

Nuclear Non-Proliferation and Iran: Policy Options and Contexts

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Research specifically analyzing Iran's technology, its ambition to make a nuclear weapon and its nondisclosure of its nuclear program carries importance and relevance now. A nuclear Iran poses a number of risks. Risks include the enhancement of its stated policies against Israel and the United States and its interests, adding extremely severe dangers to confronting in any way Iran's policies that hinder and prevent peace in the Middle East including their support for terrorist groups and activities. In addition, the possibility that a nuclear Iran could ignite an arms race among countries with competing interests like Saudi Arabia and Egypt[1]. Also, Iran has recently test fired a number of medium range missiles (which they have done before) and has revealed missile silos that were secret until now[2]. These kinds of actions have emphasized concerns regarding Iran's overall slow but developing technological capabilities[3].

A nuclear Iran is dangerous for the above stated reasons. Action must be taken to ensure disclosure of Iran's program as well as confront the possibility of a nuclear Iran both in the short and long term. Debate exists when attempting to determine what kinds of actions within what kinds of time frames are most viable. These range from confrontation to engagement and are discussed in this article. An effective articulation of the important factors, the options and their impact are necessary to effectively approach and assess this issue. This article will look at specific courses of action from both a political and public policy perspective and will assess their short and long term impacts.

The question to be asked here must address Iran's behavior and the dangers associated with them. In approaching the issue of the nuclear non-proliferation of Iran, what are some of the short and long-term policy options that exist in confronting the Iranian nuclear program, what are some effective ways of evaluating these options, and does any specific policy or combination of policies stand out as result of such evaluation? Such a question is meant to present the policy proposals most discussed and present a suggested model for their evaluation.

It is important to keep in mind the merits of different policies and approaches about political factors and consequences concerning different policy approaches and strategies. Impacts and consequences to policies should be applied to both the short and long-term time spans. The nature of the Iranian regime and its history must be discussed when approaching these policies and proposals. A brief historical background helps to explain and give context to previous action by the United States to confront this problem. Authors like Ali M. Ansari have made an effort to provide sufficient background in an effort to better understand the problem as it exists today[4]. Government publications have also provided this background as well as a detailed analysis of current circumstances by agencies such as the Central Intelligence Agency[5].

In addition, methods of continuing the existing sanctions and for applying future political, economic and legal sanctions will be discussed. The possible impact on Iran's behavior and nondisclosure regarding their nuclear policy will be related to this discussion. It is particularly important then to view this through the impact of continued and future sanctions on Iran with the intent of changing its behavior.

Perspectives and Assessments of Iran

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Sanctions have included political, economic and legal pressure from the U.S., its allies and international organizations. The United States has also been working with allies to formulate and execute different strategies. Policies and proposals within these strategies vary and one can apply many foreign policy theories to them. These concepts include both state and non-state actors in regional assessments. International actors are included in policy options; allied nations and international organization such as the United Nations (U.N.) and the International Atomic Energy Agency (IAEA) are some of these. For example, The Emirates Center for Strategic studies and Research have put together a significantly large picture in articulating the concerns of different nations and international organizations related to Iran's actions[6].

There have also been efforts to better analyze how Iran is currently reacting and how the Iranian government may react in the future. This allows for a better understanding and assessment of policy possibilities in getting Iran to be more open about their nuclear policy and to change their behavior regarding it. Authors like Shahram Chubin have made this effort, concentrating on, for example, the known factors behind Iran's nuclear policy and heated rhetoric regarding this issue[7].

Iran's Nuclear Program

As things currently stand, there is a compelling belief among United States and international officials that Iran intends to build, or are already building, a military dimension to its nuclear program. The declassified version of the November 2007 United States National Intelligence Estimate stated with high confidence that Iran suspended its nuclear weapons program in the fall of 2003. It also stated that it was likely that Iran has intentions of continuing a nuclear weapons program[8]. In other words, the intelligence community has confidence that there exists some kind of intent (and/or action) to continue building a nuclear weapon[9].

