a delicate mechanism through which civil political power must implement a new plan of relations among the citizens, the State, and the executors of the state force. The daily political decisions contribute as much as those more significant ones to search for this new balance, in which the superiority of whichever participant is not as important as the equality of opportunities for all of them.

But historical practice is not always so simple. Rivalries, past resentments, prejudices, sector interests and even individual psychological positions before the power possession are some of the determiners that act in the mind and will of the participants at the time of designing and executing a new way to make policies. Those that were used to walk along the most important corridors of power, now must leave the way open for new occupants; when coming from an authoritarian regime, one not only gives up the possession of power, but also a form to exert it, that can produce a sensation of dominion, impunity and abuse in the handling of interpersonal relations. Be it for these reasons (in the case of those who participated in a radically different way to understand the policy) or

because of an inadequate perception of its potential (in the case of those who reach a new position of power), the process of decision making, which involves life and actions of people is usually smudged as much with successes as imperfections, that finally will have a repercussion in the later development of history.

The re-adaptation of the participants in this process takes place in the context of political and social urgencies. If those times are turbulent as they usually are after a change of regime, they force fast, sharp, firm decisions that not always leave room for consultations and negotiations, basic tools of political action. The reconstruction of the institutions must deal with challenges that have the strength to cause turbulence in the national process. For example, the degree of social expectation related to the change of government, the type of citizen opinion when balancing the previous historical period, and the circumstances that surrounded the decision to leave the authoritarian rule, which are strongly present in Latin-American crisis of the economic model and a rich history in internal political mix-ups. Cases like the one in Argentina in 2001, or the one in Bolivia in 2003, show a maximum expression of these turbulences.

Now then, being the Armed Forces the main instrument of the use of force of state monopoly - tool of legitimate violence - it is undeniable that the bond between the military and society has been and continues being a main challenge for the population, at the time of preventing, avoiding or solving the critical situation once it turns against them. Society likes the military because it needs them, but at the same time, they wish to have them as far as possible, a quite natural attitude if you consider that hardly anybody wishes to see their country involved in any kind of armed conflict that can cause their death. The military are instituted by society to assure peace, and the perception that they are only going to appear in case of conflict is, therefore, correct. Like conventional religious man who only resorts to God when he has problems, society usually avoids major contacts with the reality of the men in the military, but it adores them when they need them.

This ambivalent message is not always well handled by the military. If the military institution does not maintain its structure of values and confuses its professional objectives, because they do not accept the "exile" to which their "irresponsible" citizens confine them to or because they fall victim to the internal or external "ultras" that render them adoration, we could be in the presence of a civic- military crisis

The concept of *civil control* tries to respond to this concern. In a democratic regime, civilians are in charge of the nation's issues and one of them is to control the use of the force on behalf of the State and its instruments (as military troops and police officers). In the case of Latin America, the definition elaborated by Felipe Agüero includes the problematic policy characteristic of the region: control (that it is equivalent to "supremacy") is in this perspective *"the capacity of a democratically-elected civil government to carry out a general policy without interferences by military, to define goals and general organization of national defense, to formulate and carry out a defense policy, and to supervise the application of military policy"*³

³Agüero, Felipe. 1999. "Las Fuerzas Armadas en una Época de Transición: Perspectivas para el Afianzamiento de la Democracia en América Latina", in DIAMINT, RUT (ed.), *Control Civil y Fuerzas*

Throughout the last fifty years, diverse theoretical contributions have built this concept and have enriched it; for example, the last debates about the need to speak about *conduction* before control⁴. More recently, studies by Peter Feaver and Richard Kohn have raised the need to understand civil control as a *process*, before a static concept that is defined by its existence or absence. Thus, it is not sufficient to place focus on the subordination to the civilian authorities (as Huntington⁵ proposed) or in military professionalism and integration with society (as presented by Janowitz⁶). The explanation to the civil control must be looked for in the establishment of another type of variables: the degree of civil delegation to the military and the kind of monitoring that are adopted to regulate that delegation. It will be worthy to remember them when focusing on parliamentary action.

In the Latin American case, it could turn out useful to understand the question of *conduction* raised by Feaver, relating it to the delegation and the monitoring that civilian authority must implement. Within the framework of *principal/agent theory*, the civil control can be observed in the daily relation that is established between civil decision makers and military actors⁷. It is not enough for the civil power to establish the delegation: a process begins there, through which constantly military answers and initiatives must be measured; at the same time, these lead to civil answers and initiatives. And although many of the foundations proposed by this author (concerned about counteracting the influence of the powerful North American military influence) are not applied to the regional case, the question of conduction and reinforcement of civil influence appear as vital issues in building of democratic institutions when counteracting the role that the Armed Forces have played in Latin America's history.

