

THE WAR REPORT 2018

CRIMEA: BETWEEN ANNEXATION AND REUNIFICATION



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NOVEMBER 2018 | GRAZVYDAS JASUTIS

INTRODUCTION

The case of Crimea has proven to be a thorny issue for the Russian Federation (RF) and Ukraine, re-surfacing after the political crisis and internal clashes in Kiev in 2013–2014. The process of annexation or reunification of the Autonomous Republic of Crimea and the city of Sevastopol (henceforth referred to as Crimea) lasted less than a month, from 20 February to 18 March 2014. There are two competing and completely contradictory approaches to classifying the situation in Crimea. The RF claims that Crimea declared independence from Ukraine in a referendum and expressed a wish to reunify with the RF. The RF recognized its independence and agreed to its request for reunification. Meanwhile, Ukraine accuses Russia of aggression against it and of illegally annexing Crimea.

CRIMEA: HISTORICAL FACTS

Before it was called Crimea, the peninsula was known as ‘Taurica’ in the Greek and Roman empires, both of which incorporated the region at certain points.¹ In the tenth century, Kievan Rus dominated the region; it lost control after 200 years and the Mongols settled in. The Tatars established the Crimean Khanate, a protectorate of the Ottoman Empire, and ruled the territory from mid-1400 to 1783. In the wake of the Russian-Ottoman war, Crimea became a part of the Russian Empire in 1783 and the territory underwent serious battles and mayhem.

Following the Russian Revolution and the ensuing turmoil in Russia, the Crimean National Republic was founded by the Tatars and existed from December 1917 to January 1918. The Bolsheviks immediately clashed with the Tatars and defeated them. In March–April 1918, the Taurida Soviet Socialist Republic was proclaimed by the Bolsheviks. The troops of the Ukrainian National Republic gained military control over Crimea in April but were forced to hand it over to the German command. A puppet Crimean government was established with the support of the German Empire. From April 1919, Crimea again witnessed the invasion of the Bolsheviks and became a bone of contention between the parties in the Russian Civil War.

¹ The historical facts given here are based on N. Kent, *Crimea: A History*, Hurst, 2016; A. Taylor, ‘To Understand Crimea, Take a Look Back at Its Complicated History’, *The Washington Post*, 27 February 2014, https://www.washingtonpost.com/news/worldviews/wp/2014/02/27/to-understand-crimea-take-a-look-back-at-its-complicated-history/?noredirect=on&utm_term=.632aebb0e1e; M. Kramer, ‘Why Did Russia Give Away Crimea Sixty Years Ago?’, *Wilson Centre*, 19 March 2014, <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago> (last accessed 27 August 2018).

This finally resulted in the establishment of the Crimean Autonomous Soviet Socialist Republic (ASSR) within the Russian Soviet Socialist Republic in October 1921. Its status was downgraded to autonomous district (oblast) in May 1945 after the forced deportation of the Crimean Tatars to Central Asia. In 1954, Crimea was transferred to the jurisdiction of the Ukrainian Soviet Socialist Republic.

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CRIMEA AS PART OF INDEPENDENT UKRAINE: PROBLEMS AND CHALLENGES

After the collapse of the Soviet Union, Crimea remained in the hands of independent Ukraine and its status was upgraded to Autonomous Republic. In the early 1990s, some controversies and skirmishes occurred in Crimea, including the debate over the Russian Black Sea Fleet, a short-lived pro-Russian movement for independence and claims for the rights of Tatars. Internally, the return of Crimean Tatars, the revival of the pro-Russian movement and the dominance of both in the political landscape in Crimea made the situation difficult to control. Relations between Kiev and Simferopol became edgy in 1992. On 26 February, the Supreme Soviet of the Crimean ASSR, without the consent of the Ukrainian authorities, changed the official name of the land to the Republic of Crimea.² On 5 May 1992, the Crimean parliament declared independence, and on 6 May 1992, it voted for a constitution establishing independence and providing dual citizenship with Russia for the Crimean population. It also passed a resolution calling for a referendum on independence from Ukraine.³ Though this was not accepted by Kiev, some concessions were made and Crimea was granted autonomy in economic relations. The demand for independence came up again with the election of ethnic Russian Yuri Meshkov as President of Crimea. On 13 May 1994, the Crimean Republic signed a framework agreement on economy and trade with the RF, which was not recognized by Kiev.

