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## **Corruption: Its Perception, Phenomenon and Measurements<sup>1</sup>**

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### **Abstract:**

*This article articulate the phenomenon and perception of corruption as a starting point to grasp some of the methods which are used to measure and rank the level of corruptions from various countries. The author believe that, the perception and phenomenon of corruption are all the same from various countries; as we all know and believe that the roots, causes and consequences of corruption are same no matter conducted in developed or under developing countries .*

*The first part of this article presents the meaning and understanding of and partial prescribe forms of corruption as to provide clear understanding of corruption from its immense diversity to the readers; and the second part articulate the measurement and methods which are taken to measure the level of corruption. Measurements of corruption have various ways to measure and are stipulated by Transparency Index and Corruption Perception Index. Those various methods provide similar results to those countries, though the instruments differ in data collecting.*

**Key words:** Corruption, Transparency Index, and Corruption Perception Index

### **Introduction:**

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Corruption is not a new phenomenon, is a limp in the walk of human evolution; it is old as the history of manhood and recognized ever since 3000 B.C,<sup>3</sup> even hollies books since then provides some scriptures to address<sup>4</sup> and prohibit human beings to indulge in bribery.<sup>5</sup> History demonstrates that the phenomenon of corruption had been manifested since ancient times in different cultures and societies.<sup>6</sup> Corruption was observed as the destructive matters to the country's development and that is the reason for creation of specific measures in response.<sup>7</sup> For instance, in India it was uttered clear that "the king shall protect trade routes from harassment by courtiers, state officials, thieves, frontier guards and frontier officers as to make sure what is lost....lust as it is impossible not to taste honey or poison that one may find at the tip of one's tongue".<sup>8</sup>

Many scholars write about corruption and emphasizes that corruption is not a new phenomenon, the primarily academic study of corruption emerged from the late 20<sup>th</sup> Century is the one which is new.<sup>9</sup>

From 20th century, corruption enlarged substantial devotion from academic scholars and turn out to be a debatable issue to various disciplines of the social sciences and humanities including law. The scholar group belonging to humanities has focused number of issues include; how the government addresses the corruption problem, whether corruption promotes or hampers the economic development<sup>10</sup> and how the government organisations try to reduce the level of corruption; On the other hand scholars associated with economic discipline have focused corruption problem in a broader spectrum, scholars made research to find out the level of corruption across various countries and its reasons or determinants.<sup>11</sup>

### **Perception and Interpretation of Corruption**

To define corruption is one of the most debate in the literature and endures to excitement.<sup>12</sup> The word "corruption" had been used historically to present different meanings. It has been noticeable in different ways and rendered to abundant connotations by different intellectuals in relatively to their field.<sup>13</sup> Most of the models provided in different legislations from various

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countries as to define "corruption" are often much narrower than the concept used to describe the mandate of special bodies set up with the task to fight corruption. In some jurisdictions, the concept of corruption is very narrow and some jurisdictions do not have the crime of corruption or bribery at all, however, that does not mean that certain acts that are typically regarded as corruption are lawful.<sup>14</sup>

In terms of conceptualizing corruption, one can take a collective approach or relative approach. Collective approach is the definition of corruption which entails certain common properties with the premise as a combination of properties, or defining characteristics, which make certain behaviour in all societies; While a "relativist" approach contends corrupt in one society may not be so in another and that the definition of corruption would now depend on the country and culture in question.<sup>15</sup> There is no universally accepted definition of corruption: to religious believers, all sin is corruption; to moral purists, all moral decadence is corruption and to most citizens, bribery is the epitome of corruption<sup>16</sup>.

