

TRANSFORM

DRUG POLICY FOUNDATION

International security and the global war on drugs The tragic irony of drug securitisation

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“It can be argued that the apparently successful global securitisation of drugs constitutes one of the greatest threats to international and human security.”

- Author

Summary

Drugs are a security issue because their misuse is treated as a threat to humanity - securitised, as understood by the international relations theory, in the 1960s. As a result of this securitisation the market was gifted to organised criminals and, as the market grew so did the power of the cartels. Organised crime gangs were perceived as a threat to nation states in the 1980s and a further securitisation of the gangs took place.

As a result of the two securitisations global drug policy is placed “above politics” and is effectively immunised from scrutiny. The time has come to review the outcomes of these securitisations and to compare them with the outcomes from alternative regimes, including legal regulation. Conducting a comprehensive global impact assessment, along the lines of the three pillars of the UN: development, security and human rights, would assist in bringing drug policy back within the sphere of normal policy evaluation.

Creating the security problem

“First, one would be hard-pressed to think of another subject where we, as a nation, have engaged in more self-deception than about the effectiveness, or even efficacy, of our ‘war on drugs’ and the likely impact of even tougher and more expensive, but likely equally futile, counternarcotics programs.” “So long as there is an insistent market in a country like the United States for illegal narcotics and a sufficient profit to be made, they will probably be produced. And so long as they are illegal, their production and distribution will be through organized crime.”

Ambassador David Passage, (former Director of Andean Affairs at the US State Department) ‘[The United States and Colombia – Untying the Gordian Knot](#)’, Strategic Studies Institute, 2000

Global drug policy is in crisis on many fronts. Deaths in turf wars are undermining Mexican society, Colombian and Afghan coca and opium production appear singularly intractable and Guinea Bissau turned from being a fragile state to a narco state almost overnight. The balance has shifted as the unintended consequences of the war on drugs are now threatening the security of numerous states. We have created the ultimate irony whereby the securitisation of drugs has itself created one of the greatest threats to international

security. The level of crisis is demonstrated in the recent calls by Presidents Calderon and Santos for a debate on alternatives to prohibition – including legalisation and regulation. There is a concurrent loss of popular support for the war and increasing scrutiny of drug war expenditure in the context of a global economic crisis.

The fact that the war on drugs does not have achieved its stated objectives of reducing drug supply and use, as well as its severe unintended consequences, makes it highly vulnerable to criticism. The most cursory analysis exposes its overwhelming shortcomings, and many are bewildered by prohibition's longevity. The resilience of the war on drugs over the last five decades is usefully explained by the international relations theory – securitisation – this forms the foundation of the geopolitical steel that protects the soft centre within. It expressly excludes other policy positions, protects the prohibition from criticism and from evidence-based scrutiny.

Drugs and security

There can be little doubt that drugs are an international security issue. Fragile and vulnerable states that are involved in the production, supply and use of drugs proscribed under international prohibition, are politically and economically destabilised. Producer and transit countries Colombia, Mexico, Afghanistan and W Africa are prime examples. The UN Associations estimate the value of the global drugs market at \$320 billion a year – rivalling the worldwide markets in oil, wheat and arms. The proportions of this anarchic trade dwarf the GDP of many smaller states.

Industrialised countries with low levels of wellbeing, and that have high levels of drug misuse, are also doubly afflicted. The UNICEF league table of the level of child wellbeing in industrialised countries, invariably puts the United States and United Kingdom at or near the bottom. Both countries have higher than average populations of problematic drug users, operate overwhelmingly prohibitionist drug policies and have disproportionately high prison numbers. The incendiary combination of low societal wellbeing and high demand for prohibited drugs is a major cause of crime and ill health, and wastes money, resources and political attention.

