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Remember the Western Sahara? Conflict, Irredentism, Nationalism and International Intervention

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PABLO DE ORELLANA, AUG 7 2009

Almost 35 years have passed since Spain left its former colony to its sad fate of blood and war. As all parties stand now, the conflict is far from being resolved. This paper is an attempt to discern the motives and forces behind the Western Saharan conflict from the 1975 crisis to the present, taking into special consideration the international dimension of the conflict. Clad in the colours of the Cold War and the War on Terror, international support for both parties of this conflict very clearly illustrates the sinister imbalances and results of interstate sponsorship. Recently published research by Mundy[1] has brought to the forefront the importance of the part played by America, and especially Kissinger's, role in the 1975 crisis: effectively castrating the capacity of international institutions and negotiation for conflict resolution.

In November 1975, as *Generalissimo* Francisco Franco lay dying in Madrid, thousands of volunteers from the Green March, organised by the King of Morocco Hassan II, symbolically crossed into Spain's former colony, marking what Moroccan nationalists regarded as the long-awaited reunification of the country. According to the terms of the Madrid agreement, the Western Sahara was to be divided between Morocco and Mauritania and all Spanish personnel were to withdraw by 28 February 1976.[2] The Popular Front for the Liberation of Segua El-Hamra and Rio de Oro (POLISARIO), proceeded to evacuate up to 40,000 Saharawis to camps near the Algerian city of Tindouf. On 26 February 1976, the day that Spain withdrew from the tripartite administration of the territory, POLISARIO proclaimed the Saharan Arab Democratic Republic (SADR). Soon after, POLISARIO was at a war with Morocco and Mauritania -though clashes with the Moroccan army had already occurred in October 1975, before the peaceful Green March.[3] Whilst POLISARIO managed by 1978, with Algerian assistance, to defeat the Mauritanian army and force the Mauritanian government to renounce its claims to the territory, it was not capable of bringing the war to a conclusion, but only managed to hold off the Moroccan FAR in a stalemate that lasted until the UN-sponsored ceasefire of September 1991. The objective of this ceasefire was to hold a referendum of self-determination in early 1992, but this never took place. Further attempts to hold the referendum have been thwarted by objections by both sides over who should have voting rights in a plebiscite that would end all claims to sovereignty and legitimacy for one of the parties.

The reluctance of Morocco and of POLISARIO to renounce their claim to sovereignty over the territory is at the core of the conflict. At present, Morocco administers most of the territory of the Western Sahara and its reluctance to jeopardize its current position and claim to sovereignty has been unwavering since 1975. This is opposed with equal ferocity by the SADR government-in-exile, which represents a nationalist claim and sentiment, which in Tony Hodge's opinion, has been only strengthened by the duration and ferocity of the struggle.[4]

Another main cause for the Western Sahara conflict to this day is the capacity of both parties to elicit international support for their claims. Thus the pressure that the United Nations has been able to exert on both parties has been limited, and hitherto ineffective. The importance of the international sponsorship model resides in that the US had no direct interest in the Western Sahara, but it did have an interest in the maintenance of king Hassan's anti communist regime in North Africa. Hassan had been able to link the survival of the monarchy to the outcome of the Western Saharan crisis.

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To elucidate the motives behind the conflict, it is first necessary to explore the key factors which played a role in the crisis of 1974-75 which led to the Moroccan occupation. These include domestic factors within the Western Sahara, Spain and Morocco, which caused the precipitous withdrawal of Spain and shaped the policy of Morocco. Secondly, it is also necessary to explore the role of the main foreign powers involved in the crisis: Algeria, the USA and France. Thirdly, I will attempt to discern how domestic and international factors, including the sponsorship of major powers, have developed up until the present day and ascertain their present relevance to the continuation of the conflict.

