Executive summary

Many Latin American states are facing epidemic levels of organised and interpersonal violence. This violence is attributed to a number of risk factors, even if the illegal drugs trade and punitive responses to trafficking are widely credited with being the principal drivers. Yet while trafficking in narcotics is commonly associated with insecurity, weakening governance and underdevelopment, drugs as such are not the central problem. Rather, it is competition among criminal factions for control over the trade and a protracted “war” declared against drugs that have ratcheted up insecurity from Mexico to Brazil. The outcomes of this four-decade-long war are at best uneven, with gains in one country overshadowed by severe declines in others. More optimistically, a regional debate is under way that is challenging the status quo with a more concerted focus on prevention and demand reduction. Latin American societies are beginning to explore alternative approaches to drug control tailored to regional and national needs and priorities. There is a visible shift toward a discourse that emphasises prevention and treats consumption as a public health issue, focuses repression on the most violent criminal organisations and redirects law enforcement toward harm reduction. The hope is that this may presage a turn toward investment in policies that are animated more by evidence than ideology.

Introduction

Latin America is at a crossroads. On the one hand, many Central and South American countries are experiencing unprecedented economic growth and dramatic changes in the social constitution of their societies. Countries like Brazil and Mexico are among the most productive economies on the planet and are becoming increasingly involved in new forms of international co-operation. On the other hand, Latin America also features the world’s highest rates of organised and interpersonal violence, with most perpetrators and victims under the age of 30. While not confronted with war in the conventional sense, many societies bear all the hallmarks of armed conflict.

There is growing recognition that many Latin American states are confronted with epidemic levels of violence. There is also a consensus that while insecurity is associated with multiple risk factors, the illegal drugs trade and punitive responses to trafficking are the principal drivers (Global Commission on Drug Policy, 2011; Transform Drug Policy Foundation, 2012). Worryingly, the illegal narcotics market, involving producing and transit countries together with consumers around the world, is expanding. Moreover, the lucrative sale of illegal drugs has equipped criminal organisations with the resources to acquire an ever-more-deadly arsenal of small arms and light weapons.

This report shows that the drugs trade has widespread implications not just for security, but also for governance and development. Indeed, organised drug cartels have managed to recruit tens of thousands of people, for the most part young and impoverished citizens, while corroding public institutions through threats, coercion and corruption. But it is not drugs as such that are necessarily the key problem. Rather, it is competition among criminal factions for control over the profitable trade and a protracted “war” intended to ban and disrupt each of the links in the trafficking chain that have led to significant increases in organised and interpersonal violence.
Violence, drugs and arms: is a different future possible?
The response of Latin American governments to the trade in illegal drugs has been misguided and in some cases counterproductive. The region’s governments have alternated between aggressively fighting crime and implementing preventive strategies, two approaches that are not always readily compatible. After declaring war on drugs in the 1970s at the urging of the U.S., states across the region have fought crime through the forceful application of more law enforcement officers and elaborate prisons. As a result the state’s primary duty – to guarantee the rights and freedoms of citizens – has receded to the background. Often forgotten in the fog of combat is the fact that efforts to reduce crime only make sense if they also strengthen citizens’ security.

The results generated by Latin America’s war on drugs were not those that were expected. Globally and across the region the supply of and demand for illegal drugs have remained more or less steady. Modest advances in some countries have been offset by a worsening situation in others. The “balloon effect” – the shifting of production from one country to another – is also echoed in consumption patterns. Indeed, a reduction in cocaine use in North America has been accompanied by a consumption boom in Europe – particularly in the east [UNODC, 2012]. Complicating matters further, countries that were once considered only as drug corridors have also experienced a growth in criminal organisations, with direct repercussions for local crime and violence. The exposure of localised criminal organisations to trafficking in all types of contraband and their integration into trans-border criminal circuits are today unprecedented challenges for municipal and state governments who are struggling to respond.

Against this backdrop a debate has started on the real and relative effectiveness of counter-narcotics strategies and the associated war on drugs. There are creeping doubts about whether the appropriate metrics are being used at all. Clearly, it is not enough to measure drug eradication, interdiction and price on the streets of New York or London. What is needed instead are metrics of public safety, consumption and harm reduction. Latin American societies thus face a stark choice: should they follow the same path as previously or imagine another future?

