

Access to Justice in the Era of Globalization: Negotiating and Mediating Intra-State Conflicts for Peace and Security

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Abstract

This paper discusses how intra-states conflicts can be effectively managed for peace and security. The paper observes that intra-state conflicts are on the rise globally with severe consequences for Sustainable Development. It examines the impact of intra-state conflicts on peace and security. In light of their negative impacts, the paper posits that managing intra-state conflicts through appropriate forums is vital in order to ensure Sustainable Development. It explores how negotiation and mediation can be harnessed towards effectively managing intra-state conflicts for peace and security in the quest for Sustainable Development.

1.0 Introduction

Peace and security are vital elements in the pursuit of Sustainable Development. Peace is associated with the concepts of harmony, tranquility, cooperation, alliance, well-being, and agreement among individuals, communities and nations¹. It has been pointed out that peace is not only the absence of conflict and wars, but it also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation². The concept of peace has been classified into positive peace and negative peace³. Positive peace entails attitudes, institutions and structures, that when strengthened, lead to peaceful societies⁴. Negative peace on the other hand entails the absence of violence, wars and conflicts⁵. Security on the other hand is associated with absence of danger or fear; the safety of an individual, company or state against theft, attacks, espionage among other dangers; and the economic notions of security⁶. It has been observed that security is the state of being free from danger or threats including war, conflicts, hunger, illness, accidents, and unemployment among others⁷. The state of security can be achieved at various levels including individual, national, regional and global levels⁸.

Achieving peace and security at all levels is necessary for Sustainable Development. For instance, it has been argued that the advancement of human rights, social justice, and Sustainable development are all dependent on

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¹ Muigua. K., 'Achieving Sustainable Development, Peace and Environmental Security.' Glenwood Publishers Limited, 2021

² United Nations., 'Cultivating a Culture of Peace' Available at <https://www.un.org/en/observances/international-day-peace> (Accessed on 23/01/2026)

³ Herath. O., 'A critical analysis of Positive and Negative Peace.' Available at <http://repository.kln.ac.lk/bitstream/handle/123456789/12056/journal1%20%281%29.104-107.pdf?sequence=1&isAllowed=y> (Accessed on 23/01/2026)

⁴ Ibid

⁵ Ibid

⁶ Fast. L., 'Peace and Security' Available at <https://www.eolss.net/sample-chapters/c11/E1-10-04-05.pdf> (Accessed on 23/01/2026)

⁷ Meerts. C.A., 'Security: Concepts and Definitions' Available at <https://research.vu.nl/en/publications/security-concepts-and-definitions> (Accessed on 23/01/2026)

⁸ Fast. L., 'Peace and Security' Op Cit

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the pursuit of peace⁹. It has been observed that without peace, societies are often plagued by conflict, violence, and instability, which can hinder progress and result in the loss of lives and resources¹⁰. As a result, absence of peace has been identified as a path to extreme poverty and underdevelopment, while presence of peace is a path to development and prosperity¹¹. Peace is associated with better economic outcomes, human progress and well-being and high levels of environmental protection all which are fundamental for Sustainable Development to be realised¹². In addition, it has been observed that security plays a vital role in unlocking Sustainable Development by providing the stability and safety that is crucial for long-term economic, social and environmental progress and development¹³. Security ensures that individuals, communities and nations live in peace and harmony and free from dangers and threats such as diseases, unemployment, wars, hunger, political oppression and environmental degradation¹⁴. Security therefore ensures the stability and safety of Sustainable Development objectives and priorities¹⁵.

The United Nations *2030 Agenda for Sustainable Development*¹⁶ recognises the role of peace and security in pursuit of sustainability. The Agenda acknowledges that there can be no Sustainable Development without peace and no peace without Sustainable Development¹⁷. The Agenda also notes that maintaining security at all levels is crucial in fostering Sustainable Development by tackling global threats including conflicts and wars, hunger, unemployment, food insecurity and environmental degradation¹⁸.