Also, the International Atomic Energy Agency (IAEA) report by Mohamed ElBaradei of November 2008 stated concern that Iran was not being completely forthright about potential military dimensions to its nuclear program[10]. The IAEA report also stipulated that Iran has not but needed to disclose hidden information about acquisition of materials, activities and production related to their nuclear program and enrichment activities[11]. The IAEA continues to express these concerns in reports up to the present time.

In addition to this there is indeed a substantial suspicion among U.S. and international officials that Iran is maintaining a weapons component to its nuclear program. As part of this the goal of the United States policies has clearly been to prevent the prospect of a nuclear Iran[12]. Head of the Joint Chiefs of Staff Admiral Mike Mullen for instance, "I fundamentally believe that the Iranians are on a path to do that [build nuclear weapons]. I've had that belief for some time, and I think that they will continue to move in that direction"[13]. Many other U.S. officials share this belief[14].

Iran has had a nuclear program for some time, but it has gone through stages of suspension and resurgence[15]. It essentially suspended its nuclear activities after the 1979 revolution and during the Iran-Iraq war[16]. Such activities would be resumed however. IAEA inspections in 2002 revealed a large amount of past activities by Iran related to its nuclear weapons program. It exposed significant efforts to enrich uranium and separate plutonium[17]. It also discovered imported material that was undisclosed. For example, inspections revealed uranium conversion experiments not reported as required by the IAEA. It was also discovered that the A.Q. Khan network provided Iran with nuclear weapons information[18]. There is also evidence of military involvement in these efforts. The IAEA continued to report, despite Iran's denials, that Iran is not forthcoming about the military dimensions of its program[19].

A further concern held by the United States and its allies is that Iran will overcome the technical challenges necessary to build a nuclear weapon. United States intelligence agencies judge with moderate confidence that the timeframe for this is between 2010 and 2015 or even possibly later. The National Intelligence Estimate (NIE) proposes the possibility that Iran could have had this capacity as early as late 2009, but that has turned out not to be the case[20]. Recent events have drawn attention to Iran's overall slow but developing technological capability. For example, Iran did launch its own satellite into space using its own long-range missile[21]. Also, an Iranian drone was

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shot down inside Iraq in February 2009[22]. Such incidents show the overall developing capability of Iran in the specific context of the possibility that Iran will gain the capacity to make nuclear weapons.

Concerns about Iran continuing to develop nuclear weapons have for years been addressed by methods of sanction. The 1996 Iran-Libya Sanctions Act (ILSA or ISA) is one example of such approaches. This act banned foreign investment in Iran's energy sector in excess of 20 million dollars a year[23]. The Iran-Iraq Arms Non-Proliferation Act also banned dual-use items. Other sanctions that will consequently be discussed target companies and countries that have invested in Iran; these have also been sanctioned by the United States. These kinds of sanctions have continued to be strengthened over time[24].

A number of other acts have either amended former acts of sanctions against Iran or have added to them. One recent and well known law is the Comprehensive Iran Sanctions, Accountability and Divestment Act (CISADA), which was signed into law on July 1, 2010. It adds to the material sanctionable to things such as gasoline, refining equipment and services. The dollar amount of these transaction triggering sanctions is \$1 million for a single transaction or \$5 million in aggregate transactions[25].

CISADA also amends ISI by making the investigation and implementations of sanctions mandatory. It requires an investigation into possible sanctionable activity and a decision on sanctions within 180 days of such an investigation[26]. This act also contains a "special rule" stating that if firms are closely cooperating with the U.S. against Iran's program, then sanctions are waived or delayed. This rule also states that no investigation or sanction will be initiated against a firm that has stopped or pledged to stop this kind of cooperation with Iran[27].

The United States has also been involved with current United Nations sanctions and incentives packages, including Security Council Resolutions 1737, 1747 and 1803[28]. Furthermore, the United States has also been involved with a contact or negotiations group known as the Permanent five plus 1 (P5+1)[29]. This group includes the United States, Russia, China, France, Britain and Germany and has the support of the European Union and the endorsement of the United Nations Security Council[30].

Specific measures presented by the P5+1, which was included in United Nations resolution 1747, include the prohibition of materials that are nuclear, missile or dual use in nature, preventing Iran from exporting technology usefully related to weapons of mass destruction, freezing specific individual assets and assets of Iranian front companies, and calls to inspect cargo if there are indications that such cargo is banned[31].