It seems the latter option – the decision to explore alternative pathways – is starting to gain traction. As the latter sections of this report will show, Latin American leaders, joined recently by the Organisation of American States, have already begun to break taboos by discussing possible alternatives to the status quo and are demanding substantive changes in the current narcotics control regime. The core issue is, however, how to achieve an end result in which violence, corruption, and the enormous economic and social costs of illicit drugs are diminished. And how can this be done in a way that privileges citizens’ lives and liberty? The dire situation on the ground demands a reconceptualisation and the elaboration of a new course to realise a future that favours peace over war.

Violence and drugs: the epidemic and its spread
Latin America features some astonishing contradictions. Only 8% of the world’s population lives in the region, but 42% of all the world’s murders are committed there [UNODC, 2012]. The regional homicide rate is four times higher than the world average – 23 murders per 100,000 habitants – and unlike other parts of the world, the number of violent deaths is rising.1 Latin America has twice the number of homicides that the World Health Organisation defines as an epidemic – ten murders per 100,000 habitants [Costa, 2011: 133]. However, the situation does not affect all Latin American countries equally, nor are all states and societies affected in the same way [see Muggah & McDermott, 2013].

According to the 2011 Global Burden of Armed Violence, one quarter of all violent deaths worldwide occurred in only 14 countries, six of which are located in Latin America (El Salvador, Honduras, Colombia, Venezuela, Guatemala and Belize) [Krause et al., 2011]. It is also important to stress that violence is itself distributed unevenly within these countries and is concentrated in certain areas, above all the outlying urban neighbourhoods and frontier regions, precisely where the state’s reach is weakest. Violence also takes its greatest toll among the youngest population quintiles. Latin America features the highest youth homicide rate in the world, even exceeding countries at war.2 Young people living in low-income areas face a one in 50 chance of being murdered before they reach the age of 31 [Muggah & Doe, 2013]. Indeed, young males are often the most prominent perpetrators and victims of violence [see Muggah & Aguirre, 2013].

Although most homicides in the region are never solved, available data highlights the central role played by organised crime, above all drug trafficking, in shaping patterns of violence [Miraglia et al., 2012]. No other threat negatively affects as many people. It is impossible to determine a precise estimate of the impacts of the production, trafficking and trading of illegal drugs on violence. However, it appears that those urban and rural areas featuring high homicide rates coincide with zones where criminal organisations derive a major part of their profits from this illegal trade. Available estimates from those countries most

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1 According to Heraldo Muñoz, regional director of the UN Development Programme’s Latin American and Caribbean Bureau, “The homicide rate for the region rose 11% from 2000 to 2010, whereas in most regions of the world it fell.” (see Munoz, 2013; Muggah & Doe, 2013).
2 Globally, the four countries registering the highest youth murder rates are El Salvador (92.3 homicides per 100,000), Colombia (73.4 per 100,000), Venezuela (64.2 per 100,000) and Guatemala (55.4 per 100,000) (Waiselisz, 2008).
It is worth noting that the illegal drugs problem is analogous to an epidemic, driving violence deeper into countries and spreading across the region. Drug trafficking amplifies a wide variety of criminal activity, especially in disputed zones, where kidnapping and extortion routinely increase [Díaz-Cayeros et al., 2012]. Money from the illegal drugs market is often ploughed back into other criminal activities, compromising public and private institutions. What is more, the trafficking and sale of illegal drugs tend to exacerbate already high levels of impunity, enabling other types of violence and crime to emerge. Where they have penetrated most deeply, criminal organisations can overwhelm state actors, with grave consequences for democracies across the region [Garay & Salcedo-Albarán, 2011: 8].

Criminal networks: the influence of the illegal drug market on local crime

The expansion of transnational illegal trafficking networks and criminal structures operating beyond borders has generated repercussions at the local level. Public safety in cities, border towns, and areas where illegal economies hold sway has been affected by deepening linkages between organised transnational crime and local criminal groups. Cartels, comandos4 and larger-scale organised crime structures have often recruited and absorbed local criminal factions – including gangs and vigilante groups – to extend their influence and control territory. This explosive mix has given many of these groups that until recently were considered to be minor players access to weapons, money, know-how and connections. As a result, what used to be considered a problem at the international level – drug trafficking – has huge implications in local spheres, with grave implications for public safety.