Externally, Ukraine was engaged in tense negotiations with the RF on the return of nuclear weapons to the RF and the partition of the Black Sea Fleet, which was based in Crimea. In January 1992, Vladimir Lukin, then Chairman of the Russian parliament’s Committee on Foreign Affairs,

² A. Bebler, ‘The Russian-Ukrainian Conflict Over Crimea’, *International Institute for Middle East and Balkan Studies*, 28 June 2015, <http://www.ifimes.org/en/9035> (last accessed 27 August 2018).

³ V. Zaborsky, ‘Crimea and the Black Sea Fleet in Russian-Ukrainian Relations’, *Center for Science and International Affairs (CSIA) Discussion Paper 95-11*, Kennedy School of Government, Harvard University, September 1995, <https://www.belfercenter.org/publication/crimea-and-black-sea-fleet-russian-ukrainian-relations> (last accessed 27 August 2018).

suggested that in order to pressure Ukraine to give up its claim to the Black Sea Fleet, Russia should question the Ukrainian control over Crimea; in May 1992, the Russian parliament passed a resolution declaring the 1954 transfer of Crimea to Ukraine illegal.⁴

The conflict culminated on 9 July 1993, when the parliament of the RF issued a decree proclaiming the Ukrainian city of Sevastopol as belonging to the RF. At an urgent meeting of the United Nations Security Council, the RF representative stated that this decree diverged from the policy of the President and the Government of the RF and underlined that his country remained dedicated to the principle of the inviolability of borders within the Commonwealth of Independent States.⁵ The status of the Black Sea Fleet was ultimately resolved through negotiations, which had started between President Yeltsin and the President Kravchuk of Ukraine in 1992. On 28 May 1997, the Partition Treaty (composed of three treaties) was signed between the RF and Ukraine, by which they split the Black Sea Fleet and decided that Russia would lease the ports in and around Sevastopol for 20 years. On 21 April 2010, the Kharkiv agreement was signed, extending the lease until 2042.⁶

Despite these agreements, a territorial dispute surfaced over the island of Tuzla in 2003. This began with the construction of a dyke by Russia to link the Russian Taman Peninsula with the Ukrainian island of Tuzla in the Kerch Strait on 20 October, when Moscow questioned Ukraine's sovereignty over the tiny island and demanded proof of the country's right to it.⁷ An agreement was reached after seven years in 2010, when President Yanukovich of Ukraine and President Dimitry Medvedev of the RF signed an agreement to build the Kherch Strait Bridge. In February 2014, the Russian First Deputy Prime Minister, Igor Shuvalov, ordered the Ministry of Transport to begin negotiations with Ukraine on starting construction work and commissioned Avtodor, the Russian Highways State Company, to conduct a feasibility study.⁸

⁴ Ibid.

⁵ United Nations, Complaint by Ukraine Regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol, Decision of 20 July 1993 (3256th meeting): Statement by the President, http://www.un.org/en/sc/repertoire/93-95/Chapter%208/EUROPE/93-95_8-22-UKRAINE.pdf (last accessed 27 August 2018).

⁶ L. Harding, 'Ukraine Extends Lease for Russia's Black Sea Fleet', *The Guardian*, 21 April 2010, <https://www.theguardian.com/world/2010/apr/21/ukraine-black-sea-fleet-russia>.

⁷ R. Woronowicz, 'Russian-Ukrainian Dispute Over Tuzla Escalates', *LXXI The Ukrainian Weekly* 43 (26 October 2003), <http://www.ukrweekly.com/old/archive/2003/430301.shtml> (last accessed 27 August 2018).

⁸ 'Medvedev Signs Decree Creating Contractor for Kerch Strait Bridge Project', *The Moscow Times*, 4 March 2014, <https://themoscowtimes.com/articles/medvedev-signs-decree-creating-contractor-for-kerch-strait-bridge-project-32624>.