Factors in the Crisis of 1974-75

From the latter days of Spanish rule until the present day, those advocating Saharawi nationalism and its claim to self-determination have proved extraordinarily resilient and determined in the face of overwhelming odds and prolonged desert warfare. Although this resistance was, to some extent, made possible by the assistance of foreign powers such as Algeria and Libya,[5] its roots lie in a sense of nationhood that originated during the Spanish administration of the territory, and which was exacerbated by the conflict. Resistance to Spanish authority had occurred at the beginning of Spain's occupation and later in collaboration with the Moroccan Armée de Liberation in 1957-58 which was quashed by the Franco-Spanish "Operation Ouragan".[6] Hodges argues that at this stage, it is possible that 'some Saharawi participants in this struggle did embrace the ideal of becoming part of independent Morocco, but it is probable that most [...] viewed their struggle as a resumption of the anticolonial *ghazzian*'. [7] Indeed, I would classify the resistance to the beginning of Spain's occupation as primary resistance, and therefore tribe-based rather than nationalist in essence. On the other hand, the resistance movement that Spain and France repressed in the 1950s was more nationalistic in nature and was therefore, secondary anti-colonial resistance, as per Terence Ranger's definition.[8]

By the 1960s and 1970s the colonial experience, which had offered some opportunities for education and employment and promoted sedentarization in new urban centres as well as integration into Spanish social and political frameworks, engendered a new generation of anti-colonial leaders who had studied abroad in Spain or Morocco and were intent on independence.[9] In 1967 a formal movement for independence, the Organisation for the Liberation of Saquiya al-Hamra and Wad al-Dahab was created by Mohammed Sidi Ibrahim Bassiri, a Reguibi who had studied in Casablanca, Cairo and Damascus. The movement was brutally repressed by the Spanish authorities in June 1970, and Bassiri was never seen again.

Subsequently, in May 1973, the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (POLISARIO Front) was created by young students and veteran activists led by El Ouali Mustapha Sayed. Polisario succeeded in rallying substantial support within Western Sahara and from the governments of Libya and Mauritania.[10] Spanish efforts to counteract the growing influence of POLISARIO -with an internal autonomy plan passed through the Djemaa (a consultative assembly of tribal representatives created in 1967 by the colonial authorities) in 1974, and the creation of the pro-Spanish party Partido de la Unión Nacional Saharaui (PUNS)- were ineffective.[11] In May 1975, a UN fact-finding mission visited the territory and concluded that 'there was an overwhelming consensus among Saharans within the territory in favour of independence and opposing integration with any neighbouring country' and witnessed 'mass demonstrations, of support of one movement, the Frente POLISARIO'. [12] It seems clear that by 1975, large sections of the Western Saharan population were determined to achieve independence. This determination lies at the root of the conflict, as it translated into enough popular support for POLISARIO to engage in the war that ensued.

In opposition to Saharawi determination to achieve independence lies Morocco's strongly defended claim to sovereignty over the territory. This claim is grounded on the historical extent of Moroccan dominion that included Mauritania, large portions of western Algeria, Northern Mali and the Western Sahara and which was strongly advocated by the nationalist Istiqlal party. The nature of the claim seems difficult to grasp for Western observers, since "sovereignty" in this case is based on the personal allegiance of people to religious and political leadership -the Moroccan Crown- rather than territorial in nature as per the traditional Western understanding of the term. The Moroccan claim was based on the allegiance of tribes of the territory to the Moroccan Sultanate before the treaty of Fez of 1912. Indeed, the links between pre-colonial Morocco and Western Sahara seem to have been very close.[13] Spain denied that these links constituted a claim to pre-colonial sovereignty, affirming that the territory had been *terra*

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nullus before colonisation, and announced on 21 August 1974 that it would hold a referendum in 1975 to grant self-determination to the colony.

Morocco, irate that the referendum would include the option of continuation of Spanish administration or independence, but not integration with Morocco, proposed on 17 September 1974 that the International Court of Justice be asked for an advisory opinion on whether Western Sahara had been *terra nullus* before colonisation and, if not, what had been the legal ties between it and Morocco and Mauritania. The crucial importance of this request was that, if the territory had been found to have ties of full sovereignty with Morocco, the decolonisation solution according to UN General Assembly Resolution 1514 (XV), paragraph 6, of 1960 would have been its reintegration rather than a referendum of self-determination.[14] This clause was intended to resolve the status of small enclaves, if their pre-colonial sovereignty status had been clear, by returning them to their pre-colonial authority. It was not however, designed to assist in the decolonisation of areas as large as the Western Sahara.