The state’s aggressive offensive against large criminal organisations has in some cases led to their fragmentation. This in turn has rearranged the criminal world and its underlying market. Over time, repression against some of the larger cartels from Colombia to Mexico has resulted in the multiplying of factions, many of whom have proved to be adept at transforming themselves in response to government pressure. Where there were once a handful of cartels, now literally hundreds of criminal groups are involved in the trafficking of a vast array of illegal merchandise, illegal drugs being their chief source of revenue [Garzón, 2010; Coscia & Rios, 2012; Guerrero, 2012; Muggah & Caputo, 2013a; 2013b]. Yet trafficking circuits continue to be active, encouraged by persistent demand, above all in the developed countries, but also in transit countries such as Argentina, Brazil and Mexico. There is no evidence that the fragmentation of these larger organisations has resulted in a reduction in the illegal flow of drugs, much less the supply. If anything, available information suggests that new routes have been created and demand has in fact continued unabated [Bagley, 2012].

Organised crime displays a remarkable capacity for self-renewal and adaptation, and has also shown an astonishing ability to counteract and withstand state-led offensives. Indeed, organised crime continues to flourish, finding recruits among impoverished youth living in the peri-urban and slum areas of Latin America’s exploding cities. In most cases young males have taken part in criminal organisations since they were adolescents, becoming involved in minor tasks, and egged on by the consumption of illegal drugs. When a leader is killed or captured, lower-level members then start to assume positions up the chain of command [Garzón, 2013; Radio Cadena Nacional de Colombia, 2013]. Marked by domestic violence and addiction and deprived of attachments to society through alternate forms of belonging, these youths see crime as a means of gaining status and power [World Bank, 2012]. Most of them are destined to end up behind bars or killed in disputes between rival criminal factions.

Citizen safety is currently facing a range of threats that extend far beyond the traditional parameters within which it was originally conceived. Indeed, citizen security was first established as a means of emphasising the safety of people and the responsibilities of states to guarantee security at the national and subnational levels. Yet today cities and municipalities across Latin America are exposed to a host of global illegal markets linked to a dynamic transnational network of criminal groups. As a result they amplify local threats. Micro-trafficking plays a significant role in spreading crime and violence locally, with crime groups disputing markets, resources and territories. These organisations regularly kidnap, extort and impose restrictions on citizens. In this context otherwise-distinct forms of violence and crime become interwoven, while the responses put in place by the state are sporadic and incomplete, and very often directed against the most vulnerable population groups and the weakest links in the chain.

The arms-drugs-violence nexus: a crucial part of the problem

Lethal violence provoked by firearms in Latin America and the Caribbean far exceeds the world average. According to the Small Arms Survey (2012), whereas roughly 42% of all homicides worldwide involve firearms, this figure rises to 70% in the case of Central America, and 60% for South

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3 Economists Daniel Mejía and Pascual Restrepo contend that in Colombia drug production activities account for as many as 40% of the homicides being committed in the country. This proportion coincides with estimates from Mexico, in a study authored by Roble et al. (2013), and with statements made by President Otto Pérez Molina of Guatemala (see Mejía & Restrepo, 2008).

4 Illegal armed groups operating in urban areas of Medellín.
America and the Caribbean. As with the rest of the world, high rates of homicides are associated with high rates of gun ownership in the region, as well as weak institutions of regulation and control. Those countries featuring the highest rates of gun-related deaths demonstrate this: 75% of homicides in Guatemala, Honduras, Guatemala, Colombia, Venezuela and El Salvador are committed with firearms (see Simone, 2013).

The circulation and availability of firearms and ammunition across Latin America appears to have increased in recent years. This is underlined by the growth in international transfers in the legal market and the intensification of flows in the black market. According to the Small Arms Survey (2012) and the Igarapé Institute mapping arms data tool, the annual revenue in small arms and light weapons, spare parts, accessories, and ammunition was at least $8.5 billion, twice the amount estimated in 2006 ($4 billion). With regard to the black market, the number of confiscations – a proxy for the volume of firearms circulating in the region – has also increased. According to recent estimates, 45–80 million firearms circulate legally and illegally in Latin America (Stohl & Doug, 2008). In the case of Colombia there are estimated to be four illegal weapons for every legal weapon (Vranckx, 2009); in Brazil nearly half of a total 16 million firearms are illegal (7.6 million) (UNODC, 2010); and 85% of the 15 million firearms circulating in Mexico are estimated to be illegal – a figure that may have risen in recent years (Small Arms Survey, 2011; DellaVigna & La Ferrara, 2010; Chicoine, 2011; Goodman & Marizco, 2010).