Securitisation

Securitisation is a theory developed in the Mid 90s by the Copenhagen School¹. The authors outline a process whereby:

A Securitising Actor identifies an existential threat to a referent object and makes it a security issue – in a Speech Act to a specific Audience. The Actor then applies an 'extraordinary measure' to nullify the perceived threat:

¹ Buzan B., Waever O. and de Wilde J. (1997) 'Security: A New Framework for Analysis'

How this applies to drug policy:

Speech Act	Referent Object	Existential Threat	Extraordinary Measure
1961 UN Convention	'mankind'	'Evil' of addiction to drugs	Global Prohibition
1988 UN Convention	'States'	Organised crime and trafficking	Escalation/militarisation of war on drugs

According to the Copenhagen School, in 'Security: A New Framework for Analysis', *"Security is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics."*

The significance of this statement should not be underestimated. It is well understood that much of the political discourse around drug policy appears to be divorced from other policy issues. However, if, as this paper argues, drugs have undergone two securitisations, drug policy isn't just isolated from other policy discourses, it exists in a securitised world all of its own. Its continuation is not subject to democratic input. Rather its maintenance is based on achieving support from world leaders in non-democratic forums. In the framework of the Copenhagen School, the Audience for the Speech Act is not voters, but other heads of UN member states. This total isolation from normal policy making structures explains why our failing drug policy is so persistent. International policy exists in the rarefied world of security, 'beyond the established rules of the game', 'above politics'.

Securitising the Drugs Threat

Russia:
 In March 2010, during an expanded session of the Russia-NATO Council in Brussels, Viktor Ivanov, the head of Russia's Federal Drug Control Service (FSKN), presented Moscow's seven-point plan on fighting drug production in Afghanistan and suggested creating a joint group with NATO to tackle Afghan poppy production.

Among other ideas, the plan included *"an upgrade of the status of the Afghan drug production problem in the UN Security Council to the level of a threat to world peace and security."*

Equador:
 At the Commission on Narcotic Drugs of 2009, Ecuador's statement to the High Level Meeting described its approach as a *'De-securitisation of drug policy which allows us to address the problem from the perspective of health and human rights'*.

How and when did the global securitisation of drugs happen? The UN Single Convention on drugs, ratified in 1961, to consolidate previous drug control treaties, mentioned “health” twenty-four times and “criminal” six. In the guise of protecting children and other vulnerable people, ‘drugs’ (not tobacco or alcohol) were designated ‘threat’ status; identified as a threat to individuals, communities and nation states. The Preamble to the 1961 UN Single Convention places it within a health and welfare framework:

*“Concerned with the health and welfare of mankind... But quickly asserts the threat: “Recognizing that addiction to narcotic drugs constitutes a **serious evil** for the individual and is fraught with social and economic danger to mankind...Conscious of their duty to prevent and **combat this evil...**”*

The Convention goes on to say in Article 2, Section 5:

“A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only...”

It is obvious that individual member states could not seriously have contemplated an alternative to prohibition, even had it been in their “opinion” a more appropriate means of protecting public health and welfare. Having identified in the preamble that “drugs” are “evil” and a “danger to mankind” (with US backing), it would be a foolhardy representative who suggested during the negotiation process that this evil be legally regulated, rather than prohibited. In this environment it is unsurprising that support for this Convention and the two that followed became almost total.

In 1961 levels of drug use, production and supply were relatively low, compared with the levels we have now, although some must have foreseen the potentially negative consequences of “*protecting the public health and welfare*”, by imposing a prohibitionist regime; indeed, parts of the Convention were written in the 1940s whilst Al Capone was still in prison. The lessons from alcohol prohibition could have informed the development and implementation of global illicit drug control. They did not. The clear and present danger was that a significant increase in levels of demand, combined with the gifting of a gargantuan and highly lucrative market to organised criminals, would conspire to create a nightmare scenario.

The early sixties were the birth of a burgeoning drug subculture. It was the worst case scenario – drug use took off, and collided with the immovable object of prohibition. This helped create the setting in 1971 for President Richard Nixon to officially declare a “War on drugs,” identifying “drug abuse” as “public enemy No. 1.” Whatever the underlying motive, war was the rhetoric. And very soon, war became the modus operandi.