One of the most recent U.N. measures is U.N. resolution 1929, which was passed in the summer of 2010. The resolution imposes sanctions against an additional 41 entities and individuals which include the Iranian Defense Ministry and the Revolutionary Guard[32]. The Security Council also states that Iran should not be involved in any commercial transactions or activity related to uranium enrichment[33]. The resolution also stated that countries should not be involved in the sale of a number of conventional weapons[34]. Additionally the resolution promoted another recent group known as the E3+3 as a negotiation group, contact group and option. This group is made up of France, The Russian Federation, Germany, The United States, The United Kingdom and China.

Possible incentives for policy change that seem to be geared toward the intermediate-term to long-term are the acceptance of Iran into the World Trade Organization, the easing of restrictions on aircraft or aircraft parts sales and sale of nuclear fuel and a light water reactor. One incentive geared toward a long-term future is cooperation on energy in modernizing Iran's oil and gas sectors and a possibility that Iran would be allowed to enrich uranium if it met all IAEA conditions and could prove that the program was peaceful[35].

The current United States and United Nations policy towards Iran appears to consist of pressure, extremely generous incentive and diplomacy. It is necessary to define policy options pertaining to these approaches and attempt to define and measure, as well as possible, the factors that lend effectiveness and viability to these different options and approaches. It will then be important to relate this effectiveness to the increase or maintenance different policy courses. Such evaluation will require an examination of past and present policies and the nature and possible intentions of the current Iranian regime.

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An evaluation of these current and future policies or an appropriate combination thereof must occur. Part of the criteria for this evaluation must be evidence within the policies themselves showing effectiveness and appropriateness for the present, short-term and long-term. This evaluation should also include factors related to Iran itself such as the processes and intensions for Iranian decision-making. This is considered because in confronting the nuclear issue the United States is not simply dealing with a country as an abstract entity, but also with the group who is in control of the country. It is important here to note that factions within the Iranian government see this issue within degrees of the hard-line. While the assessments of intensions and decision-making may not be perfect, or in some cases empirically measurable, some of them should be used in tandem with harder evidence to evaluate policy.

Factors within Iran

A Congressional Research Service report on Iran states that Iran's foreign policy is a product of the extreme ideology of its 1979 Revolution and lasting national interests[36]. It is important to see the actions of the Iranian regime in this context and the differences in the ways that factions within the Iranian government see this issue. In the U.S. one faction has commonly been labeled conservative; this group is composed of those who take a hard line, even radical view of the nuclear issue. The other faction has been labeled the reformers, those in Iran who are more moderate than the conservatives. In the past reformist candidates have advocated that Iran should not continue on the current nuclear course at the expense of increased isolation from the world and that diplomacy and avoiding hostilities should be considered in approaching the nuclear issue[37]. Conservative candidates by comparison support the full and complete continuation of current policy[38].

The regime in Iran is non-democratic, and nuclear policy in practice seems to fall into categories of the hard-line. For instance, the approach to this issue from 2003-2005 was characterized by efforts to be somewhat sensible with the relationships of other nations and the region, to minimize the negative impact of the program and even at times to suspend enrichment[39]. Yet there were times while Mohammad Khatami was in power when Iran was clearly continuing its nuclear program, particularly in the 1990's[40]. While it is clear that pragmatists during this time were more inclined to participate in negotiations and contact groups, it is also clear based on the incidents of attempted relations during the 1990's that little substantial overall action took place as a consequence of dialogue[41].

The conservative faction of Iran coming to power, signified in part by the election of Mahmoud Ahmadinejad as Iranian President in 2005, was a move toward an even stricter hard-line on the nuclear policy. The overall view of these conservatives is a view of constant confrontation with other nations, with the west in particular[42]. They see other nations as powers looking to control and dominate Iran. In this context, atomic capacity is seen as a source of power and a status symbol of intimidation in the face of perceived enemies[43].