To surpass the vision that connects civil control to the existence of a formal subordination, supposes then to observe and to analyze how actually works the relationship between civilian and military institutions, and how the control is constructed through a process in which civilians assume the *conduction*., This concept also includes a control function, but also the concept of policies' supervision and elaboration. Richard Kohn, places attention on the problems of new democratic regimes and the need to take control of

Armadas en las Nuevas Democracias Latinoamericanas. Universidad Torcuato Di Tella, Grupo Editor Latinoamericano, Buenos Aires, p. 91.

⁴ See a major study development about civil control theories and their application in the Latinamerican case in Donadio, Marcela. "*Las relaciones cívico-militares y la construcción de instituciones en América Latina: enfrentando la crisis de las jóvenes democracias*". *Communication presented at the 2003 meeting in the Latin American Studies Association (LASA)*, Dallas, Texas, Marzo 27-29, 2003.

⁵ Huntington, Samuel. 1995. *El Soldado y el Estado*. Grupo Editor Latinoamericano, Buenos Aires.

⁶ Janowitz, Morris. 1967. *El Soldado Profesional*. Editorial Bibliográfica Argentina, Buenos Aires.

⁷ "It is about ways on how the principal can shape the relation in a way that assures that the employees that have been hired (agents) will carry out his wishes." Feaver, Peter. 1996 *Delegation, Monitoring, and Civilian Control of the Military: Agency Theory and American Civil-Military Relations*. Harvard University, John M. Olin Institute for Strategic Studies, Project on U.S. Post Cold-War Civil-Military Relations, Working Paper N° 4, Mayo. p. 9.

defense policy's decision making process⁸. Applying this contribution to our own regional problems, we can say that the construction of democratic institutions and political predominance on military issues – and even more, the non intervention in politics- needs a democratic *thinking environment* to develop conduction by those who are elected for that task, and the *answer* from military commands to adhere to the system. In this way, the problems of democratic institutional construction and civil control basically will be able to develop the interaction of three types of participants, who behave and influence others in diverse ways:

- A military institution, whose professional mind must be progressively transformed, in order to move away from political intervention and to approach it to its role as instrument of the State;
- Elected representatives, who must assume the responsibility to lead;
- A society that maintains a democratic environment on which control is supported.

In these processes of civil control building and defense conduction, there is a fundamental group among political actors, which establishes the possibility of direct political action and social representation: the Parliament.

Parliamentary control

Parliament is often seen in our countries as an Executive authority's appendix, like a formal institution that can force some presidential proposals to be legitimated by constitutional dispositions. However, the spirit of democracy goes further more than that.

To constitute the field in which representation of different citizens' opinions is expressed; the Parliament is a privileged participant in the creation and care of institutional memory that will maintain through time, the coexistence of democratic traditions and the process of civil control. Elected representatives recreate there, in the majorities and minorities games, an environment of discussion for the different political expressions in society⁹. Particularly it takes shape in resolutions that – by means laws and other types of different proclamations according to each country- guide and supervises the Executive Authority and backup the action of the Judicial Power, constituting the main model of parliamentary action.

⁸ “Building a careful set of procedures and policies and make them work, will require three things: courage by the civilians to insist; consent by the military to submit; and the support of the public that will animate both (...) to reach a relation of cooperation and mutual respect that works”. Kohn, Richard. 1997. *The Forgotten Fundamentals of Civilian Control of the Military in Democratic Government*. Harvard University, John M. Olin Institute for Strategic Studies, Project on U.S. Post Cold-War Civil-Military Relations, Working Paper N° 11, June, p. 29 [free translation].

⁹ In the previous reference, Sartori follows David Easton in the categorization of three consensus levels that explain democracy: consensus at community or basic level (essentially fundamental values); consensus at regime level (rules of the games or procedures); and consensus at political action level (specific politics). It is in this last level where the mechanics of consensus and disagreement are produced, pertaining to the function of political party that- we add- is canalized institutionally through the Parliament. see Sartori, Giovanni. *Teoría de la Democracia*, op. cit. pp. 121-126.