With this global regime in place the scene was set for an overwhelmingly ideological commitment to fight the ‘evil’ in our midst. By this point a number of moves had been made that would set the stage for the monolith of prohibition to assume the proportions of the empire that we now see:

- the declaration of “war” against “evil”, and the construction of drugs as a threat, had moved illicit drugs into a category all of their own, beyond the normal public health policy setting inhabited by licit drugs. Indeed all other policy discourses now played a seriously poor second fiddle to police and military
- by virtue of placing the responsibility for the global prohibition in the UN, the structures that oversaw the foundation for domestic, nation state prohibition, were now moved “beyond” national policy making processes and beyond democratic norms. (Indeed to this day, the Home Office claims that its hands are tied with regard to discussing UK prohibition, because the UK is a signatory to the UN Conventions.)
- the securitisation is very heavily resourced, politically and financially – creating a substantial power base for the securitised status quo – for example UN Office on Drugs and Crime, UK Serious Organised Crime Agency, US Office of National Drug Control Policy, private prison industry, customs and police, security and intelligence agencies
- the creation of a symbiotic relationship between drug warriors and organised criminal networks. By virtue of having created the opportunity for organised crime through the enormous criminal drugs market, enforcement agencies must then counter them, and so the vicious circle is closed.
- the corollary also involves the demonization of users and indeed, the marginalisation of those who challenge the prohibitionist orthodoxy

Had there not been a significant rise in demand and supply for the drugs proscribed in the 1961 Convention, it would have had relatively little impact upon security. However, the sixties saw the beginning of a burgeoning drug culture in the west, and consequently a nascent opportunity for organised criminals to exploit. By the mid 80s vast criminal empires had grown fat on the proceeds of the illegal drugs industry, and the links between organised crime networks and powerful non-state actors were solidly in place.

Securitising Organised Crime

After nearly three decades of global prohibition, many had accepted the ‘evil’ nature of drugs and those who supplied them, and perceived the need to ramp up the war on drugs. Those in charge of ‘doing something about drugs’ (already on a permanent war footing) embarked upon a second securitisation, this time addressing the threat of trafficking and organised crime.

In 1988 the third Convention was ratified:

*“Deeply concerned by the magnitude of and rising trend in the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances, which pose a serious **threat to the health and welfare of human beings and adversely affect the economic, cultural and political foundations of society,***

*“Recognizing the links between illicit traffic and other related organized criminal activities which undermine the legitimate economies and **threaten the stability, security and sovereignty of States**”*

In the 1988 protocol, (principally a piece of transnational criminal law), 'Crime' or 'criminality' receives twenty-five mentions, 'health' four. Note how the focus of concern has now shifted from 'evil' drugs in 1961, to the 'threat' to state security arising from illicit production and trafficking. And now we have come full circle; over the course of twenty-seven years, 'evil' drugs have now become truly harmful through the enforcement of the global prohibition:

"Aware that illicit traffic generates large financial profits and wealth enabling transnational criminal organizations to penetrate, contaminate and corrupt the structures of government, legitimate commercial and financial business, and society at all its levels"

Twenty years on from this second securitisation, and fifty from the first, many are confused about what precisely it is that they are fighting, partly because the two securitisations are conflated. We now have a self-referential feedback loop: drugs are identified as a 'threat', the war is fought to eradicate the threat and global prohibition is put in place to hermetically seal the world against the threat. Key international agencies in the drugs field are set up to do only one thing – fight - and securitisation can be the only response to the emergence of organised crime. This second securitisation obscures the first one and over time the two are conflated in such a way as to make it appear that we are now fighting 'drugs and crime' (as reflected by the creation of the UN Office on Drugs and Crime).

Unintended consequences of the war on drugs

The construction of the threat approach to drugs, perversely led to prohibition causing significant negative consequences. In a world in which demand was increasing exponentially, prohibition was creating profit margins in the cocaine and heroin markets that were unheard of in any other commodity trade.

By 2008 even the Executive Director of the UN Office on Drugs and Crime, Antonio Maria Costa, was prepared to admit that the drug control system creates major negative consequences²:

"The first unintended consequence is a huge criminal black market that thrives in order to get prohibited substances from producers to consumers, whether driven by a 'supply push' or a 'demand pull', the financial incentives to enter this market are enormous. There is no shortage of criminals competing to claw out a share of a market in which hundred fold increases in price from production to retail are not uncommon".

"The second unintended consequence is what one might call policy displacement. Public health, which is clearly the first principle of drug control...was displaced into the background".