Confrontation in the case of conservatives is welcomed more than it is avoided. Ahmadinejad has remained defiant and confrontational on the nuclear issue[44]. Iran's continued actions outside the nuclear problem draw attention to itself as a dangerous regime, which also increase the alarm associated with the prospect of Iran going nuclear. These include the enhancement of its stated policies against Israel and the United States as well as other western countries and their interests (they perceive these countries to have a motive of dominating Iran)[45]. A nuclear Iran would add extremely severe dangers to confronting in any way its policies that hinder and prevent peace in the Middle East including its support for terrorist groups and activities[46].

Prominent Policy Options

There are a large number of policy options to address related to the Iranian nuclear issue. A discussion of the policy options will be based on the premise that Iran is capable of gaining nuclear weapons and that the capacity to build them is deemed unacceptable by the United States and the United Nations. This discussion will focus on the two sets of actions most prominent in currently addressing this issue, one of these is sanctions or pressure and another is engagement.

Maintaining or increasing economic, financial and legal pressures or inducements represent a set of proposals; achieving this would entail maintained and increased sanctions, inspections, export controls and other strategies that

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would place a high cost on the continued pursuit of nuclear weapons by Iran[47]. Other policy options are related to engagement, which includes mostly diplomatic tactics and negotiations. Current policies following this option include the offering of incentive packages via contact and negotiation (diplomatic) groups like the P5+1 and more recently the E3+3. The overall motive here is to buy time for Iran to reevaluate its nuclear policy[48].

Current United States policy of course does not fit singularly along one of these categories. Present policy is a mix of these policy options. In addition, the debate about future approaches toward Iran on the nuclear issue pertains to how to change these approaches to ensure that Iran will change its behavior. For example some will assert the need for increased investment in diplomatic efforts; this would include a substantial increase in direct diplomacy between the Iranian regime and the United States. Sanctions however are another option as a result of diplomatic failures[49]. Others emphasize that pressures like sanctions must be increased[50]. The greatest differences here are the emphasis by some of the substantial increase in direct diplomacy[51].

Sanctions

No matter what policy choice is made, it is necessary to address the question, what kind of potential impact can continued or increased sanctions have? Assessments of the impact of U.S. and U.N. sanctions on Iran's interests and institutions are not publicly accessible as they are classified[52]. However, there have been numerous assertions by U.S. government officials that sanctions have had a significant impact. The data that the Treasury Department did release to the Government Accountability Office (GAO) stated the scope of the Iranian sanctions program. This sanctions program has rejected over 25,000 transactions costing over five billion dollars since 1997[53]. In testimony in 2008 before the Senate, Patricia McNerney, Principal Deputy Assistant Secretary, International Security and Nonproliferation for the Department of State, stated the minimum impact of placing restrictions on Iran's efforts to develop and fund its weapons programs[54]. The U.S. Treasury Department has also made similar assertions[55]

...at a minimum, these sanctions are limiting Iran's access to sensitive technologies and goods, with the possible impact of slowing Iran's nuclear and missile development. These sanctions are also impairing Iran's ability to access the international financial system, fund its weapons programs and terrorist activities, and secure investment for strategic sectors, as many states and firms no longer wish to associate themselves with the Iranian regime. They keep Iran on the defensive, forcing it to find new finance and trade partners and replace funding channels it has lost – often through more costly and circuitous mechanisms[56].

Iran is susceptible to financial pressure because of the investment involved in their economy. Lionel Beehner states this effectively:

“Its economy is reliant on foreign capital and investment to develop its untapped oil fields and fledgling nuclear energy sector. By denying Iran extensions of credit and other financial assistance, Iran's primary industry—oil and gas—may be adversely affected, economists say. Iran may be forced to obtain loans with less favorable terms and at higher interest rates. And some Western investors may decide doing business in Iran is not worth the risk[57].”

Djavad Salehi-Isfahani, Professor of Economics at Virginia Tech and Nonresident Guest Scholar at the Brookings Institution, argues that there should be suspicion about the belief that continued and increased sanctions will yield effective results, yet admits that these financial sanctions do have an impact on certain aspects of Iran's economy[58]. Stagnation occurring in Iran's economy due to its isolation from the world and the closed nature of its regime are additional factors to the apparent impact of sanctions[59]. There seems to be a level of general consensus that sanctions have had a measurable and significant impact on certain parts of Iran's economy related to its nuclear policy. An example of this effect is seen in a broad constraint placed on dual-use technology[60].