The role played by the Parliament in democratic life development, involves mainly two functions: the *generation of common rules*, that applies to all society (legislative body), and *control* over Executive power actions and the institutions that depend of it. Free of pressure and time of execution and the administration that the President has, it is characterized by a functional operation that tries to include political negotiation and discussion in order to maximize the possibility of consensus. This characteristic converts this institution into a favorite target of authoritarian regimes that usually suspend their operations, while they protect the presence of an executorial authority and justice although their posts are not covered by elections. For that reason, Parliament is born again, together with the restoration of the new democratic regime, not only institutional memory has been left behind but also culturally prepared protagonists for a politically coexistence of which society as a whole has been distanced during the authoritarian rule.

In most Latin American countries, parliamentary action has not been respected for not producing concrete results in its specific functions to generate framework and control, among other reasons. A paradigmatic case has been Argentina, whose population began in October 2001 placing figures of comic strip characters on the voting envelopes during the parliamentary elections, to end up covering the streets in the month of December shouting "all of you go away".

Others, those that have attacked this institution because of their "uselessness" and those who are the protagonists have limited themselves to play with politics instead of creating it - undergo the same cultural pattern produced by the authoritarian atmosphere: the incapacity to vitally understand that democracy is the government of the majority for majorities and minorities, and that ethics of representation is not based on personal domain but on responsibility.

The constant interruptions to the free democratic game throughout Latin American history has represented an obstacle for the generation of cultural guidelines that praise the role of this institution in democratic life, which is additionally related to the fact that the pressing times of economic and social reality not always correspond with the progress of an institution generation. The image of the Parliament in the eyes of the population (usually more inclined to fast and executive decisions rather than medium and long term discussions and debates) is certainly seen affected, in this sense, by scandals, negotiations or negligence in the exercise of political action, quite distant to people's representation. In the area of defense we can find additional difficulties: the weaknesses to take action in an area that appears complex, out of the technical reach and professional formation of the elected representatives, and with little electoral interest. However, there are at least four main reasons for which parliamentary performance in this matter is crucial:

- The Parliament represents democracy's corner stone to prevent autocratic temptations.
- It cannot think about the handling of budget without the control of those who represent the population.
- They are the ones in charge of creating the necessary legal framework for the area.

- It is the link between the Executive and the public¹⁰.

Parliamentary control is made up of two aspects. The first one refers to the dynamic role that the institution has in a political and historical process of democratic built and the consequent civil control: *it is the policy that is made to reach and maximize control*. The second one refers to the fulfillment of the inspector's missions that have been legally granted: the functions of control in specific areas, in other words, *how it is carried out and sustained*.

a) How can Parliament influence in the process of civil control? (Control policies)

There is a presidential tradition in our region that invites total responsibility to be placed in the Executive for the type of control design and conduction related with defense and military policy. However, the establishing of new game rules and the elaboration of an inserted policy in the strategy of national security requires consensus and will from society that is expressed through its representatives. The stronger the new design is, the greater its possibility of concretion will be and its permanence in time¹¹.

This was emphasized by different Latin American parliamentarians¹² in the following way: "the formation of wide consensuses is fundamental to obtain a suitable level of governability. There are different ways to generate consensuses: one, through spokesmen, that is to say, transforms a few legislators into representatives of each party in the topic at hand and in the same way, although other colleagues express their opinions aggressively, the agreement between those representing will minimize the damage. It is also possible to generate positive agreements through a network of advisers, who come from different academic, political and professional experiences in civilian and military fields. Other form of consensus generation is the promotion of debates through activities supported by the Congress or by means of support from nongovernmental organizations that parliamentarians can develop".

This parliamentary function for location of defense inside the national strategy is basically based on:

To re think the military instrument institutional design in the defense policy's framework.

¹⁰ Centre for Democratic Control of the Armed Forces e Inter-Parliamentary Union. 2003. *Parliamentary Oversight of the Security Sector. Principles, Mechanisms and Practices*. Handbook for Parliamentarians. N° 5. Geneva, Ginebra, pp. 18 y 19.

¹¹ You can clearly see this in the Argentinean case. The Parliamentarian work in the design of the new defense and security concepts – also possible thanks to extraordinary circumstances produced by a non conditioned transition - managed to obtain the participation of diverse political strengths in order to show the country what it is meant by defense, internal security and Armed Forces missions. In this way, a new form of thinking was created that is currently maintained throughout 20 years of diverse executive administration.