The court decided that there had been legal ties of fealty between -some, not all- individual tribes and the Sultan as well as links relating them with a Mauritanian entity, but that these did not amount to sovereignty rights. The ICJ also affirmed the right of the territory to self-determination. The ruling 'made victors and vanquished of all the interested parties, leaving each and every one of them free to draw its own conclusions'.[15] Hassan II hailed it as global recognition of Morocco's claim and proclaimed the Green March to recover the territory.

Hassan's determination to recover the Western Sahara was however, not only motivated by historical claims. As well as extremely rich in fish, the Western Sahara was the world's sixth largest exporter of phosphates; the only potential competitor for Morocco's phosphate export industry. It is however, most important to consider that the monarchy was experiencing a low point in its popularity and stability after two coup attempts in July 1971 and August 1972 which had threatened the king's life. The second attempted coup involved the Defence Minister, General Oukfir, and was followed by a rural rebellion and urban rioting in March 1973. This reflected a wider discontent with the economic and political situation of the country. Given this state of affairs, 'Hassan knew that he had to rebuild the Moroccan political system and forge a common purpose with the nationalist opposition'[16] as well as a wider national consensus with his rule. The recovery of the Western Sahara became a rallying point for Moroccan public opinion. The call for 350,000 volunteers for the Green March was extremely successful, turning out 524,000. More importantly, 'the opposition parties rushed to support him, as did the PLO and many Arab governments'.[17] The cause of national union had provided a purpose that united popular opinion, the nationalist parties and the monarchy, which could 'once again take over domestic hegemony through the domination of the nationalist discourse'.[18] The fate of the monarchy became linked to Moroccan annexation of the territory.

A cold morning in late October 1975, in the usual council room at the Pardo palace, witnessed the last scene of the agonising Caudillo. The adjacent room hid from view the complex machinery that kept the dictator alive through a multitude of tubes and wires. Franco was brought in by two medics in military uniform; he was dressed in full military regalia, signifying his leadership of the three armed forces. Besides him sat Jose Luis Solis. Arias Navarro exposed the pressing situation in the Spanish Sahara and Morocco's position. The dictator's reply was clear and dry: 'Declarad guerra a Marruecos'.[19] However, war was never declared. It seems to me that the ministers of the dying dictator concluded that a smooth transition after his death was of greater importance than Spain's commitment to its colony.

Prince Juan Carlos' position in the crisis is also ambiguous. His dashing visit to the territory and the crack troops defending may have been designed to ingratiate himself with the army and with the Spanish residents of the territory, who were soon after evacuated to Spain, rather than a statement of Spain's determination to defend the territory. In any case, his long-lasting friendship with king Hassan and his son suggest that the King of Spain's position at least shifted to one of acceptance of the loss of the Western Sahara to Morocco.

The Spanish regime's concern with Franco's succession and a peaceful transition were amongst the most determinant factors behind Spanish policy during the crisis. The country had been in unrest since the assassination of Prime Minister Admiral Carrero Blanco by ETA in 1973. He was succeeded by Arias-Navarro, who presided over divisions in the cabinet, Franco's final periods of illness, calls for democracy as well as increasing violence by

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Basque separatists. Even though Moroccan military forces were not a match for Spanish crack troops stationed in the colony,[20] the political consequences of war could have been catastrophic for the regime. The Spanish government was also under pressure from the USA and France[21] to leave the territory to Morocco, possibly after a face-saving agreement, as destabilisation of the Moroccan monarchy would have been as undesirable as the effects of a colonial war on Spain.[22] Even though Foreign Minister Cortina y Maurí had tried to insist on a referendum and may have met with POLISARIO leader El-Ouali in September 1975,[23] he seems to have been overtaken by the more radical faction led by Solís Ruiz, that was willing to submit to Hassan's terms.[24] A smooth transition after Franco's death was of greater political importance than Spain's commitment to self-determination for its former colony.

