

Country and Government Context

The Republic of Kazakhstan is the world's ninth largest country and the largest landlocked country in terms of area, with a territory of 2,727,300 square kilometers. Kazakhstan shares borders with the People's Republic of China, the Kyrgyz Republic, the Russian Federation, Turkmenistan, and Uzbekistan, and also has a long coastline on the Caspian Sea. The terrain of Kazakhstan includes flatlands, steppes, forests, rock canyons, hills, deltas, snowcapped mountains, and deserts. Astana replaced Almaty as its capital in 1997.

Kazakhstan declared independence in 1991 following the dissolution of the Soviet Union. President Nursultan Nazarbayev has governed the country since 1989, when he was the First Secretary of the Central Committee of the Kazakhstan Communist Party. Today, Kazakhstan is a presidential republic with a bicameral legislature. The Senate (the Upper House) has 47 members, with 32 members elected by *maslikhats* (provincial councils) and 15 appointed by the President. The Mazhilis (the Lower House) has 107 members, with 98 elected through proportional representation based on party lists, and 9 appointed by the Assembly of People of Kazakhstan. There are 16 administrative regions, including 14 oblasts (provinces), and two cities with special status (Astana and Almaty).

Kazakhstan has experienced strong economic growth since 2000 as a result of high oil prices in the world market. It is an upper-middle-income country, with a per capita gross domestic product of \$11,825 in 2012. Inequality in income distribution decreased from 0.36 in 2001 to 0.28 in 2012 as measured by the Gini coefficient. However, the large number of disadvantaged and vulnerable groups in underdeveloped regions, small towns, and rural areas remains the country's most important challenge. In 2012, 3.8% of the population were unable to meet their basic needs, and the poverty rate was higher in rural areas (6.1%) than in urban areas (1.9%).^a

Kazakhstan has a population of 17.3 million that includes a diversity of ethnic groups—Kazakhs make up two-thirds of the population; Russians comprise one-quarter; and the remainder includes Ukrainians, Uzbeks, Germans, Tatars, and others. It is a secular state, with Islam and Orthodox Christianity as the most popular religions. Kazakh is the official language, though Russian is also officially used as the language of “interethnic communication.”

^a Agency of Statistics of the Republic of Kazakhstan. <http://stat.gov.kz/>

Civil Society: An Overview

Civil society organizations (CSOs) and nongovernment organizations (NGOs) are nonprofit organizations, which in Kazakhstan is a category that includes public associations, noncommercial joint-stock companies, consumer cooperatives, foundations, and religious associations, among others.¹ There is no formal definition of NGO in the legislation and the term “CSO” is used interchangeably with “NGO” in common practice. However, CSOs² actually encompass a broader range of organizations than NGOs, including political parties, trade unions, religious organizations, professional and scientific unions and associations, and the mass media, as well as NGOs.³ The term “NGO” is applied in most cases to public foundations and public associations.

The CIVICUS Civil Society Index (CSI) 2008–2010 characterized Kazakhstan's civil society sector as moderately developed.⁴ CSOs on the national level are very knowledgeable about the country's social and economic problems. They operate within a relatively well-developed legal framework, have adequate resources, and tend to be open to inter-sector communication. Their activities include raising public awareness; implementing programs; and providing a wide range of social services in such areas as assistance to vulnerable groups, legal aid, human rights, women's rights, environmental issues, and policy advocacy. Most of the active CSOs are concentrated in Almaty and Astana and in the major urban centers of the oblasts. CSOs based in Kazakhstan's regions, however, often lack funds, the capacity for effective management, human resources, and public relations skills.



Kazakh students playing the dombra.

The term “civil society,” along with “NGO,” became prominent with the influx of donor support in the 1990s. The CSI 2008–2010 defined civil society as “the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organizations and institutions to advance shared interests.”⁵

Prior to independence, the development of civil society in Kazakhstan had occurred in two stages: before 1985 and the era of glasnost and perestroika (1985–1991).⁶ Until 1985, there was a limited number of CSOs, all of which were connected to the Communist Party. These included the *Komsomol* (the youth wing of the party), Young Pioneers, trade unions and other public associations (mostly formed in the 1930s),⁷ voluntary organizations supporting the armed forces, and sports clubs. In 1986, a new law on associations and interest-based clubs was approved, resulting in the establishment of discussion clubs and movements in support of glasnost and perestroika.⁸ CSOs played an important role in this democratic transition. Environmentalist movements such as Nevada-Semey, which sought the closure of a nuclear test site, expanded into democratic movements, opening up the political scene and serving as the basis for the first political parties in the new independent state.