¹² RESDAL. 2003. *Informe del Seminario La Acción Parlamentaria en la Defensa Nacional*. Buenos Aires, November. Available at www.resdal.org/main-parlamento-defensa.html

The control is not only in charge of removing any participants from the center of the political system, but also to grant the participants a clear role that provides a specific mission in the group of State institutions, and means to fulfill it. Fundamentally, the idea is to analyze which is the mission of the Armed Forces, what structures they must have, what legal frameworks must govern them, and what is the budget that the nation will pay to count with this service. Therefore, to redesign - if it is required - those elements that could be disturbing in the search of a more effective civil control and a better incorporation of the Armed Forces to its new role.

The type of military professional mentality has a key value here: fundamental values and the codes received by military professionals from their entry into the institution say what they are thinking and build conceptions about their mission that can be transferred to political intervention. For example, there is a mission concept transmitted from generation to generation in most Latin American armies, on which the Army is before the nation, and that the final responsibility is to supervise and, if necessary, guide the nation's destiny. The perceptions that the institution constructs together with the national, regional and international reality also contribute to mold a mentality. A force with clear missions and dedicated to create an atmosphere of regional and international peace - for example- it could be less inclined to interfere in internal policy issues. Parliament can influence on this design by inputting the vision of different political forces into the projects of the Executive, and contributing to a national defense policy through the legislative consideration of issues, like military training, types of careers, establishment of a clear legal framework for defense and Armed Forces missions' and the budget, to protect military subordination, defense of order and democratic practice. Such as military coups were encouraged or at least supported by a great part of the population; the adhesion to democratic ideals is the strongest brake for military intervention.

Parliament can constitute an alert voice before possible authoritarian temptations by the Executive or its dependent institutions, and raise limits to the same ones. Also - through the exercise of his constitutional faculties he can control that the principle of subordination of the Armed Forces to the civil power is loyally observed. It influences, through its initiatives, the nation's future history with the sanction of normative bodies of evaluation and judgment regarding facts from the authoritarian past, and can combine the action of political parties for the construction of collective memory, the maintenance of public policy towards the military and defense that the nation has begun to establish in the new regime.

b) How Parliament carries out its own control functions? (areas):

In each country, the Constitution establishes what the Parliament's functions are in the area of defense. Those functions limit main areas in which the Parliament's control in defense issues must be developed, which generally are:

Legal frameworks

Although protecting the fulfillment of legal norms is a matter for Judicial Power, the Parliament is the feedback source, where the different political tendencies supervise whether certain actions from the Executive are in discordance with the legal system and prevent it from occurring. At the same time, there are dispositions that correspond more to the administrative area than to the judicial one (for example: public declarations of

members of Armed Forces that contradicts the spirit of legislation), whose sanctions will depend on the country and the case, demanded by the Legislative Power to the Executive.

Policies of Executive Power (foreign, security and defense)

The representatives have the right to request from the executive authorities all the information or accounts in respect to security policy that is displayed in comparison to other countries, as well as the policy of defense. The requests for information, the requirements of ministers or secretaries, agreements of promotions, etc., are some of the ways through which this power is exerted.

Budget issues

The Parliament is not only in charge of approving defense budget (that needs to be actively involved as much in the knowledge that is required for it to apply sanctions, as well as in the requirement of modifications), but also the control and supervision of the expense afterwards.

The topic is still more delicate in this matter, if we refer to contexts of little transparency in respect to the State expense, aggravated by a secret culture towards the military in general. The defense budget continues being a kind of black box in different countries of the region, and the measurement in which the elected representatives become involved in their knowledge will be fundamental for an effective control on the topic. In this sense, the transparency takes place when the budget proposed by the Executive is related to the analysis of defense policy (explicit or tacit), which turns this Parliamentary function into an item of high importance for the quality of the democratic ambient.

Development of military institutional life

We cannot control what is unknown; and what is known needs to be evaluated in a transparent way through the democratic construction and the design that the country is doing. Parliamentarians need to interiorize themselves with the activities of the military institutions, as well as the elements that form their daily performance: education, training, operative status, operations, unit transfers, etc. An important issue is related to troop movements outside the country, and exercises with Armed Forces of other countries.

Sovereign Borders and Spaces

The topics that refer to defense of territory, airspace and marine are also part of the responsibility of the representatives, because they exercise the national sovereignty on the State behalf.