The International Dimension

The role of the international community was crucial in determining the outcome of the 1975 crisis. Firstly, Algeria had, since its independence in 1962 been opposed to Morocco. Their enmity stemmed from regional rivalry spurred on by ideological confrontation. Morocco was a conservative, pro-western monarchy whilst Algeria was a state born of revolution and the champion of the non-aligned movement. Morocco had claimed large portions of Western Algeria on historical grounds and rejected the principle of *uti possidetis*; this confrontation led to the 1963 Sand War.[25] Similar arguments were used by Morocco[26] to justify sovereignty over the Western Sahara. Morocco's thinly veiled rejection of self-determination, which Algeria defended, alarmed Boumedienne's government as Hassan was 'conjuring back to life the old demons of Greater Morocco'.[27] It has been suggested[28] that Algeria's qualms about Moroccan claims on the territory might also have been the result its desire to gain a route to the Atlantic across the Western Sahara for its iron ore,[29] as well as interests relating to the territory's resources. Hodges, however, rejects ideological and economic reasons and points to Algerian concerns that 'the regional "balance" between Algeria and Morocco would tilt dangerously to Hassan's advantage'[30] as well as that of the Western block. I would suggest that the Algerian position was the result of ideological factors and a desire to undermine the Moroccan regime. After much hesitation Algeria embraced the cause of POLISARIO, even committing its own troops at the very beginning of the war, and started diplomatic, economic support as well as supplying Soviet-made military hardware. Support from Algeria proved more substantial than that from neighbouring Libya and enabled the Front to expel the Mauritians and keep the Moroccans in an expensive military stalemate.

The crisis of 1975 fell within the global Cold War rationale, which contributed to the prolongation of the conflict. Assumptions about the importance of Morocco in Africa and the Arab world, its strategic location, its opposition to Communism, Arab Nationalism and its role in regional stability led France, the USA and even Spain to conclude that the stability of the Moroccan monarchy was of paramount importance.[31]

This strategic alignment resulted in very solid sponsorship from the US and France, which translated into substantial support in terms of arms supplies,[32] economic aid and diplomatic support. The latter was crucial in the development of the crisis of 1975 and the continuation of the conflict to this day. Mundy convincingly argues that in order to ensure Hassan's political survival, the USA had not only slowed down and contained the actions of the Security Council, but also had 'an explicit directive from President Ford to pursue an unambiguously pro-Moroccan policy'.[33] The American ambassador to the UN in 1975-76, Daniel Patrick Moynihan, wrote that the USA's primary objective had been for 'the UN to prove utterly ineffective in whatever measures it undertook'.[34] This translated into pressure for weak resolutions favouring Morocco and possibly even facilitating a "'rigged UN [referendum] vote'",[35] as well as pressure on the Spanish government to negotiate directly with Morocco. Secretary-General of the colony Luis Rodríguez de Viguri, testifying before the Cortes in the course of Spanish parliamentary investigations into the withdrawal from the colony, blamed US and French governments for the pressure that resulted in the handover to Morocco.[36]

It seems clear that diplomatic support from the USA and France was essential in securing the outcome of the crisis in Morocco's favour, against UN principles of self-determination, in order to ensure 'the stability of King Hassan's shaky throne'.[37] The consequence of Morocco's by-passing of international law, to the point of even avoiding a "rigged" referendum in 1975 was (as in East Timor and Palestine) an uneasy arrangement based on de facto power and military force and is, to this day, one of the main causes for the conflict.

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The Tenets of the Conflict Today

The military stalemate of the succeeding two decades was broken by the UN-sponsored ceasefire agreement of 1991, which planned for a referendum in early 1992 and the establishment of a peacekeeping force, MINURSO. The referendum has never taken place; the ceasefire has been occasionally broken by both parties, the refugees have not returned, and Morocco has been able to take military advantage of the ceasefire to expand its control over the territory.[38]

For ten years following the ceasefire, the focus of the conflict was the contention over who exactly should vote in the referendum. POLISARIO campaigns for an electoral list based on the 1974 Spanish referendum, claiming that Morocco has since changed the demographic conformation of the territory and that Moroccan immigrants should have no right to vote. Morocco contends that thousands of Saharawis (such as the descendants of the survivors of "Operation Ouragan"[39]) have been excluded from the electoral roll and does not accept the various lists drawn up by MINURSO. Endless appeals have meant that the parties could never effectively agree on a voting list that did not favour their claim. This is because the referendum is a 'winner takes all'[40] contest that will determine the survival of either cause.