Engagement efforts

What have been the analyses and effectiveness or non-effectiveness of diplomatic efforts and outreach relevant to the nuclear issue, in other words, the engagement strategy? Iran and the U.S. have had little official contact since 1980. Efforts by the Obama administration to reach out officially to the regime's leadership are not new. During

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President H.W. Bush's inaugural address in 1989 he referred to the possibility of such outreach stating that "goodwill begets goodwill" which referenced the possibility that if U.S. hostages held by Hezbollah in Lebanon were released relations would improve between Iran and the U.S.[61]. Iran was apparently involved in their release but no improvement in relations took place likely due to their support of other groups opposing Middle Eastern peace[62].

The Clinton Administration continued efforts to isolate Iran and imposed sanctions, some directly related to the nuclear issue. When Mohammed Khatami was elected President of Iran in May 1997 it shifted certain U.S. outlooks towards the Iranian government. Khatami called for a "dialogue of civilizations" between the two countries[63]. The Clinton administration proposed official dialogue with little preconditions. Khatami agreed to "people-to-people exchange" yet no direct contact occurred[64]. Later in 1998 Madeline Albright called for a road map leading to improved relations[65]. President Clinton himself offered an "ending of the strains" between Iran and the U.S.[66]. It can be seen that little overall direct action was taken by Iran despite the rhetoric and offers. The incentive offers proposed by the P5+1 contact group under the Bush administration also produced little direct reaction from Iran beyond rhetoric. In June 2008 Iran had suggested "freeze for freeze" related to a freeze on sanctions in exchange for freezes on continued nuclear development but this also did not go far beyond words[67].

Evaluation of Policies

How do different approaches, or mixture of approaches, toward Iran's nuclear policy look when viewed against a number of factors and in relation to sanctions? Criteria to address this question would include the factors related to the control of Iranian policy on this issue and their motives, the status of Iran's current nuclear program progress and the time frame existing for the prospect of Iran gaining a nuclear weapon and/or nuclear weapons capacity and the effectiveness of different strategies and tactics to this point. It also includes possible consequences of certain actions at this point in time.

Approaches other than pressure or engagement include substantial military action (attack on known nuclear sites, for instance) or allowing a level of or complete nuclear capacity for Iran. Neither of these options at this time is practical due to the time frame involved in Iran's progress towards the prospect of gaining a nuclear weapon.

Intelligence agencies again place the likeliest assessment within the 2010-2015 range or later[68]. There are serious concerns that Iran already has enough material to build a bomb yet it is doubtful that Iran has the capability of highly enriching uranium to get to this point[69]. The NIE of 2007 mentions the difficulty for Iran in reaching this capability and asserted that Iran would not likely gain nuclear weapons capacity before the 2010-2015 timeframe[70]. The Bureau of Intelligence and Research actually believes that Iran will not gain this capacity anytime before 2013[71].

The possible consequences of large-scale military action also make it impractical currently or in the near future; bombing sites could have drastic consequences in relation to perception in the region and retaliation from Iran through terrorist action against the U.S. and its interests and increase tensions in the Strait of Hormuz, an area in which Iran has committed previous provocative action[72]. There are others who argue that all the nuclear sites may not be known[73]. Yet it is important to repeat a common phrase on this problem when talking about the possibilities of the long-term future, no option should be taken off the table.

Letting Iran have partial or full nuclear capability is also impractical based on its potential consequences. Such a change would build tensions in the region, this is true for Israel; it is also true for countries like Saudi Arabia and Egypt, who as a consequence of increased Iranian capacity could themselves build their own nuclear weapons capabilities[74]. It would raise tensions among other nations in the world as well due to Iran's foreign policy and support of terrorism[75].

Addressing engagement, efforts have been made by the current Obama administration to reach out to the Iranian leadership. The intent is to promote direct contact pertaining to nuclear weapons[76]. President Obama did state as a candidate and as president elect in 2008 that he would under certain conditions be willing to engage Mahmoud Ahmadinejad on a one on one basis. Based on analysis of the current nature of the Iranian regime and the outcomes of other efforts to make similar kinds of contacts (as in the aforementioned examples) it was difficult to come to the

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conclusion that such efforts would meet with different results. This does not mean the channels that have existed to this point should be closed. U.S. Ambassador to the U.N. Susan Rice stated the intension of the new administration to work in the P5+1 framework[77]. This would also be true for the E3+3.