After independence, civil society in Kazakhstan became more organized, diverse, and robust.⁹ The development of CSOs since independence can be divided into three phases: the early 1990s, 1994–2001, and 2001–present. In the early 1990s, more than 400 CSOs were established, most of them involved with human rights protection. In 1994, a new Civil Code recognized public associations and public foundations as nonprofit organizations, so the second phase (1994–2001) saw a growth in the diversity and quality of CSO activity. During this period, international donors provided critical support for the emergence and institutionalization of CSOs in Kazakhstan. In the third phase (2001–present), CSOs have enjoyed greater recognition from state bodies, and benefited from formal arrangements for civil society (including government cooperation, the establishment of a public financing mechanism for CSOs, and a growth in the number of registered public foundations and public associations).

Today, Kazakhstan has a large number of CSOs active in the areas of human rights, support for people with disabilities, women’s rights, the environment, and the rights of youth and children. CSOs in Kazakhstan have influenced government policy making, and they have successfully promoted values, such as religious harmony and better interethnic relations at the regional and national levels. CSO engagement in community activities is also relatively diversified.

Legal Framework and Tax Treatment for Civil Society Organizations

The legal basis for the operation of CSOs is rooted in the Constitution.¹⁰ The preamble of the Constitution (1995) states that Kazakhstan has a peaceful “civil society following the ideals of freedom, equality, and harmony.”¹¹ The Conception of Civil Society Development for 2006–2011 (a presidential decree issued in 2006) defined civil society as that “in which the individual, with all his or her needs, interests and values, is at the center of all processes and relations.”¹² The task of civil society, then, is defined here as mediating between individuals and the state. The Civil Code and Tax Code¹³ and the following laws are more pertinent to CSO operations: On Non-Profit Organizations,¹⁴ On Public Associations,¹⁵ On Political Parties,¹⁶ On Religious Activities and Religious Associations,¹⁷ and On State Social Contracts.¹⁸

CSOs may exist with or without formal registration. A CSO’s registration should be approved by the Ministry of Justice and its regional offices once the formal process—based on the law on State Registration of Legal Entities (1995) and on the Instruction on State Registration of Legal Entities (2013)—is completed. The registration fee is the same for CSOs and commercial organizations, but lower for government-funded institutions, cooperatives of apartment owners, and small enterprises. A public foundation may be registered by one person. Public associations require 10 members for registration, however, and they must be registered to engage in any activities.¹⁹ A group of citizens without any status as a legal entity is considered to be an unregistered public association, and its organizers are subject to administrative penalties. A similar situation exists for unregistered religious associations.²⁰

Article 134 of the Tax Code defines the main principles of taxation of nonprofit organizations. According to Article 134, a nonprofit organization is one that does not seek profits and does not distribute earned net income or assets. The income of a nonprofit organization earned from government contracts, grants, membership fees, charity and sponsorship assistance, and from assets received free of charge shall not be subject to the corporate income tax. CSOs funded by grants from donors, international and state organizations, or by international or national CSOs approved by the Government of Kazakhstan also pay no corporate income tax.²¹ In the case of noncompliance with the requirements specified in the Tax Code, the income of a nonprofit organization shall be subject to a corporate income tax. Nonprofit organizations must keep separate accounting records for income that is exempt from the corporate income tax and income that is not exempt.

Various Types of Nonprofit Organizations Registered in Kazakhstan

Type	December 2003	April 2006	November 2008	May 2010	July 2011	January 2013
State institutions ^a	15,502	20,840	21,280	21,334	19,437	19,754
Private institutions	7,351	6,097	5,688	(5,500) ^b	4,621	4,466
Public associations	4,763	5,820	7,204	8,034	8,134	8,810
Public foundations	2,690	3,340	4,204	4,751	4,831	5,327
Religious associations	1,265	1,360	1,399	1,388	1,331	1,336
Associations of legal entities	949	1,072	1,210	1,324	1,288	1,356
Consumer cooperatives	4,791	4,846	5,319	5,553	5,252	5,263
Housing and building cooperatives	450	215	290	339	329	362
Noncommercial joint-stock companies ^c	22	...	3	63	843	798
Homeowners' cooperatives ^d	2,040	2,186	2,363	2,417	2,384	2,542
Other organizations	507	924	1,612	1,832	7,802	7,726
TOTAL	40,603	46,700^e	50,572	52,535^e	56,252	57,740

... = data not available.