"The third unintended consequence is geographical displacement. It is often called the balloon effect because squeezing (by tighter controls) one place produces a swelling (namely an increase) in another place..."

² Costa A. (2008) 'Making drug control 'fit for purpose': Building on the UNGASS decade'

“A system appears to have been created in which those who fall into the web of addiction find themselves excluded and marginalized from the social mainstream, tainted with a moral stigma, and often unable to find treatment even when they may be motivated to want it.”

This is a remarkable admission from the head of the agency tasked with implementing global prohibition, and one that demonstrates above all else how the prohibition itself creates many of the problems at every level that prohibition is supposed to neutralise. And it must not be forgotten that the harms created by the regime intended to protect ‘mankind’ fall overwhelmingly upon the most disenfranchised, marginalised, disadvantaged and poor the world over.

It can now be argued that the apparently successful global securitisation of drugs ironically now constitutes one of the greatest threats to international and human security:

‘Over the past decades we have witnessed: A growth in unacceptable levels of drug-related violence affecting the whole of society and, in particular, the poor and the young; The criminalization of politics and the politicization of crime, as well as the proliferation of the linkages between them, as reflected in the infiltration of democratic institutions by organized crime; The corruption of public servants, the judicial system, governments, the political system and, especially the police forces in charge of enforcing law and order.’

[Latin American Commission on Drugs and Democracy, 2009](#)

Outside of the bribes and official political corruption, it can also be argued that there is a corruption of the political structures that support prohibition. Many in positions of senior political leadership know that the securitisation is overwhelmingly counterproductive, and yet remain silent publicly or even claim success for the war on drugs. President Barack Obama described the war on drugs as an “utter failure” in 2004 but laughed off calls to legalise marijuana when he came into office. However, it is to his great credit that he recently described legalisation as a “legitimate topic for debate”. UK Prime Minister David Cameron called on the UK Government to initiate a debate at the UN on the legalisation and regulation of drugs in 2002, but has positioned himself and his party as supporters of prohibition since assuming leadership of the conservatives.

A comparison with the legal opiates market

“But Repeal changed that, replacing the almost-anything-goes ethos with a series of state-by-state codes, regulations and enforcement procedures. Now there were closing hours and age limits and Sunday blue laws, as well as a collection of geographic proscriptions that kept bars or package stores distant from schools, churches or hospitals. State licensing requirements forced legal sellers to live by the code, and in many instances statutes created penalties for buyers as well. Just as Prohibition did not prohibit, making drink legal did not make drink entirely available.”

‘Last Call – The Rise and Fall of Prohibition’, Daniel Okrent, 2010

It is a little known fact that, in parallel with the enormous illegal opium and heroin market, there exists a regulated legal market to match it. When the UN Drugs Convention of 1961 was drawn up, as well as calling on member states to support a global ban on non-medical

use of opiates, it made provision for governments to grow, trade, supply and oversee the use of opiates for medical use. Indeed, more than half of global opium production is for the legal opiates market – pharmacy preparations, co-codamol, vicodin, codeine, and prescribed opiates – morphine, diamorphine, and the like.

Opium poppies are legally grown in the fields of the United Kingdom, Tasmania, Turkey, Hungary and India. Their production and supply operates within global frameworks that govern pharmaceutical drugs. These are detailed in Transform’s report ‘Blueprint for Regulation’ that also shows how a post-prohibition regulatory framework for currently prohibited drugs might work.³

It is instructive to compare this legal market with the poppy fields in Helmand province and the supply chain that leads to the illicit heroin on the streets of most industrialised nations. Why is it that the legally grown, produced and supplied opiates do not constitute an international security issue, and yet those whose production, supply and use is prohibited, do? Security cannot be undermined by the plant or the drug it contains. The difference must be the result of the respective policy contexts they inhabit.

Maintaining the Status Quo

After nearly fifty years of securitisation, the war on drugs is fundamentally integrated into much of the world’s geopolitical frameworks. Substantial international relations frameworks are premised upon the war, its infrastructure, and finance.

Now we have a triple seal protecting the soft centre of prohibition: the initial securitisation of drugs and ‘abuse’, the second securitisation of trafficking and organised crime, and now the commitment to a geopolitical status quo, whose *raison d’être* is lost in the mists of time, but whose maintenance is perceived as absolutely essential to the preservation of a long standing world order.