Regarding sanctions and economic pressure, the 2007 NIE asserts the reason in which successes occurred in temporarily changing the behavior of Iran concerning nuclear weapons. They state that this outcome was substantially due to “scrutiny and pressure” pushed by nations and international organizations in exposing their previously undeclared nuclear activity[78]. It also states that this action shows that Iran can be guided by a cost benefit analysis on this issue[79]. Yet this possibility occurs within the NIE in the context of pressure and scrutiny.

This factor, taken together with the available evidence showing that Iran is vulnerable to financial pressure in particular, naturally brings to the forefront the possibility that increasing this pressure could increase the possibility of changing Iran’s behavior. Other strategies then will not have the possibility of being more effective in a future assessment without the increase of this pressure in the short-term. The maintenance if not the increase of these kinds of sanctions is then currently pivotal. This however will take continued efforts to coordinate nations and appeal to common interests. Such efforts could bring about an increased possibility of changing Iran’s nuclear policy behavior. This includes continued efforts to convince China and Russia related to sanctions, as they have voted for sanctions in the United Nations Security Council up to this point[80].

This is shown in the latest U.N. Resolution 1929[81]. The implementation of sanctions by the United States (mainly due to the implantation of CISADA as well as Resolution 1929) has also occurred. In 2010 the State Department announced that it was levying sanctions on Naftiran Intertrade Company, sometimes known as NICO, due to its involvement in the Iranian petroleum sector. The State Department also stated that it had received word from four oil companies, Total of France, Statoil of Norway, Eni of Italy, and Royal Dutch Shell of the United Kingdom and the Netherlands, pledging to cease their “investments in Iran’s energy sector”, which qualifies them for the special rule under CISADA[82].

Also, in late June the State department stated that it was imposing sanctions on the Tidewater Middle east company. The company operates Iranian ports, it is also owned by the Islamic revolutionary Guard Corps (IRGC). This branch of Iran’s military is connected to Iran’s proliferation activities (it also supports, promotes and commits terrorism in Iran and the region)[83]. A week after the State Departments announcement on June 30, 2011 Danish shipping company Maersk stated it was pulling out of three major Iranian ports. Other shipping companies soon did the same. This is a powerful example of how sanctions on Iran are having a more expanded impact on Iran’s activities[84].

More recently the State Department announced that the company Belarusneft “entered into a \$500 million contract with the Naftiran Intertrade Company in 2007 for the development of the Jofeir oilfield in Iran”[85]. This company was sanctioned on March 2011 for this deal under CISADA and U.N. resolution 1929[86]. This shows another example of effort by international institutions and the United States to increase pressure on Iran.

This effort to increase pressure on Iran includes, and should continue to include, emphasizing to international organizations of nations the dangers of a nuclear Iran and promoting political and economic pressure from nations and those organizations. These dangers are related to region stability and tension and the prospect of a nuclear arms race[87]. Other dangers include the exponentially enhanced danger of Iran’s foreign policy and support of terrorist groups when coupled with the possibility of an Iran that has nuclear capacity[88]. Dangers could also be posed to non-proliferation efforts aimed at other rogue regimes like North Korea. When taken together this forms a significantly dangerous threat to the security and interests of the United States and other nations.

In conclusion, an effort has been made to present the main short and long-term policy options that exist within this problem; they are described as engagement, sanctions, allowance of nuclear capability and military action. A suggested model for the evaluation of these options or combination of options has also been presented, these being related to the current circumstances of the issue, the nature and possible intentions of the Iranian regime and known intelligence regarding Iran and the time frame for its nuclear program. Policy options have come to the forefront based on this evaluation. These include maintained, even increased sanctions in the short-term to place a high price

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on Iran's continued policy and thus to induce a change in that policy, but leaving certain existing frameworks open for the long-term in the context of future positive behavior changes in Iran on a host of issues.

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