### **Its meaning and interpretation**

In order to apprehend a correct definition serves for this article, this part require grasping some of the useful definitions as acceptable world-wide as to attribute the comprehended concept. For instance, the Transparency International's definition of corruption has widely recognition; according to Transparency International (hereafter refereed as 'TI') corruption is being interpreted as the misuse of entrusted power for private gain.<sup>17</sup> The SADC Protocol against Corruption<sup>18</sup> defines corruption as "any act that includes bribery or any other behaviour in relation to persons entrusted with responsibilities in the public and private sectors that violates their duties and aimed at obtaining undue advantages of any kind for themselves or others".<sup>19</sup> Meanwhile, the AU Convention on Prevention and Combating Corruption<sup>20</sup> defines corruption as the acts and practices including related offences prescribed therein;<sup>21</sup> and the Oxford dictionary defines corruption as the dishonest or illegal behaviour especially for the people in authority, typically involving bribery.<sup>22</sup>

Some scholars defined as "an act of omission perpetrated by an individual or group of individuals which goes against the legitimate expectation and hence the interests of society. Such

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acts of omission take place in all spheres of human endeavour; in government offices, corporate bodies, and private institutions".<sup>23</sup> Klitgaard<sup>24</sup> prominence that, the boundaries of corruption are hard to define as it comes in many forms, crosses over various sectors and can range from the trivial to monumental. He further emphasizes that corruption can involve the misuse of policy instruments, tariffs and credit, irrigation systems and housing policies, the enforcement of laws and rules regarding public safety, the observance of contracts, and the repayment of loans or of simple procedures. It can occur in the private sector in the public one, and often occurs in both simultaneously. It can be rare or widespread; in some developing countries, corruption has become systemic. Corruption can involve promises, threats, or both; can be initiated by a public servant or an interested client; can entail acts of omission or commission; can involve illicit or licit services; can be inside or outside the public organization.<sup>25</sup>

Given the fact that, international instruments defines corruption, various authors support their definitions with arguments and debate as to ensure they provide appropriate meaning of corruption:<sup>26</sup> for the purposes of this work, the term corruption defined as *"the abuse and/or misuse of public powers entrusted to public officers to whom they improperly and unlawfully enrich for personal gain"* is taken as suitable definition serves for the essence of this work.

The aforementioned meanings of corruption indicate that always lean towards to facilitate the enactment and/or enforcement of anti-corruption legislation of a country which is affected. And further to that, different names of corruption's form are stipulated from different legal instruments and most of those forms expressively in criminal offences, although in some cases there are governments consider these forms of corruption to be regulated by civil law controls.<sup>27</sup>

### **Forms of corruption**

The EU Convention on the Fight against Corruption<sup>28</sup> identifies two forms of corruption as "passive corruption" and "active corruption". According to Convention, "passive corruption" is defined as a deliberate action of an official who directly or through an intermediary requests or receives advantages of any kind whatsoever for himself or for a third party or accepts a promise of such an advantage; and "active corruption" present the same meaning as to "passive corruption" except that performance is not that of an official but of anyone (whosoever).<sup>29</sup> Further to that, Articles 2 and 3 of the European Criminal Law Convention on Corruption<sup>30</sup>

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prescribe forms of corruption as "active bribery"<sup>31</sup> and "passive bribery";<sup>32</sup> "Active bribery" refers to the offering or paying of the bribe; while "passive bribery" refers to the receiving of the bribe. In criminal law terminology, the terms may be used to distinguish between a particular corrupt action and an attempted or incomplete offence.<sup>33</sup> "Active corruption" includes all cases where payment and/or acceptance of a bribe had taken place.

Despite of being uttered in different names as prescribed with different legal instruments to categorise it forms, for the save of this work, two of the commonly encountered forms of corruption such are 'petty corruption' and 'grand corruption' are considered to be discussed in this work as seem mostly appeared in the legal framework within the selected countries.

## **Roots of corruption**

To pronounce corruption is not a new phenomenon-is old as the history of mankind itself, evidently declare that there are some fundamental roots which motives its existence and complicity. Various authors contended about fundamental roots of corruption; and it had been noted that, there are several fundamental aspects which flourish and make corruption to be destructive in African countries since colonial period to date. Among other factors, poor governance, failure to reform new institutions, insufficient reimbursement, political instability, unlawful accumulation of wealth, and economic bureaucracy.<sup>34</sup>

Theoretically it was believed that, after independence each country was supposed to change organisations, regulations and principles from colonial and apartheid governments; instead African ruling parties and leaders inherited as they are and entrenched corrupt deeply to date<sup>35</sup>. Ideally, was to choose political and economic institutions that reflect realities 'on the ground'<sup>36</sup> as to enhance the new government to create and develop proper legal system derives from public administration under the doctrine of separation of powers to position the new government under the rule of law.<sup>37</sup>