By 2001, the new envoy of the Secretary General, James Baker, concluded that the 1991 settlement plan could not be implemented and proposed a Framework Agreement that suggested Moroccan administration in preparation for a referendum, with an electoral roll that included all permanent residents of the territory since 31 October 1998, which was rejected by POLISARIO. In 2002 Kofi Annan proposed that the Security Council select one of four options (1: The settlement plan, 2: the Framework Agreement, 3: division of the territory and 4: termination of MINURSO) for Baker to develop and which would be imposed by the Security Council on the parties without further negotiations. The Security Council was unable to agree on any of the options. In 2003 Baker proposed a "Peace Plan" based on a referendum that would include MINURSO's existing voter list and UNHCR's list of Saharawi exiles and residents since 30 December 2003, with UN final word on eligibility; POLISARIO accepted but Morocco did not, unhappy with the non-negotiable aspects of the plan.

Moroccan determination to annex the territory was not diminished by the extremely high costs of the war and the economic crisis of the 1980s. The monarchy's legitimacy is so inextricably related to the Western Sahara that it cannot abandon the drive for sovereignty, especially now that within Morocco the territory is considered an integral part of the nation by the authorities. In September 1996 the government hailed West Saharan participation in a constitutional referendum as evidence of their allegiance.[41] This stance is also denoted by the deal signed in October 2001 with Kerr-McGee and TotalFinaElf for oil exploration in Saharan waters.[42] The stakes have only been raised by the discovery of oil. Moroccan policy is now to seek an agreement with POLISARIO that would legitimise its de facto control of the territory,[43] as it attempted to achieve in June 2007 in talks at Manhasset (New York).[44]

Algeria's domestic problems have reduced POLISARIO's room for manoeuvre as material assistance to POLISARIO has been reduced and Algeria now expects the Front to pursue its goals through diplomacy rather than arms.[45] Libya has also withdrawn its assistance, as Colonel Qadhafi estimated that continued support of the Front could "Balkanise" the Maghrib.[46] However, as recent failed negotiations have demonstrated, Algeria still backs POLISARIO, especially in terms of diplomatic activity and support in negotiations. This should not be surprising, as current president Bouteflika was the foreign minister that first supported POLISARIO in 1975. The observer must also take into account Morocco and Algeria's competition for regional hegemony. Indeed their quest is all but concluded, and the Western Sahara is a major factor, as formal annexation of the territory by Morocco could undermine Algeria's Position.

Morocco enjoyed great support from the United States and France during its war against POLISARIO before the ceasefire with France as the main arms supplier and the USA providing large amounts of financial aid, loans and military material.[47] Spain has never taken serious action to rectify its betrayed commitments to self-determination in its former colony. Morocco has enjoyed continued international support, especially since it has proved to be a key ally in the War on Terror.[48] It retains sufficient diplomatic support from France and the USA to ensure that no resolution

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will be imposed upon it by the Security Council. In October 2003, President Chirac declared France's support of the Moroccan position at the Security Council and that 'a solution requires the agreement of the parties, especially that of the two principal parties, and cannot be imposed by the international community against the will of one of the parties'.[49] John Bolton, USA representative to the UN 2005-06, wrote in his memoirs that, although it was clear that a fair referendum would result in independence, this 'would destabilize Morocco and risk a takeover by extreme Islamicists' and that 'there was no doubt that stability for King Mohammed VI trumped self-determination'.[50] Support from France and the USA, but also the tacit support and recognition[51] granted by other powers such as the UK, Spain and the EU[52] to Morocco means not only that no peace plans will be enforced against its interests, but also the plight of those whose human rights are being infringed in the Western Sahara [53] and in the camps around Tindouf will continue to be ignored.[54]

It is clear that sponsorship of the Moroccan position by France and especially the United States is the key to Morocco's continued military effort against POLISARIO as well as its capacity to block any UN action by ensuring that, under the threat of veto, the Security Council will not make any peace proposal enforceable upon Morocco. The same influence that allowed the United States itself to bypass the UN in the 2003 Iraq invasion is being enjoyed by Morocco in its breach of UN self-determination processes and its effective conquest of the territory.