The tension in Russian-Ukrainian relations was rekindled in the wake of the 2008 Georgian-Russian War in 2008. The then Ukrainian Minister of Foreign Affairs, Volodymyr Ogryzko, accused Russia's consulate on the Crimean peninsula of distributing Russian passports to the population there.⁹

EVENTS IN 2014

The situation changed dramatically in the aftermath of the Euromaidan and political crisis in Ukraine from November 2013–February 2014. On 23 February, the President of the RF tasked the security agencies with starting working on the return of Crimea.¹⁰ Clashes between pro-Russian and pro-Ukrainian protesters broke out on 26 February 2014 in front of the parliament building in Simferopol. One day later, the Qurultay (Assembly) of Crimean Tatars voted in favour of the 'Implementation of the Right of Crimean Tatar People to Self-Determination in Their Historical Territory – Crimea' and decided to start political and legal procedures to restore the national-territorial autonomy of the Tatars in Crimea.¹¹

On 27 February 2014, Russian-speaking security actors without insignias entered the territory of Ukraine in Crimea. They took hold of strategic positions and later established control over the Crimean parliament and Council of Ministers and raised Russian flags. Crimean Berkut units and volunteers seized checkpoints and controlled the traffic.¹²

On 1 March 2014, the Russian parliament unanimously approved President Vladimir Putin's request for authorization to use Russian armed forces in Ukraine (following a request on 1 March by Sergey Aksyonov, the pro-Russian Prime Minister of Ukraine's Crimea region, for peacekeeping support).¹³ At the UN Security Council meeting, the Ukraine representative underlined that RF troops had already been in the country and their numbers were increasing, constituting an act of aggression, and the RF ambassador acknowledged that parliament had approved

⁹ A. Tsukanova, 'Cheney Urges Divided Ukraine to Unite against Russia "threat"', *The Sidney Morning Herald*, 6 September 2008, <https://www.smh.com.au/world/chene-urges-divided-ukraine-to-unite-against-russia-threat-20080906-4auh.html>.

¹⁰ A. Kondrashev, 'Crimea: The Way Home', <https://www.youtube.com/watch?v=t42-71RpRgI> (in Russian, with subtitles; last accessed 27 August 2018).

¹¹ Bebler, 'The Russian-Ukrainian Conflict Over Crimea'.

¹² 'Berkut Units Deployed in Armyansk', *Armyansk Information*, 27 February 2014, <http://armyansk.info/news/news-archive/120-2014/4592-pod-armyansk-styanulis-siloviki-iz-berkuta> (in Russian; last accessed 27 August 2018).

¹³ 'Parliament OKs Putin Request To Use Russian Forces In Ukraine', *Radio Free Europe/Radio Liberty*, 1 March 2014, <https://www.rferl.org/a/ukraine-crimea-forces-russian/25281291.html>.

the use of force on Ukraine's territory but not against Ukraine.¹⁴ In the following days, troops in what appeared to be Russian uniforms surrounded Ukrainian military bases and other installations; however, the President of the RF explained that they belonged to pro-Russian self-defence groups.¹⁵ This contradicts the report of the International Criminal Court, which states that the RF later acknowledged that its military personnel had been involved in taking control of the Crimean peninsula.¹⁶

On 16 March, the Crimeans participated in a referendum and voted in favour of joining the RF, which was declared invalid by the Ukrainian authorities. The then Chairperson-in-Office of the Organization for Security and Co-operation in Europe (OSCE), Didier Burkhalter, did not accept an invitation from Crimea's authorities to send observers from the OSCE Office for Democratic Institutions and Human Rights, citing the unconstitutional nature of the referendum.¹⁷ The next day, the Crimean parliament declared independence and made an official application for Crimea to join the RF; on 18 March, President Vladimir Putin, Crimea's State Council Chairman, Vladimir Konstantinov, Prime Minister Sergey Aksyonov and the Mayor of Sevastopol, Aleksei Chalyi, signed the treaty of accession to the RF at the Kremlin.¹⁸ According to the Kremlin, the decision to admit Crimea into Russia was based on the results of the all-Crimea referendum held on 16 March 2014, in which people supported the reunification of Crimea with Russia as a constituent member, the declaration of independence of the Autonomous Republic of Crimea and the city of Sevastopol, and the treaty between Russia and Crimea on the latter's admission into the RF and the formation of new constituent members within it.¹⁹ Ukrainian military bases and ships were stormed by RF regular forces and Crimean security actors and, on 26 March, Russian Chief of General Staff, Valery Gerasimov, announced that the territory of Crimea was under full control of RF forces.²⁰ On 27 March