In supporting to the above, Williams made a useful opinion in drawing attention to the fact that "the form corruption actually takes in Africa clearly depends on a variety of factors including the structure and openness of the economy, the limitations on political competition ... and the institutional characteristics of the government during colonial period."<sup>38</sup> It has contested that there is a connection between a country's achievement in defying corruption and guarantee good

governance, and devotion to the rule of law.<sup>39</sup> Palmer further state that, the effectiveness of the 'rule of law' determined by the actual operational of the monitors and guarantors of the rule of law. The rule of Law as a perception is ideologically contested two aspects as to prevent the exercise of power arbitrarily; and on the other part is to provide alternative to law when power is exercised subjectively.<sup>40</sup> Sebudubudu<sup>41</sup> grasps that, during colonial period the parliament lacks its' parliamentary democracy; was just acting as a rubberstamp of the executive government. He further claimed that the executives were an extension of ruling parties and the monopolization of economic decision making. The executives culminated in an expanded bureaucracy vested with discretionary powers as to which end-up weak other organs of the state and make it became normal for bribes to be offered before a representative of the state bureaucracy could complete any transaction.<sup>42</sup>

To make a similar points to the above; Huntington<sup>43</sup> articulate that, a weak legislative system, including parliament and any other law-making organs of a country's government, can foster corruption for not being able to enact or enforce strict anti-corruption legislations. He further articulate that, a country with a weak judicial system fosters corruption by not being able to adjudicate fairly, impartially, and professionally in matters relating to corrupt practices by government leaders and civil servants, due to inadequate financial resources and/or lack of independence of the judiciary from the executive branch of a country's government. The judiciary, on the other hand, has lost both its independence and ability to prosecute and give deserving sentences to those involved in corrupt practices.<sup>44</sup> Huntington emphases that, such weakness can attribute to a diversity of factors, including lack of recognition by a country's legislators of corruption as a morally and socially perverse phenomenon, and a very serious fetter to socio-economic development and involvement of law makers in non-legislative functions.

LeVine TV argued that, newly crafted laws and institutional structures, however, offered various ruling elites opportunities and the wherewithal to maximize their personal interests, including especially the use of state apparatuses for private capital accumulation.<sup>45</sup> *Van de walle*<sup>46</sup> highlight that, authoritarianism prevailed, and it was cruel, murderous, and incompetent'. He further emphases that, what emerged in virtually all of those few countries were corrupt, neo-patrimonial systems in which rent seeking, corruption, and other forms of political opportunism were pervasive.

Hope and Kayira<sup>47</sup> highlighted that, failure to amend new constitution after independence provided autocratic presidents and bureaucracies those are above the law; devoid of accountability, transparency, rule of law and administrative predictability. Hope and Kayira further emphasizes that, each country was supposed to amend or enunciate new constitutions as for example to restraint the length of time one individual could be President compounded this situation further by allowing for the existence of 'for life' presidents. Their lengthy and uninterrupted stints in power have been accompanied by increased corruption, often shielded through unconstitutional measures.<sup>48</sup>

The embezzlement and unlawful accumulation of wealth is another fundamental root of corruption since then. Mbaku<sup>49</sup> laid down that, the economic system of government that the African countries inherited from the European colonizers were weak, potentially unstable and not particularly viable to the African countries. Essentially, the economic system of colonialism was totally depended on the metropolitan markets for trade and development assistance. Mbaku further insists that, consequently- post-independence society in Africa became dependent on the industrial market economies, primarily those of Western Europe, for economic growth and development. he further articulate that, African countries were politically independent, domestic policy makers found themselves unable to effect independent development policies because their economies, which had been 'integrated' into, and made appendages of the European economics, had still not been successfully weaned from this one-sided dependency.<sup>50</sup> Szeftel in his work afford a similar point to Mbaku's as he observe that after independence the post-colonial state in Africa inherited underdeveloped economies that were characteristically skewed and vulnerable to international economic changes and fluctuations.<sup>51</sup>