The region is an avid consumer of arms fed above all by the U.S., but also by Brazil, where studies have shown that for every ten weapons seized, eight are manufactured domestically (Muggah & Szabó de Carvalho, 2012). While most homicides are committed with handguns, a significant proportion of the military-grade weaponry circulating in the black market is a legacy of the civil wars of Central America or due to the diversion of weapons from the stores of armed forces and law enforcement agencies. Weak mechanisms for supervising domestic weapons production, storage, licensing and retail facilitate the circulation of arms and ammunition. In South America alone the surplus of small light firearms in military stockpiles is estimated at 1.3 million units, some of which ultimately turn up in the arsenals of organised crime (see Karp, 2009). This convergence of flows, markets and surpluses has provided criminal organisations with ample armaments to guarantee protection for their activities, wage war on rival criminal factions and defy state incursions.

Revenue from the illegal drugs trade has enabled access to virtually every type and calibre of armament and ammunition, often exceeding the response capacity of local law enforcement units. Sub-machine guns, machine guns, grenade launchers and even anti-aircraft missile launchers are all known to feature in the arsenals of criminal organisations. These groups have in turn exploited regulatory breaches, porous and corrupt border controls, and the lack of surveillance and control over existing publicly and privately held weapons. Estimates put the number of firearms crossing illegally from the U.S. into Mexico at 2,000 per day. Furthermore, two out of three weapons involved in criminal acts in Mexico have been manufactured in or legally imported from the U.S. (McDougall et al., 2013; Barrett, 2012) – a telling fact is that the state of Texas is the origin of 40% of the weapons that have ended up in the hands of Mexican drug traffickers (USGAO, 2009).

The panorama set out above suggests a fluid relationship between the illegal drugs market and the black market for small arms and light weapons. Without revenues generated from drug trafficking, criminal organisations would not have achieved their current level of firepower and force projection. Likewise, without the north-south arms flows, criminal groups would not have been in a position to adequately equip themselves with modern armaments to confront rival criminal factions, challenge state institutions, terrorise citizens and dominate transit routes. The current challenge is therefore not only to stem the flow of weapons, but also to recover, regulate and better manage the millions of firearms already on the loose in Latin America.

The impacts of the war on drugs on public safety: the unforeseen consequences

The war on drugs has generated far-reaching and systemic negative consequences for public safety and security. While zealously prosecuting drug traffickers and attacking all of the links in the drugs supply chain, concern for the protection of citizens and communities has been pushed to the background. One of the assumptions underpinning the anti-drugs strategy was that by striking the finances and resources of criminal groups through prohibiting drug trafficking, their strength and ability to act would be negatively affected. However, the theory has been disproved by empirical reality. If anything, crime in the region has fed off the lucrative trade, adapting and responding violently.

The dominant counter-narcotics policies put in place across the region were heavily informed by the international and domestic priorities of the U.S. Predictably, they have exerted a strong influence on Latin America. Their chief characteristics are related to a punitive approach that criminalises producers, traffickers, dealers and consumers. In applying force indiscriminately, the war on drugs has undermined citizen security.

At the same time the persecution of consumption has resulted in the dramatic overpopulation of Latin American
jails and exposed hundreds of thousands of people – above all young people – to imprisonment. Rather than rehabilitating criminals, this policy of imprisonment has encouraged criminal careers and enabled new connections to illegal networks and markets [The Economist, 2012; Archibold, 2012]. A recent report published by TNI and WOLA (2011) on the connection between anti-drug legislation and the prison situation in Argentina, Bolivia, Brazil, Colombia, Ecuador, Mexico, Peru and Uruguay illustrates how the application of strict laws against drug-related crimes has worsened already overloaded court systems.