^a According to Article 105 of the Civil Code, the state can establish nonprofit institutions.

^b This figure for private institutions, given in parentheses, is based on an assessment by the International Center for Not-for-Profit Law.

^c These are legal entities that issue shares to raise funds for the implementation of activities, the profits of which are used only for the entities' own development.

^d These are organizations created to manage a residential condominium building or a group of homes located near each other.

^e These totals are estimates, due to the absence of some data.

Sources: The International Center for Not-for-Profit Law. *NGO Law Monitor: Kazakhstan*. <http://www.icnl.org/research/monitor/kazakhstan.html>; the Ministry of Justice of the Republic of Kazakhstan.

Civil Society Today

There are 57,740 registered nonprofit organizations in Kazakhstan (see the table above). Of these, 37,986 are classified as CSOs, which include 14,137 public associations and foundations and 23,849 other nonprofit organizations. Public associations and foundations are the main types of CSOs involved in development work. Since 2003, public associations increased by 85% from December 2003 to January 2013, and foundations increased almost twofold during the same period. Since 2010, there has been an increase in government-operated nongovernmental organizations, which receive financial and organizational support from the government and also compete for resources with independent CSOs.

The Capacity of Civil Society Organizations

The CSI 2008–2010 concluded that CSOs in Kazakhstan generally have sufficient internal structures for good governance.²² They seek greater civil dialogue and a role in policy advocacy. Overall, CSOs in Kazakhstan are well organized and highly motivated, and are familiar with the local environment, including the social and economic problems. The strongest aspirations of

Kazakh civil society are democratic decision making, nonviolence, equal opportunities for men and women, peace, and tolerance. The principal strengths of civil society in Kazakhstan include openness to networking and exchanging information.

The principal weaknesses of civil society include the limited framework for political competitiveness and participatory democracy, and financial resource constraints on sustained CSO activities.²³ Individualistic attitudes and apathy toward volunteering among the citizenry are also important inhibiting factors. The CSOs have, therefore, little political impact in terms of strengthening government accountability and transparency.

The limited financial resources of CSOs are one of the main constraints preventing their engagement on a wider scale. This constraint also hinders the sustainability of CSO capacity, so their activities tend to be short-term and project-oriented. According to the CSI 2008–2010, only 14.4% of CSOs have a sustainable human resource base. Many CSOs rely on obsolete equipment purchased in the early 2000s.

Relations between the Government and Civil Society Organizations

CSOs in Kazakhstan are interested in participating in civil dialogue, and generally have the expertise to advance policies and contribute to the process of development. The diversity of their experience and their wide range of stakeholders should enable CSOs to enrich the public policy agenda. Moreover, their involvement in local communities facilitates the provision of basic services that support vulnerable groups and empower marginalized communities. For these reasons, CSOs are invited to participate in consultative and advisory councils under various government ministries and departments on the local and national levels. Among the many councils with CSO representatives are the following:

- a coordination council concerned with relations between CSOs and the national government;
- a public committee in the Mazhilis;
- a public council concerned with the oversight of the police force, under the Ministry of Internal Affairs;
- a public council for the protection of patients' rights, under the Ministry of Health;
- a public council for combating corruption, under the Agency for Fighting Economic and Corruption Crimes;

- a public council supporting the rule of law, under the Office of the Attorney General; and
- a council of experts on entrepreneurship, under the Ministry of Industry and New Technologies.

During these consultations, CSO representatives have the opportunity to make recommendations directly to government decision makers. However, these consultative processes could be made even more effective through the following activities: (i) regular and well-publicized meetings; (ii) the implementation of agreed-upon recommendations; and (iii) greater engagement and cooperation among the government, CSOs, and other stakeholders.