The most devastating acts of corruption include the diversion and outright theft of public funds programs and the damage caused by firms and individuals that pay bribes to avoid health and safety regulations intended to benefit the public. Sebudubudu<sup>52</sup> articulate that, state involvement in the economy can create opportunities for embezzlement and unlawful accumulation of wealth which emanating from expanded government involvement in the economy; the system was compounded by the tendency for heads of state to surround themselves with influence bureaucrats and politicians who yearn for a share of and demanded inducements from any government contract. Sebudubudu further articulate that it is precisely because of this fact that many African leaders and government officials control wealth assets that are very

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disproportionate to their official earnings which make corruption to thrive in the society.<sup>53</sup> For instance, conservatively estimated that the late Mobutu Sese Seko (as he was then the President of Zaire), looted the treasury of some \$5 billion-an amount equal to the country's entire external debt at the time he was ousted in 1997.

In addition to the above, political instability is a factor which originates corruption since then; any country with unstable political setting can create an atmosphere of job insecurity, uncertainty, and anarchy in government institutions. As such, it can tempt government leaders and civil servants to engage in corruption activities in order to amass wealth quickly in anticipation of a sudden change in their employment status<sup>54</sup>. Klitgaard<sup>55</sup> believe that, being politically unstable obviously corruption will subverts good governance by undermining public trust in government and may reduce political participation by tallying to develop pessimism about politics and the political process amongst citizens.<sup>56</sup> O'Connell talked about certain inevitability about the political instability in contemporary African countries as that has to be lived through and coped with.<sup>57</sup> He draws attention to the transformation and distortion of cultural attitudes and practices as it clashed with certain colonial legacies in the rise of indigenous political leaders. He further contend that apart from post-independence power struggle among emergent political leaders and the threat to government stability and economic problems that new countries contend with, African political leadership have been unable to efficiently arrangement with the challenges statehood presents. The superiority of politicians who managed established organizations during the decolonisation period and immediately thereafter did not moderately play good roles for the reason that many of the proficient abilities were not available for political posts, and this weakened the ranks of the political class ... The concern was that, many of these men were incompetent, corrupt and act collective.<sup>58</sup>

As for the comprehended arguments provided above, it is clear the government has a burden on the issue of corruption to prevailing.

### **Measurements of Corruption:**

The establishment of the Indices to Measure Corruption took place from 1993 and has the support of governments and leading individuals in both developing and developed countries. The purpose of its establishment was to focus on corruption in international business transactions and to influence international solidarity movement for the various national chapters which are being formed around the world to fight corruption at the domestic level.<sup>59</sup> In 1995, the Transparency International (TI) released Corruption Perception Index (CPI) as an annual index and has been

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widely credited with making the issues of corruption and good governance measurable on a relatively fair and rational basis, and creating accepted criteria that allow for international comparisons of levels of corruption in countries across the world.<sup>60</sup> Lambsdorff<sup>61</sup> highlights that, the CPI has been assumed as a central place in research on the causes and consequences of corruption, based on regressions for a cross-section of countries. The goal of the CPI is to provide data on extensive perceptions of corruption within countries. That was meant to enhance the understanding on levels of corruption from one country to another. In an area as complex and controversial as corruption, no single source or polling method has yet been developed that combines a perfect sampling frame, a satisfactory country coverage and a fully convincing methodology to produce comparative assessments.<sup>62</sup>

TI has introduced the concept of the measurement chain to help the state to set in corruption research tools in a policy and advocacy framework. the measurement chain means include identifying the right measurement tool for the right purpose, adapting it to the local conditions, implementing it, processing and communicating its results and, finally evaluating the tool's impact.<sup>63</sup> This model of measurement tool development and implementation has enabled a wide variety of tools to emerge from the TI movement, enabling innovation and complementarity of tools. At the same time, it recognises the need to assess the impact of measurement, which can be substantial.