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2014, the UN General Assembly approved a resolution describing the Moscow-backed referendum that led to Russia's annexation of Crimea as illegal;²¹ however, this had almost no impact on the ground. Since then, Crimea has been under full control of the RF and started the process of reunification by extending Russian legislation and policies to Crimea. Crimea was fully integrated into Russia in July 2015, according to the statement of the RF Prime Minister, Dimitry Medvedev.²²

MAIN ACTORS

Russian Forces: The RF forces deployed in Crimea are part of the Southern Military District. The RF authorities admitted that special operations forces and intelligence were deployed in February and March 2015 but they did not disclose any figures.²³ According to the analytics, an additional 22,000 soldiers of the Special Forces and the Southern Military District of Russia were deployed to engage in the operation of Crimea.²⁴ The number of RF military forces in Crimea in 2018 is 2.7 times more than in 2013, based on the sources of the Ukrainian Ministry of Defence. Manpower has increased from 12,000 in 2013 to 32,000 in 2018; armoured vehicles from 92 to 680; artillery systems from 24 to 174 and aircraft from 22 to 113. The RF has deployed 40 tanks and 8 submarines that had not been there before.²⁵ The Russian sources did not confirm this.

Ukrainian Forces: The Ukrainian military personnel stationed in Crimea were not given orders to resist, and thus all 190 military installations and most weapons were surrendered to the RF forces. About 20,000 Ukrainian military personnel capitulated without a shot being fired. The Russian military also captured most of the Ukrainian

14 UN, 'Ukraine, in Emergency Meeting, Calls on Security Council to Stop Military Intervention by Russian Federation', 1 March 2014, <https://www.un.org/press/en/2014/sc11302.doc.htm> (last accessed 27 August 2018).

15 'Putin: Russia Force Only "last resort" in Ukraine', BBC News, 4 March 2014, <http://www.bbc.com/news/world-europe-26433309>.

16 The Office of the Prosecutor (OTP), International Criminal Court (ICC), Report on Preliminary Examination Activities 2017, https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf (last accessed 27 August 2018).

17 Bebler, 'The Russian-Ukrainian Conflict Over Crimea'.

18 'Russian Federation Council Ratifies Treaty on Crimea's Entry to Russia', TASS, 21 March 2014, <http://tass.com/russia/724749>.

19 Ibid.

20 'Russia Reports: All Ukrainian Military Are Captured and Disarmed in Crimea', Volynsky

Noviny, 26 March 2014, <https://www.volynnews.com/news/authority/rosiia-zvituyue-usi-ukrayinski-vyskovni-v-krymu-zakhopleni-i-rozzbrojeni/> (in Ukrainian).

21 'Ukraine: UN Condemns Crimea vote as IMF and US Back Loans', BBC News, 27 March 2014, <http://www.bbc.com/news/world-europe-26776416>.

22 J. McHugh, 'Putin Eliminates Ministry of Crimea, Region Fully Integrated Into Russia, Russian Leaders Say', International Business Times, 15 July 2015, <http://www.ibtimes.com/putin-eliminates-ministry-crimea-region-fully-integrated-russia-russian-leaders-say-2009463>.

23 'Putin: The GRU Forces Were Sent to Disarm the Ukrainian Units', TASS, 15 March 2015, <http://tass.ru/politika/1829681> (in Russian).

24 O. Zadorozhnyi, 'Russia's Annexation of Crimea in the Light of Russian-Ukrainian Agreements on the Black Sea Fleet', 3 Ukraine Analytica 5 (2016), <http://ukraine-analytica.org/wp-content/uploads/zadorozhnyi.pdf>.