Although there have been some exceptions, CSO impact on government decision making is generally limited to marginal issues that are well outside the main areas of political and economic policy. CSOs need to hone their skills in marketing and lobbying, and they must improve their understanding of the proper mechanisms for exerting an influence on policy making. Better coordination with and among state institutions could help make this happen.

Civil Society Funding

Major funding sources for CSOs in Kazakhstan include the government; international donors; private



CSOs empower marginalized communities.

donations; and the CSOs' own income sources, such as membership and service fees. Most leading Kazakh CSOs depend on international donor organizations, many of which have tightened their budgets or have closed some of their offices in recent years. The resource constraints of these organizations are increasingly hampering the sustainability of CSO activities in Kazakhstan.²⁴

The Law on State Social Contracts, adopted in 2005, provides a legal framework for the state financing of CSOs. Indeed, government funding for CSOs increased from \$450,000 in 2005 to \$31.3 million in 2012. The Ministry of Culture distributed 74%, or \$6.2 million, of state social contracts to 206 CSOs in 2009. These government allocations have been supplementing the tightened budgets of international donors. The Civil Alliance of Kazakhstan calls for Kazakh CSOs to refuse all foreign funding,²⁵ an action that would leave the government as the only major source of financial support for CSOs. However, the current rise in government funding and the decline in international financing already pose a danger to the growth of an independent civil society in Kazakhstan.

Philanthropy and charitable activities are also sources of financial support for CSOs,²⁶ but information on this area is limited. Partnership between the business

community and the CSOs is not well developed, as the ethic of philanthropy and corporate social responsibility within the private sector is still not very strong. Furthermore, small and medium-sized enterprises, which make up almost 70% of the business sector, do not have the resources to invest in social projects. There may be a need for major changes in legislation and in the tax code to create incentives for philanthropy and corporate social responsibility.

Networks and Coordinating Bodies

- Union of Crisis Centers in Kazakhstan, (in Kazakh). <http://telefon150.kz/>
- Association of Women with Disabilities (SHYRAK), <http://shyrak.kz/>
- Civil Alliance of Kazakhstan, (in Kazakh). <http://www.gakz.kz/index.php/ru>
- Public Association of Invalids Having Higher Education (“Namys”), (in Kazakh). <http://www.disable.kz/>
- NGO EcoForum of the Republic of Kazakhstan (network of environmental NGOs), (in Kazakh). <http://eco-forum.kz/>
- International Foundation for Protection of Freedom of Speech (“Adil Soz”), (in Kazakh). www.adilsoz.kz



Road construction project in Zhambyl oblast

Asian Development Bank–Civil Society Cooperation

The Asian Development Bank (ADB) cooperates with CSOs in Kazakhstan to strengthen the effectiveness, quality, and sustainability of the services they provide.

In October 2012, ADB approved its Country Partnership Strategy (CPS) for Kazakhstan for 2012–2016. When the CPS was in the formulation stage, ADB held consultations with stakeholders to brief them on the CPS focus areas, present an assessment of the macroeconomic conditions and business environment in Kazakhstan, and to identify potential areas of collaboration. During these consultations, representatives from CSOs emphasized the need to improve the business environment and to expand CSO participation in ADB operations.

As part of the CPS preparations, ADB and the United Nations Development Programme (UNDP) together carried out a poverty assessment of Kazakhstan in early 2012. The findings were presented to the government in June 2012 at a panel discussion that brought together more than 50 representatives of Kazakh government agencies, United Nations (UN) agencies, other development institutions, and local CSOs. The recommendations that emerged from the panel discussion will be taken into account by government officials as they seek to improve their current policies and poverty-assessment techniques.

A country gender assessment was conducted in 2012 to facilitate the formulation of the CPS. Stakeholders' meetings, focus groups, and analyses were facilitated by the contributions of the CSO representatives. In 2013, ADB-supported activities aimed at strengthening the capacity of the Statistics Agency of the Republic of

Kazakhstan in collecting, analyzing, and disseminating gender-disaggregated statistics to promote CSO interest in using such data. The Astana-based Sange Research Centre was engaged to facilitate further learning, improve data presentation and dissemination, and enhance the communications skills of the staffs at the Statistics Agency's central office and 16 regional branches.