After the CPI recognised as 'poll of polls', various independent institutions emerged from different polls and surveys; these include TI Bribe Payers' Index, the TI Global Corruption Barometer, Columbia University, Economist Intelligence Unit, PricewaterhouseCoopers, World Bank's World Business Environment Survey, Freedom House, Information International, International Institute for Management Development, Merchant International Group, Political and Economic Risk Consultancy, United Nations Economic Commission for Africa, World Economic Forum and World Markets Research Centre.<sup>64</sup> However, the TI requires data to be collected at least by three organisations which are mentioned by TI and must be available in order to rank a country in the CPI.<sup>65</sup> In support to the procedure articulated by the TI, Thomas highlighting that 'it is important to note that these indices measure perceptions of corruption, not corruption itself.'<sup>66</sup> Across countries, the fact that the World Bank Institute (WBI) measure for control of corruption has a correlation coefficient of 0.95 including the government effectiveness and rule of law measures. Brown emphasises that, the measurement of corruption, whether directly or indirectly, based on perception or actual incidence, relies on an agreed understanding of

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‘corruption’ itself.<sup>67</sup> Langseth<sup>68</sup> positioned the need of measuring corruption; he argues that corruption represents a ‘leakage’ of resources from institutions that are supposed to be using them for social objectives. The reason to measure corruption is that resources may not be maximised and public service users have a right to know what services their money should be buying. Langseth further state that whether it is large-scale leakage, such as contract rigging, or small-scale grease payments, both leakages creates a fertile breeding ground for grand corruption and diverts which scarce public service resources. Leakage results in the creation of a fertile breeding ground for grand corruption, diverting already scarce public service resources.<sup>69</sup>

In support to the above, the CPI imposes two approaches for the inclusion of the information in relation to the measurements to be taken; the first approach is that a source conducts surveys must provide a ranking of nations for variety of countries varying methodologies with inclusion; and the other approach is that sources must measure the overall level of corruption. It is violated of the approach if one aspect of corruption is mixed with issues other than corruption such as political instability, or nationalism, or if changes are measured instead of levels of corruption.<sup>70</sup> Shacklock A *et al*<sup>71</sup> argued that, the approaches to assess corruption vary with survey work and still providing the core tool for evaluation. Each indices as aforementioned has its own way to measure corruption; Sandholtz and Gray<sup>72</sup> articulate that GDP Index is used to measure the average level of education (literacy rate), development level and economic integration of the countries; and when it comes to measure economic integration of the country the index focused on economic Freedoms issues like business, trade, financial funds, freedom from government, social, political, property rights, investment, corruption and labour; and each index has equal weights.<sup>73</sup> In non-economic factors, the press freedom is measured by the press freedom index constructed by Freedom House Index, includes three categories such are Legal Environment, Political Environment and Economics Environment.<sup>74</sup> However, the level of democracy in each country is presented by the democracy index which is formulated for Economist Intelligence Unit. <sup>75</sup>The Economist Intelligence Unit's democracy index includes five items and these are electoral process and pluralism, civil liberties, the functioning of government, political participation and political culture.<sup>76</sup> The remaining variables in economic model and income

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distribution measured by United Nations Gini index, the data on Gini figure is collected from Wikipedia, the free encyclopaedia and CIA Fact book.<sup>77</sup>

Given the difficulties in measuring of corruption from lack of data to the high cost of carrying out certain methodologies, yet there is a need for both pragmatism and proxies in this field.<sup>78</sup> Fazekas M et al further emphasises that, in order to fill some of the gap between the demand for corruption indices and the dire state of the data currently available, there is a need to develop a novel measure of institutionalised corruption which are solely derives from objective data describing behaviour, defined on the micro level such as individual transactions, allow for consistent temporal comparisons within and across countries, and rests on a thorough understanding of the corrupt rent extraction process. The approach makes use of micro-level data on individual public procurement procedures allowing for directly modelling corrupt actors' rent extraction activities as to institutionalised corruption in public procurement requires such as the generation of corrupt rents, and the regular extraction of such rents. To achieve both of these, any corrupt group has to restrict competition prescribed by procurement laws to benefit a particular bidder multiple times. Hence, measuring the degree of competition restriction, recurrent contract awards to the same company, and the typical techniques used to achieve these goals allow for detecting institutionalised grand corruption consistently across countries, organisations and time.<sup>79</sup> Perception indices are valuable and powerful, particularly as a global and comparative corruption measurement tool, but they are not sufficient for certain purposes, such as diagnostics. They prominence that, it is necessary to triangulate measurements of corruption instruments both top-down and bottom-up, reflecting subjective and objective data as to provide holistic view of the problem as is possible. At the same time, the ends must justify the means – all measurement tools need to take account of what they can achieve, and how they can contribute both to better understanding and to necessary reform.<sup>80</sup>