This commitment to the status quo overrides any suggestion that the *modus operandi* is hopelessly outdated and totally unfit for purpose. Any challenge is now perceived as a threat to the world order, and cannot be countenanced. Evidence is anathema and must be sidelined at all costs. In 1995 the WHO failed to publish a study that outlined, amongst other things, the evidence on the harms of using coca and cocaine⁴. At the 48th World Health Assembly, the US representative to the WHO threatened to withdraw US funding for WHO research projects:

*"The United States Government considered that, **if WHO activities relating to drugs failed to reinforce proven drug control approaches, funds for the relevant programmes should be curtailed.** In view of the gravity of the matter, he asked the Director-General for an assurance that WHO would dissociate itself from the conclusions of the study and that, in substance abuse activities, an approach **would not** be adopted that could be used to justify the continued production of coca."*⁵

³ Transform Drug Policy Foundation, (2009), ‘After the War on Drugs - Blueprint for Regulation’

⁴ [WHO/UNICRI Cocaine Project](#), 1995

⁵ [WHO 48th World Health Assembly](#), 1995

This is from a debate in the UK House of Commons (9 September 2010):

Tom Brake MP: *"I seek reassurance that when sound, factual evidence is produced to show what is effective in tackling drug crime and addressing health issues, the hon. Gentleman will sign up to that."*

Alan Campbell MP: *"I cannot give the hon. Gentleman the assurance he seeks because he is sending me along a route he knows I cannot go down."*

The route, of course, was towards decriminalisation or legal regulation of currently illicit drugs.

In an atmosphere where politicians are calculating whether to change policy on the basis of balancing effectiveness against political expediency and expenditure of political capital in a hostile environment, it is no wonder that genuine debate is stifled.

However, this self-referential balancing act is being challenged by the reality of the overwhelmingly negative consequences that the war on drugs is now producing.

Shifts in power dynamics

"I also take note of the debate that has come up here regarding the regulation of drugs. It is an essential debate. Firstly I think it should be considered in a pluralistic democracy and it's great that we have that in this country and that the pros and cons should always be deeply analysed."

President Felipe Calderon of Mexico, August 2010

"President Calderon is right to call for [legalisation] to be discussed, without meaning that one is in agreement or not with the position of legalization."

President Juan Manuel Santos of Colombia, August 2010

"There is as much chance of repealing the Eighteenth Amendment as there is for a hummingbird to fly to Mars with the Washington Monument tied to its tail."

Morris Sheppard, author of the Eighteenth Amendment, September 1930

US Alcohol Prohibition was repealed on 7 April 1933. The thirteen year experiment had ended in disaster. The crisis this mistaken policy had engendered had corrupted state and federal institutions and helped create the US Mafia. Its ultimate demise had been brought about by the loss of popular support for Prohibition and, in the context of the Great Depression, the US Government's dire need to raise alcohol revenue.

The forces at play then are strikingly similar to those leading senior statesmen and women to call into question the contemporary prohibition – polls all over the world show that support for fundamental reform is growing and we are clearly in the midst of deep economic recession.

The 30 000 deaths in Mexican turf wars in the last four years alone, have brought the extensive collateral damage of the securitisation as close to the US (the political home of the war on drugs) as they have ever been. Cocaine production has enabled paramilitaries and

parapoliticians to fully integrate themselves into Colombian society. Afghanistan produces most of the world's illicit poppy in its effectively ungovernable southern states. Guinea Bissau became a narco state almost overnight when the balloon effect moved the cocaine trade into West Africa.

We have now reached the point where the tragic irony of securitisation is made truly manifest. The power dynamics have shifted such that significant power is moving from the state to criminals and paramilitaries. Far from preserving and promoting security, the extraordinary measures of the global securitisations have fundamentally compromised the security of a number of nation states. This is providing the wake up call that is stirring former and serving Government leaders in Latin America to call for substantive debates on alternatives to global prohibition.