25 'The Militarization of Crimea: Within Five Years, Russia has Increased the Number of Military Forces to 32,000', Ukrinform, 24 April 2018, <https://www.ukrinform.ua/rubric-crimea/2448023-militarizacia-krimu-za-pat-rokiv-rosia-zbilsila-kilkist-vijskovih-do-32-tisac.html> (in Ukrainian).

Navy without resistance.²⁶

Self-Defence Crimean Forces: Alexandr Bochkarev, the then head of the pro-Russian self-defence forces of Crimea, claimed in March 2014 that there were 1,500 Crimeans in the self-defence forces ('[this] isn't much, but we don't need more').²⁷ However, Ukrainian sources referred to the interview with Aksyonov, who said that the total number of members of self-defence units reached 11,000.²⁸ The Crimean authorities aimed to legitimize them on 11 June 2014 by adopting a Law on the People's Militia.²⁹

RECENT DEVELOPMENTS IN CRIMEA IN 2018

From 2014–2017, the RF was repeatedly blamed for targeting the Crimean Tatar community, limited free expression, restricted peaceful assembly, the intimidation of those who have opposed Russia's actions in Crimea and the unlawful activities of law enforcement agencies that have been involved in numerous incidents of human rights violations, such as arbitrary arrests and detentions, enforced disappearances, ill-treatment and torture and at least one extrajudicial execution.³⁰

There have been no direct combat activities between the RF and Ukrainian forces in Crimea. A Ukrainian soldier and one member of the Crimean self-defence unit were shot dead at an army base in Simferopol in March 2014 and a Russian soldier killed a Ukrainian naval officer in eastern Crimea in April 2014.³¹ It is noteworthy that the Federal Security Service (FSB) of the RF announced that

it had engaged in the shootout with alleged Ukrainian infiltrators in the town of Armyansk in northern Crimea in August 2016, which resulted in one FSB officer being killed and at least one Ukrainian being shot dead.³² However, the operation of infiltration was firmly denied by the Ukrainian Ministry of Defence.³³

In 2018, the RF continues to be condemned for the annexation of Crimea.³⁴ A 2018 UNESCO report highlights gross violations, particularly in the field of the protection of cultural heritage.³⁵

On 18 March, the Crimeans voted for the first time in the Russian presidential election and overwhelmingly supported Vladimir Putin.³⁶

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a truck across the span and drawing angry condemnation from Kiev, the European Union and the United States.³⁷ Most of the economic links with Ukraine are disrupted, which will ensure land transportation and logistics. According to the

Ukrainian sources, the Crimean economy abruptly declined, and sectors such as agriculture, tourism and small business continue to face serious problems.³⁸ To the contrary, the Russian media informs us that, in four years, Crimea has become a typical Russian region, which is currently benefiting from the federal budget and experiencing positive economic trends.³⁹

In military terms, it is noteworthy that in January 2018 Russia deployed a new division of S-400 surface-to-air missiles in Crimea.⁴⁰

26 Bebler, 'The Russian-Ukrainian Conflict Over Crimea'.

27 'Crimea Creates Own Military by Swearing In Self-Defense Units', RT, 16 March 2014, <https://www.rt.com/news/self-defense-oath-crimea-962/>.

28 'Aksionov: Self-Defense Units in Crimea have 11,000 Members', Kyiv Post, 4 March 2014, <https://www.kyivpost.com/article/content/war-against-ukraine/aksionov-self-defense-units-in-crimea-have-11000-members-338360.html>.

29 O. Skrypnyk, 'Legalization of "Crimean Self-Defense"', Crimean Human Rights Group, 27 November 2015, <https://crimeahrg.org/en/legalization-of-crimean-self-defense/> (last accessed 27 August 2018).

30 Amnesty International, *Crimea in the Dark: The Silencing of Dissent*, December 2016, <https://www.amnesty.org/download/Documents/EUR5053302016ENGLISH.PDF> (last accessed 27 August 2018); Human Rights Watch, 'Rights in Retreat: Abuses in Crimea', 17 November 2014, <https://www.hrw.org/report/2014/11/17/rights-retreat/abuses-crimea> (last accessed 27 August 2018); European Parliament, *On the Human Rights Situation in Crimea, in Particular of the Crimean Tatars*, Joint Motion for a Resolution, 3 February 2016, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2016-0173&language=EN> (last accessed 27 August 2018); 'Crimean Tatars: UN Report Documents Human Rights Abuses by Russian Agents in Crimea', Unrepresented Nations and People's Organization, 26 September 2017, <http://unpo.org/article/20358> (last accessed 27 August 2018); OTP, ICC, Report on Preliminary Examination Activities 2017.