Fazekas M<sup>81</sup> *et al* argued that the absence of forceful objective measures, there are three major sources of corruption indicators to date and these are surveys of corruption perceptions and attitudes ; reviews of institutional and legal frameworks; and detailed analyses and audits of individual cases. Unfortunately, each of these has serious lacks leaving the countries without any reasonably reliable and valid indicator of corruption allowing for comparing countries over time or exploring within country diversity. Further argued that despite of industry has emerged for measuring corruption, the available measurements are either fundamentally flawed or too narrow for testing theories of grand corruption and developing effective solutions to it. In a broad sense, corruption indicators derive primarily from Surveys of attitudes, perceptions and experiences of corruption among different stakeholders (e.g. general population, firms, experts); reviews of

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institutional features controlling corruption in countries or individual organisations; and audits and investigations of individual cases.<sup>82</sup>

Measuring corruption has been difficult due to secrecy and the fact that most known measures of corruption are indirect measures that tend to fade over time.<sup>83</sup> For a country or territory to be included in the index a minimum of three of the sources that TI uses as aforementioned must assess that country. Thus inclusion in the index depends solely on the availability of information. A country's rank can change simply because new countries enter the index and others drop out. A higher score is an indicator that respondents provided better ratings, while a lower score suggests that respondents revised their perception downwards. Comparisons from one country to another are not feasible in this case and a ranking cannot be produced. Comparisons to the results from previous years should be based on a country's score, not its rank.<sup>84</sup> The CPI is calculated by aggregating and analysing data from eleven independent sources that measure the level of public and private corruption in various countries. This data is then consolidated and standardised with a matching percentiles technique, giving a score between 0 (extremely corrupt) and 10 (no corruption at all).<sup>85</sup>

## **CONCLUSION:**

Given the difficulties in measuring of corruption from lack of data to the high cost of carrying out certain methodologies, yet there is a need for both pragmatism and proxies in this field. Measuring corruption is difficult and any attempt to do so is bound to face certain challenges. There are however well-founded concerns about how accurately these perceptions reflect reality. However, it had been articulated that the measurement of corruption is necessary once a state desire to achieve progress enrooted for reliability, transparency and culpability in governance. Attempts to measure corruption have increased over the past years not least with the launch of the Corruption Perception Index and the rollout of enterprise and consumer surveys which include questions on the extent of informal payments for licenses, government services and

contracts. The TI report<sup>86</sup> emphasizes the need of measuring corruption as there is indeed of receiving accurate information on the actual occurrences of corruption; the purpose of this have two folds, the first as to know more about the problem and how can assist in devising strategies to combat it, and the second; being able to track trends over time allows one to see whether the current combative strategies are effective.

To achieve both approaches and measurements, any corrupt group has to restrict competition prescribed by procurement laws to benefit a particular bidder multiple times. Hence, measuring the degree of competition restriction, recurrent contract awards to the same company, and the typical techniques used to achieve these goals allow for detecting institutionalised grand corruption consistently across countries, organisations and time.<sup>87</sup> Perception indices are valuable and powerful, particularly as a global and comparative corruption measurement tool, but they are not sufficient for certain purposes, such as diagnostics. They prominence that, it is necessary to triangulate measurements of corruption instruments both top-down and bottom-up, reflecting subjective and objective data as to provide holistic view of the problem as is possible. At the same time, the ends must justify the means – all measurement tools need to take account of what they can achieve, and how they can contribute both to better understanding and to necessary reform. Despite of having tough and various of instruments as recognised world-wide to measure corruption and the best methods as stipulated by the Index, still indicate that corruption is a problem.

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