Use of the Defense Assets

The budgetary area is also in charge of ensuring the stock of resources. However, the use of these assets constitutes a specific area in which parliamentary control is required, ensuring that the use of State assets is correctly invested for the purpose that they have been stated. On the other hand, although the modernization policy and acquisitions usually is an Executive authority's task, the Parliament can certainly affect the type of systems that the State will obtain to guarantee national defense through the budgetary handling.

Administrative Topics

There are other administrative topics in which a control function is regularly exerted when a parliamentary treatment is required. They vary depending on local legislation (for example, contracts with suppliers).

Conclusion: Designing a Parliamentary Action in Defense

Creating a vital parliamentary institution that responds to the needs of the democracy in different countries in Latin America, is one of the most important challenges that our countries face. In the area of national defense, the cultural passage of a military vision of defense to that which grants prerogatives and responsibilities to the civil conduction represents a dynamic process of daily construction.

The international and regional reality does not allow, on the other hand, static reflections and attitudes. The challenges of national security are dynamic and require more and more ample social consensus and debates that cover balance between security and individual liberties to allocation and use of taxes. The Parliament, responsible for the State, is destined to confront these challenges and to constitute itself into one of the institutions that construct the effective and democratic civil control of defense issues.

In preparation for that task, it will be imperative to consider national history in each country, and the cultural characteristics that surround the creation of citizenship. And for that, in coherence with its open and pure character resort to the contribution of different political, academic, military participants and from nongovernmental organizations, which can support with debate process of institutional construction. Meanwhile, it will be necessary to define strategies to approach some characteristics common to the region in the way of parliamentary action in defense.

Remembering that, in terms of control and civil conduction regarding defense, Parliament participates as much through *policy for control* (or degree of delegation that is desired to be established), like those of *specific control areas* (monitoring classes that regulates the delegation), some questions can serve to reflect how to approach this participation effectively, in the present circumstance. How could we think, in each country, ways to begin constructing an effective parliamentary action?

One first reflection to make - and mainly if the legal frameworks have not been reformulated after the changes at national and international level - it will focus in the importance degree of the delegation that the institution wishes to make. This is, to ask oneself about the position of the military instrument in the national system, of the relation that the Parliament is going to establish with the executive administration in defense and with military participants, and practical ways in which the mandates will be imposed to Parliament by constitutional system. As one of the State powers, this institution must

necessarily face this type of reflections and exert the role that fits in the civil conduction of defense.

For example: What are the most sensitive problems that condition and/or weaken the Parliament performance? How to help so that the defense is considered a public policy of interest for all the society? What is the status of our legal framework in respect to national and international reality? What is the mission of the Armed Forces in our conception of national defense? What type of relation does the Parliament have with the military institutions, and what evaluation can be made of them for the future? Can we think of effective mechanisms that help these relations influence positively in the development of national defense?

The second and necessary reflection that must be made is about how we are going to monitor what has been established. To stipulate the control mechanism is as important as the political design with which the Parliament contributes to the task of national defense. Think and put into effect this class of mechanisms will be one of the greatest contributions that can be done to the institutionalization, mainly if the high rotation of people in the parliamentary environment is taken into consideration.

In respect to the specific control areas, greater weaknesses can be observed if defense does not constitute a concern of the political debate. Perhaps it is necessary to evaluate the control would work more "quickly" if it is referred to non problematic areas (like administrative issues or inter institutional relations), but those that need certain specialization and interest from representatives will require a more delicate medium term work that includes the society and political parties. This is the case of the budget, or the Armed Forces design and operation capacity, topics that are not used as electoral tools or which entail necessary knowledge and disposition to negotiate. To combine electoral interest and specific work needs a constant search for balance and responsibility by the representatives, who protects the public welfare and does the same for the State. The periodic and systematic evaluation of external organisms (such as academic or nongovernmental institutions) can be useful in this task.

Parliamentary work constantly measures political periods, and in our democracies an additional effort must be made to accelerate the times of institutional construction. The general reflection about defense in Parliament will be part of daily exercise if it is maintained through time by a structure that protects the memory and professionalizes the action every day. Creation or reorganization of parliamentary commissions, training, presence of permanent professional bodies, technological resources, and mechanisms of participation and transparency that help to reconcile the institution with society that created it, are some of the challenges that the programs of parliamentary action in defense will have to approach. If decision making and the debate that leads to them, as well as the contrast of ideas and objectives, are an essential part of politics, the role of population's representatives in such a sensitive area for the national future cannot be more than encouraged and expected.

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