31 'Russian Marine Kills Ukraine Navy Officer in Crimea, Says Ministry', Reuters, 7 April 2014, <https://www.reuters.com/article/us-ukraine-crisis-military/russian-marine-kills-ukraine-navy-officer-in-crimea-says-ministry-idUSBREA360GB20140407>; 'Tribute Paid to Cossack and Military Man in Simferopol, Killed by Sniper', Ria Novosti, 22 March 2014, <https://ria.ru/incidents/20140322/1000633150.html> (in Russian).

32 'Russian FSB Foils Terrorist Attacks Plotted by Ukrainian Intel Agents in Crimea', RT, 10 August 2016, <https://www.rt.com/news/355385-fsb-ukraine-terrorist-attacks/>.

33 Ibid.

34 'Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine', As Delivered by Acting Deputy Chief of Mission Michele Siders to the Permanent Council, U.S. Mission to the OSCE, Vienna, 1 February, 2018, <https://osce.usmission.gov/on-russia-ongoing-violations-in-ukraine-14/> (last accessed 27 August 2018).

35 UNESCO, *Follow-Up of the Situation in the Autonomous Republic of Crimea*, Paris, 9 March 2018 <http://unesdoc.unesco.org/ulis/cgi-bin/ExtractPDF.pl?catno=261576&lang=e&from=7&to=36&display=2&ts=1522053780> (last accessed 27 August 2018).

36 'Crimea Votes for First Time in Russian Presidential Election', TASS, 18 March 2018, <http://tass.com/politics/994756>.

37 'Putin Opens Crimean Bridge Condemned by Kiev, EU', Radio Free Europe/Radio Liberty, 15 May 2018, <https://www.rferl.org/a/putin-to-attend-opening-of-bridge-linking-russia-to-crimea/29227926.html?lflags=mailer>.

38 A. Liev, 'Crimea in Occupation. Four Years Later', *Novoe Vremya*, 22 February 2018, <https://nv.ua/opinion/liev/krym-v-okkupatsii-chetyre-hoda-spustija-2453286.html> (in Russian).

39 O. Merkulova, 'Typical Russian Region: Four Years of Crimea Being a Part of Russia', *EkspertYug*, 16 March 2018, <http://www.expertsouth.ru/novosti/tipichniy-rossiiskiy-region-4-goda-krymu.html> (in Russian).

40 'Russia Deploys More Surface-to-Air Missiles in Crimean Build-Up', Reuters, 13 January 2018, <https://www.reuters.com/article/us-ukraine-crisis-crimea-russia/russia-deploys-more-surface-to-air-missiles-in-crimean-build-up-idUSBKN1F20BD>.

On the 26th of November 2018, tension between the two countries escalated again, after Russia fired on and seized three Ukrainian naval vessels off the Crimean Peninsula. Each country blames the other for the incident (Russia accused the Ukrainian ships of illegally entering its waters), while Ukrainian MPs declared martial law.⁴¹

ABOUT THE AUTHOR

Grazvydas Jasutis is a scholar and conflict management practitioner. He notably worked in Georgia, Indonesia, Kosovo, Macedonia, Mali and Burkina Faso and conducted field researches in North Caucasus, primarily in Chechnya, Dagestan, Ingushetia and North Ossetia-Alania. He specializes in the post-soviet space and analyses the developments in the conflict and post-conflict zones from various perspectives, including gender, human rights, and terrorism. He is a Visiting Lecturer at Graduate Institute of International and Development Studies in Geneva, at Jean Monnet University and at Lyon Science Po. He wrote this article during his time as Visiting Research Fellow at the Geneva Academy.

⁴¹'Tension escalates after Russia seizes Ukraine naval ships', BBC News, 26 November 2018, <https://www.bbc.com/news/world-europe-46338671> (last accessed 26 November 2018)

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