At the same time aggressive state interventions intended to contain drug trafficking have just as often sparked violent retaliation by criminal structures. In some cases armed groups have in turn launched new and more violent disputes over routes and territories in defiance of public institutions. The escalation of violence has actually exceeded the threshold used to define civil wars – 1,000 battle deaths per year. Violence in Rio de Janeiro, Mexico, Honduras, Guatemala and El Salvador often exceeds the number of deaths in such conflicts as Iraq, Afghanistan and Sudan.7 The death toll not only involves the military, law enforcement officers and officials involved in the fight against the drug trade, but also civilians caught in the crossfire. Anonymous victims are routinely denied official recognition and basic medical attention.

The war on drugs has also involved military forces in domestic security operations, further blurring the distinctions between war and peacetime operations. In some cases military personnel are implicated in violations of human rights, which is hardly surprising, given their lack of training for urban interventions. Similarly, high-ranking officers are regularly found to be themselves connected to criminal networks. Poorly paid local police forces, resource constraints, and significant levels of mistrust between agencies and the population are all exploited by criminal organisations. What is more, justice systems seldom receive adequate resources and safeguards, further eroding the faith of citizens in their impartiality and legitimacy. Levels of impunity persist and are among the highest in the world, without the necessary capacity to solve crimes and provide victims with redress.

When examined in regional terms, the benefits of the war on drugs have been modest. At best a critical review suggests that the war has generated only partial victories and achieved results that lack sustainability. Advances achieved in one country are routinely overshadowed by the worsening of the situation in others. Instead, the “cockroach effect” – or efecto cucaracha – is the rule. In order to avoid detection after the light is shone on them, criminal organisations scuttle from one municipality to another and from one country to another, seeking ever-safer havens and weaker state authorities [Bagley, 2011]. The paradox of the war on drugs is that the more the authorities intensify their fight against drugs, the more criminal organisations have to raise prices to offset risks, without this in any way diminishing consumption (Becker & Murphy, 2013).

The war on drugs has led to a grave public health problem – consumption – being addressed by the persecution and criminalisation of addicts. The fact that drugs are illegal has in most cases prevented drug addicts from being treated and rehabilitated, because they are themselves castigated as criminals. Moreover, the high investment in the law enforcement apparatus has undermined the more effective investment in prevention, harm reduction and treatment. This reality persists in spite of the fact that the vast majority of consumers do no harm to others. Although addicts can and do inflict pain and suffering on themselves and their families, it is not through punishment that the state and society will help them. On the contrary: there is evidence that financial and social benefits accrue to communities when investments are made in social and health programmes rather than when resources are devoted narrowly to law enforcement and supply reduction. Nonetheless, the overwhelming majority of resources are still being earmarked for repressive strategies, suggesting that the war will continue generating massive collateral damages (Global Commission on Drug Policy, 2011).

A different possible future: overcoming taboos

It is time to address the challenge of violence, drugs and arms that is gripping the region. But failures in past efforts demand a reappraisal of conventional approaches and the results achieved. The war on drugs, the “iron fist” or mano dura approach, and the policies privileging a crackdown on criminals instead of the protection of citizens have not only proven ineffective, but in most cases have generated negative consequences where they have been applied. At best, results have been partial, with criminal phenomena simply moving to new territories, organised crime making new adaptations, and violence transforming itself, with new faces, perpetrators and victims.

More optimistically, the discourse of prevention and demand reduction is gaining ground in Latin America, even if not always bringing more resources in its wake. Nonetheless, the need to strengthen state institutions is one of the emerging priorities on the regional agenda. There is a concerted focus on evidence as the basis for policy and programme formulation and an awakening to the potential of strategies that promote violence prevention. Even so, some actors who resist change are still thwarting urgent reforms – legal or otherwise. And regional initiatives and co-operation, while more frequent, are slowed by continued mistrust and weak follow-through. Reinforced by conservative elite populations, governments are still being pushed...
to deliver harsher penalties, more police and larger prisons.

To change the status quo and imagine a different future, a number of taboos must be broken. Firstly, countries need to be allowed to experiment with alternative approaches to drug control that meet their regional and national needs and priorities. Moreover, a debate needs to be launched on alternative ways of reducing drug consumption that also ensure concomitant reductions in violence and insecurity. To be sure, there is no silver bullet or single unified policy, but there are promising approaches based on experiences from around the world. The fact is that the credibility of punitive and prohibitionist strategies has started to falter in a region that has seen them fail not once, but many times.