In October 2012, ADB conducted a briefing for Kazakh stakeholders on its Public Communications Policy and on its updated Guide to Participation, in order to inform them about revisions in the policy and to increase awareness of CSO participation in ADB operations. This outreach event was attended by representatives of some 20 CSOs, who appreciated the chance to better understand ADB's Public Communications Policy and the possible opportunities for collaboration with ADB. The event also highlighted the need for a separate workshop on ADB's Accountability Mechanism to increase awareness of the complaint-resolution and grievance-resolution procedures under ongoing ADB projects.

As a follow-up, there was an outreach session on ADB's Accountability Mechanism in Astana and Almaty in April 2013. Representatives of CSOs and government agencies participated in the sessions.

Also in 2012, the Civil Alliance of Kazakhstan, a Blago (public) CSO, independently monitored the implementation of the Central Asia Regional Economic Cooperation (CAREC) Program's East–West Roads Project (Almaty–Korgos Section),²⁷ which entailed work in five oblasts of Kazakhstan, including ADB-financed road sections in Zhambyl Oblast. The purpose was to check safeguards compliance, assess the socioeconomic benefits of the project, and to provide feedback from project beneficiaries. This



Exhibit at the 47th Annual Meeting of the Board of Governors

public monitoring was an initiative of the National Expert Council for Transparency and Sustainable Development, established in 2012, with the Civil Alliance playing a lead role.

In 2014, ADB held its 47th Board of Governors Annual Meeting, which took place in Astana. A total of 128 CSO representatives from 34 countries participated. The Civil Society Program at the meeting was organized by ADB's NGO and Civil Society Center, and it opened with a 1-hour question-and-answer session with members of ADB's senior management. The program also featured a dozen other scheduled events, among them four knowledge-sharing sessions called "Learning with Partners," three civil society panel discussions, and youth debates covering relevant topics.

ADB President Takehiko Nakao expressed his appreciation for the diverse turnout of CSO representatives, who had come from all over Asia and the Pacific region. He also thanked them for their valuable contributions to the recently concluded midterm review of ADB's long-term strategy, Strategy 2020. President Nakao noted that CSO participants had highlighted many important issues during the midterm review consultations, and that ADB had committed itself to addressing these issues through improved collaboration with CSOs.

In 2014, the Working Group under the ADB technical assistance project for Strengthening and Use of Country Safeguard Systems had its first stakeholder consultation with local CSOs to discuss the future impacts of the project's community-consultation and grievance-redress mechanisms.²⁸

Endnotes

- ¹ The Civil Code of the Republic of Kazakhstan, 27 December 1994. According to Article 34 of the Civil Code, the state can establish and fund a nonprofit organization, which would have the legal status of a state institution. Based on the definition of "civil society," this brief does not include these state institutions in its list of CSOs.
- ² There is no formal definition of an NGO. The legislation, Article 6 of the Law "On Non-Commercial Organizations," January 16, 2001, uses a term of "non-commercial organization" that includes organizations with various legal forms similar to a list under CSOs. However, there are various laws containing regulations concerning NGOs. <http://www.legislationline.org/topics/subtopic/18/topic/1/country/21>
- ³ Conception of Civil Society Development in 2006–2011, confirmed by the Decree of the President of the Republic of Kazakhstan of June 25, 2006, No. 154. These organizations are also referred to as non-commercial organizations.
- ⁴ M. Makhmutova and A. Akhmetova. 2011. *Civil Society Index in Kazakhstan: Strengthening Civil Society*. CIVICUS Civil Society Index 2008–2010, Analytical Country Report. Almaty: Public Policy Research Center.