A 3 pillar Impact Assessment

How can we bring normal scrutiny to bear upon the regime of prohibition? What is needed is to shift from a securitised approach to one that is founded upon the three pillars of the United Nations, namely human rights, development and security⁶ :

In an influential report on UN reform former Secretary General of the UN, Kofi Annan noted that *'we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed'*⁷

Exposing drug policy to evidence based scrutiny is one of the keys to building a bridge between the threat-based approach and a three pillar approach, as per UN norms. One way to do this is to call upon policy makers to apply the established policy scrutiny tool of Impact Assessment (IA)⁸ to expose the failure of the war on its own terms.

The following is taken from: 'Time for an Impact Assessment of Drug Policy', International Drug Policy Consortium, 2009⁹ :

"For too long, the debate around improving drug policy has been emotive, polarised and deadlocked. A useful way to determine the best mix of evidence-based drug policies is through an independent, neutral process that all stakeholders can support, because it does not commit anyone to a particular position in advance. One way to achieve this is through IAs of drug policy, at the national and international levels, that compare the economic, environmental and social costs and benefits of existing policies with a range of alternatives. To ensure all stakeholders can support the process, the alternatives assessed should range

⁶ See Barrett D [Security, development and human rights: Normative, legal and policy challenges for the international drug control system](#), International Journal of Drug Policy 21 (2010) 140-144

⁷ Annan, K. (2005). In larger freedom: Towards development, security and human rights for all, UN Doc No A/59/2005. March 21.

⁸ p1 RIA-Towards Better Regulation? Ed. Colin Kirkpatrick Edward Elgar Publishing Ltd 2007

⁹ [Time for an Impact Assessment of Drug Policy](#), International Drug Policy Consortium, 2009

from more intensive/punitive enforcement approaches, through options for decriminalisation of personal use, to models for legal regulation of drug production and supply.”

“The historic nature of the drug policy debate has meant that policy development has often lacked objective scrutiny. By rationally and methodically focusing on the evidence, in terms of costs and benefits of different options, and using established methodologies already embedded in most governments’ processes, IA brings drug policy back into the arena of science, avoiding the polarising clashes that have long defined the debate. A call for IA is essentially a call for better evidence, and a structured approach to assessing policy options to inform debate and determine the best way forward. As such it is politically neutral, and a very reasonable request to policy makers.”

IA serves a number of very useful functions, because it:

- challenges policy makers to apply evidence to policy
- drives drug policy into the realm of the normal in policy making terms
- helps bring drug policy out of the securitised and into the normal policy arena
- helps develop the evidence base for the current regime
- encourages policy makers to explore alternatives to prohibition
- enables public scrutiny of a comparison between regimes

Policy makers need to show that prohibition is really delivering on development, security and rights.

Conclusion – the global drug control system is in crisis. The time has come to explore alternatives

“We recommend that the Government initiates a discussion within the Commission on Narcotic Drugs of alternative ways—including the possibility of legalisation and regulation—to tackle the global drugs dilemma.”

UK Parliamentary Home Affairs Select Committee - The government's drugs policy: is it working?, 2002

One of the members of the Committee who voted for the above recommendation was an up and coming backbencher, David Cameron. He has failed to repeat this call since becoming Prime Minister.

There is no doubt that prohibition is in crisis – from producer and transit countries, to predominantly consumer nations. However, the geopolitical obstacles to reform are significant and substantial moves, at a global level, away from the status quo are, more than likely, years away. In the meantime it is the responsibility of all those involved in the policy making process to assert the need for an evidence based approach that includes exploration of alternative policy options. In the security field this could take the form of a series of Security Impact Assessments.

The need for a normalised approach to drug policy, (based upon promoting development and security within the context of a human rights approach), is needed now more than ever - to create a policy environment conducive to ending the war on drugs, and replacing it with one that is effective, just and humane.

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Transform Drug Policy Foundation

Mission

To end the War on Drugs and establish effective and humane systems of drug regulation

Our Activities:

- Carry out research, policy analysis and innovative policy development
- Challenge government to demonstrate rational, fact-based evidence to support its policies and expenditure
- Promote alternative, evidence-based policies to parliamentarians, government and government agencies
- Advise non-governmental organisations whose work is affected by drugs in developing drug policies appropriate to their own mission and objectives
- Provide an informed, rational and clear voice in the public and media debate on UK and international drug policy

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