A new dialogue on drug policy was launched more than half a decade ago with the establishment of the Latin American Commission on Drugs and Democracy (Comisión Latinoamericana sobre Drogas y Democracia) and the Global Commission on Drug Policy (Comisión Global de Políticas de Drogas). The core messages of theGlobal Commission on Drug Policy are to (1) treat all consumption as a public health issue; (2) focus repressive actions on violent criminal organisations; (3) focus law enforcement efforts not on the drug markets as such, but on harm reduction for individuals, communities and national security; (4) invest in prevention; and (5) replace drug-related policies and strategies that are driven by ideology and political convenience with economically responsible policies and strategies based on science, health, security and human rights (Global Commission on Drug Policy, 2012).

The commission has proposed a collective discussion to break the five-decade-old mantra of anti-drug policy. As a result of this effort a number of alternatives ranging from the decriminalisation to the regulation of the drug market are now being openly discussed in countries such as Bolivia, Colombia, Guatemala, Mexico and Uruguay, effectively disrupting the prohibition monologue. The 2012 Cartagena Summit of the Americas was a landmark in redirecting the discussion on drugs in Latin America (Naim, 2012). For the first time since the 1961 convention the region’s leaders were in agreement to open up the debate, asking the Organisation of American States (OAS) to consider the issue in the years to come.

A key development occurred with the delivering of a joint message by the governments of Mexico, Guatemala and Colombia to the UN secretary-general in 2012 that called on the OAS to reassess the scope and limitations of current policy on drug control. These countries requested a rigorous, responsible, scientifically based review of the drugs-related approach in order to establish more effective public policies (UN, 2012).

In May 2013 the OAS delivered the requested study entitled Reports on the Drug Problem in the Americas8 to President Santos of Colombia, following the mandate it received at the 2012 Summit of the Americas in Cartagena. The study comprises an analytical report and four possible scenarios for future drug policy, reflecting an emerging consensus across Latin America. None of the scenarios calls for the retention of the status quo.

Most experts endorse the first three scenarios – the shift from repressive approaches to ones that privilege citizen security, experimentation with different approaches to regulating illegal drugs and the strengthening of community resilience. The fourth scenario, the threat of creating narco-states, is to be avoided at all costs. Taken together, the report represents the first comprehensive treatment of drug policy reform from a multilateral organisation.

The OAS study sets out complementary rather than mutually excluding paths. These paths are based on the realistic expectation that demand for psychoactive substances will continue to exist over the coming decade and that only a small proportion of users will become dependent. In fact, many states are already decriminalising drug use and experimenting with cannabis regulation, while also investing in harm reduction programmes, including the medical supply of harder drugs. Rather than causing problems, as predicted by their critics, they are generating positive and measurable results.

A remarkable shift is also under way in the U.S. as to how several states respond to the drug challenge. In 2012 voters in Washington and Colorado states approved popular initiatives legalising the recreational possession, consumption, production and sale of cannabis. A Gallup survey in October 2011 found for the first time that more than 50% of U.S. citizens support the legalisation of marijuana; the proportion was only 36% in 2006. More states may well join the legalisation movement, forcing an unprecedented reassessment of anti-drug policy in the U.S.

An internal contradiction now clearly exists between federal and state laws, about which the U.S. Department of Justice has remained silent. And an external contradiction is now apparent with regard to U.S. anti-drug policy in the region. The U.S. is now in a position where it is demanding repression in foreign countries even as its own internal standards are being relaxed with the legalisation of marijuana use. Significantly, what has occurred in Washington and Colorado opens up the opportunity to test out new alternative arrangements and opens the possibility of debate in the country that gave birth to the “war on drugs”.

Conclusion
Although there is a range of opinions as to how to solve the dilemma of insecurity in Latin America, the debate on new approaches to drug policy is growing more acute by the day. Since massive flows of resources from the drug market persist and criminal organisations continue to enjoy easy access to weapons and ammunition, it is hard to conceive of alternatives. But Latin American leaders and citizens must imagine another future. They must agree on effective public policies that protect the lives, rights and freedoms of citizens (El País, 2012). In this way, Latin America may trigger a paradigm shift that spreads around the world.

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