- ⁵ Endnote 5, p. 17.
- ⁶ "Perestroika" means "restructuring," and "glasnost" means "openness."
- ⁷ United Nations Development Programme (UNDP). 2002. *Non-Governmental Organisations of Kazakhstan: Past, Present, Future*. Almaty: UNDP.
- ⁸ *Polojenie o lyubitelskikh ob'edineniyah I klubah po interesam* (Regulations on Amateur Associations and Hobby Clubs). ADB. 2007. *Civil Society Brief for Kazakhstan*. Manila.
- ⁹ The Constitution of the Republic of Kazakhstan, 30 August 1995, with latest amendments on 2 February 2011.
- ¹⁰ Endnote 5.
- ¹¹ Conception of Civil Society Development in 2006–2011, Presidential Decree of June 25, 2006, No. 154.
- ¹² Code of the Republic of Kazakhstan, On Taxes and Other Obligatory Payments to the Budget (the Tax Code) No. 99-IV of 10 December 2008.
- ¹³ Law of the Republic of Kazakhstan, On Non-Profit Organizations No. 142-II of 16 January 2001, with latest amendments on 4 July 2013.
- ¹⁴ Law of the Republic of Kazakhstan, On Public Associations No. 3-I of 31 May 1996, with latest amendments on 24 December 2012.
- ¹⁵ Law of the Republic of Kazakhstan, On Political Parties No. 344-II of 15 July 2002.
- ¹⁶ Endnote 17.
- ¹⁷ Law of the Republic of Kazakhstan, On State Social Contracts No. 36-III of 4 December 2005, with latest amendments on 15 April 2013.
- ¹⁸ Government of the Republic of Kazakhstan. 2007. *National Human Rights Action Plan of the Republic of Kazakhstan 2009–2012*. Astana.
- ¹⁹ Government of Kazakhstan, *National Human Rights Action Plan*.
- ²⁰ For example: "The Global Fund to Fight AIDS, TB, and Malaria was entered into the list of international and state organizations, foreign nongovernmental nonprofit organizations and funds, providing the grants, under the section of International Organizations," by the Decree of the Government of the Republic of Kazakhstan No. 376 of 20 March 2009.
- ²¹ Endnote 5.
- ²² Endnote 5.
- ²³ Endnote 5.
- ²⁴ Endnote 5.
- ²⁵ Civil Alliance of Kazakhstan. 2009. *Obzor sostoyaniya nepravitelstvennogo sektora v Kazakhstane i perspektivy razvitiya* [Review of Nongovernmental Sector in Kazakhstan and of Development Prospects]. Astana.
- ²⁶ Endnote 5.
- ²⁷ East–West Roads Project (Almaty–Korgos Section): Western Europe–Western [People's Republic of] China? International Transit Corridor (CAREC 1b). "1b" refers to CAREC subcorridor 1b. The CAREC Program is under the Asian Development Bank (ADB). For details, see: National Expert Council of Transparency and Sustainable Development (NECTSD). *Consolidated National Report of Transparency and Sustainable Development: 2012–2013 Years*. <http://europe-china.kz/node/704>
- ²⁸ ADB. 2010. *Regional Technical Assistance for Strengthening the Use of Country Safeguard Systems*. Manila (TA 7566, approved on 26 July).

For more information about ADB's work in Kazakhstan, visit <http://www.adb.org/countries/kazakhstan/main>

Definition and Objectives of Civil Society Collaboration

Civil society is an important stakeholder in the operations of the Asian Development Bank (ADB) and its borrowers and clients. It is distinct from the government and the private sector and consists of a diverse range of individuals, groups, and nonprofit organizations. They operate around shared interests, purposes, and values with a varying degree of formality and encompass a diverse range—from informal unorganized community groups to large international labor union organizations. Of particular relevance to ADB are nongovernment organizations, community-based organizations and people's organizations, foundations, professional associations, research institutes and universities, labor unions, mass organizations, social movements, and coalitions and networks of civil society organizations (CSOs) and umbrella organizations.^a

ADB recognizes CSOs as development actors in their own right whose efforts complement those of governments and the private sector, and who play a significant role in development in Asia and the Pacific. ADB has a long tradition of interacting with CSOs in different contexts, through policy- and country strategy-level consultation, and in designing, implementing, and monitoring projects.

In 2008, ADB launched Strategy 2020, which articulates the organization's future direction and vision until 2020.^b Above all, Strategy 2020 presents three complementary strategic agendas to guide ADB operations: inclusive economic growth, environmentally sustainable growth, and regional integration. These agendas reflect the recognition that it is not only the pace of growth but also the pattern of growth matters in reducing poverty in the region. In this new strategic context, partnerships with a range of organizations, including CSOs, will become central to planning, financing, implementing, and evaluating ADB projects.

^a ADB. 2012. *Strengthening Participation for Development Results*. Manila.

^b ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank, 2008-2020*. Manila.

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Publication Stock No. ARM157639-2

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