Consequently the forces behind the Western Saharan conflict are: firstly Spain's inability and lack of will to resist Moroccan pressure for a handover without a referendum in 1975, which resulted in the unresolved status of the territory. To this day, Spain's governments have taken no action to resolve this situation.[55] Secondly, the position of the Moroccan Monarchy and POLISARIO are of central importance: Mohammed VI would be seriously damaged by a surrender on the issue, as this would completely destroy the monarchy's nationalistic initiative. Neither side is willing to renounce sovereignty. In any case, Moroccan control of the territory is very thorough and would very difficulty be reversed by POLISARIO militarily, as the limited support the Front currently receives from Algeria would not allow it to reproduce the more successful campaigns of the 1970s and 1980s. Thirdly, explicit sponsorship and implicit international support for Morocco precludes any solution being imposed upon it by the UN, meaning that it is now able to push for a solution based on partial autonomy rather than independence because of the *fait accompli* of its power over the territory.

The diplomatic stalemate continues because both parties are still resolved on the pursuit of sovereignty over the Western Sahara. The key to the current stalemate is the reluctance of both parties to reach an agreement and the Security Council's unwillingness to take measures to enforce one thanks to effective sponsorship of Morocco by France and the US.[56] All the measures that the UN has taken thus far to resolve the issue have been based on the Good Offices initiatives of the Secretary General (under Chapter VI of the UN Charter), and are therefore likely to fail because the General Council is unwilling to impose any part of a peace initiative on the parties.

Prospects for peace would necessitate more forceful action from the UN, which would require American and French support, but would result in criticism and instability for the Moroccan Monarchy. In the meantime, hundreds of thousands of Saharawi refugees live in shameful conditions in the Tindouf camps with little prospect of change. The diplomatic community expresses its sympathy for the plight of the Saharawis, but is not prepared to take action.[57] Decisive re-evaluation by Barak Obama on policies of collaboration against terror and human rights have the potential to endanger the international support which makes the Moroccan position tenable, but unfortunately, this seems unlikely.

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- [20] Hodges, *Roots of a Desert War*, pp215

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[21] *Ibid*, pp215

[22] The recent overthrow of the Portuguese *Estado Novo*, undermined by colonial wars, by socialist revolutionaries must have weighed heavily on Spanish politicians.

[23] Hodges, pp205

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[28] Not least by Secretary of State Kissinger. Mundy, pp297

[29] mined in southwestern Algeria, far from the smelting plants on the Mediterranean coast.

[30] Hodges, *Roots of a Desert War*, pp194

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[43] Simon Tisdall, *The Guardian*, 13.3.2007

[44] Ian Black, *The Guardian*, 18.6.2007

[45] Joffé, 'Western Sahara: Conflict Without End?'

[46] *Ibid*

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[47] David Seddon, 'Morocco and the Western Sahara', pp29

[48] '[...] the US has reportedly sent terrorist suspects to Morocco for interrogation in the programme known as "extraordinary rendition"'. C. Ross, *Independent Diplomat*, p. 125

[49] Press Conference 11/11/2003 (myttranslation)

[50] J. Bolton, *Surrender is not an option*, pp368

[51] Ross, p 113

[52] Javier Solana in a recent visit to Morocco declared that the EU regards Morocco as 'a leading partner in the Mediterranean region', Thobani, pp297

[53] HumanpRightspWatchpWorldpReportp2007

[54] Thobani, pp247

[55] Spain's action to this day have been limited to the weak voluntarism of private individuals welcoming Saharawi children to spend the summer in Spain.

[56] Jensen, pp112

[57] Ross, p 114

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