Peace and security are therefore necessary for Sustainable Development. However, it has been observed that the prevalence of armed wars and conflicts all over the world is undermining the foundations of international, regional and national peace and security¹⁹. Wars and conflicts lead to instability and result in significant setbacks or even reverse decades of progress in vital areas such as economic development, public health, education, and

⁹ Mustafa. G., & Jamshed. U., 'Peace: A Conceptual Understanding' Available at Available at https://www.researchgate.net/publication/370062968_Peace_A_Conceptual_Understanding (Accessed on 23/01/2026)

¹⁰ United Nations., 'Goal 16: Peace, Justice and Strong Institutions' Available at <https://www.un.org/sustainabledevelopment/peace-justice/> (23/01/2026)

¹¹ United Nations Development Programme., 'Sustainable Peace for Sustainable Development - A Global Challenge that Calls for Collective Action.' Available at [https://www.undp.org/rwanda/blog/sustainable-peace-sustainable-development-global-challenge-calls-collective-action#:~:text=The%20Sustainable%20Development%20Goals%20\(SDGs\)%2C%20agreed%20to%20by%20all,for%20peace%20and%20strong%20institutions](https://www.undp.org/rwanda/blog/sustainable-peace-sustainable-development-global-challenge-calls-collective-action#:~:text=The%20Sustainable%20Development%20Goals%20(SDGs)%2C%20agreed%20to%20by%20all,for%20peace%20and%20strong%20institutions) (Accessed on 23/01/2026)

¹² Defining the Concept of Peace: Positive & Negative Peace., Available at <https://www.visionofhumanity.org/defining-the-concept-of-peace/> (Accessed on 23/01/2026)

¹³ Julnar. J., & Debo. D., 'The Impact of National Security on Sustainable Development and Disclosure' Available at https://www.researchgate.net/publication/387518116_The_Impact_of_National_Security_on_Sustainable_Development_and_Disclosure (Accessed on 23/01/2026)

¹⁴ Omwirhien. E.H., 'Effective Human Security for Sustainable Development; The Role of Language and Literature' *Zaria Journal of Educational Studies.*, Volume 21, Number 1

¹⁵ Julnar. J., & Debo. D., 'The Impact of National Security on Sustainable Development and Disclosure' Op Cit

¹⁶ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20SustainableDevelopment%20web.pdf> (Accessed on 23/01/2026)

¹⁷ Ibid

¹⁸ Ibid

¹⁹ United Nations., 'Fostering Peace and Sustainable Development' Available at <https://www.un.org/en/chronicle/article/fostering-peace-and-sustainable-development> (Accessed on 23/01/2026)

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food security²⁰. Addressing the root causes of conflicts and wars is therefore necessary in fostering peace and security for Sustainable Development.

This paper discusses how intra-states conflicts can be effectively managed for peace and security. The paper observes that intra-state conflicts are on the rise globally with severe consequences for Sustainable Development. It examines the impact of intra-state conflicts on peace and security. In light of their negative impacts, the paper posits that managing intra-state conflicts through appropriate forums is vital in order to ensure Sustainable Development. It explores how negotiation and mediation can be harnessed towards effectively managing intra-state conflicts for peace and security in the quest for Sustainable Development.

2.0 Impact of Intra-State Conflicts on Peace and Security

Intra-state conflicts are those that occur within a single country²¹. They have also been defined as conflicts between two or more groups within the same country²². It has been observed that interstate conflicts involve multiple nations while intra-state conflicts usually involve internal strife within a single nation²³. Intra-state conflicts have also been defined as violence between or among one or more advantaged or disadvantaged minority or majority groups, and one or more of these groups and the political /juridical state, to gain either a greater share of limited resources or control or autonomy or both over the territorial state²⁴.

Intra-state conflicts have become more common and prevalent throughout the world with severe consequences on peace and security. It has been observed that since the end of the 2nd world war, conflicts between countries have significantly reduced²⁵. However, conflicts within countries are now more widespread usually involving governments and armed groups or armed groups fighting against each other²⁶. Intra-state conflicts have been defined as the most type of conflict and violence in the world today²⁷. In most cases, these types conflict take the form of armed wars between state and non-state groups or armed conflicts involve two or more non-state groups²⁸. It has been observed that while intra-state conflicts are usually confined within the borders of a single state, some have significant international dimensions and hold the risk of spilling over into bordering states²⁹.

It has been observed that intra-state conflicts take various forms including civil wars, violence driven by criminal/terrorist organizations in a country, state-sanctioned violence and resource-based conflicts³⁰. For example, civil wars occur when groups of people united by common beliefs aim to establish their own

²⁰ Peace and Conflict., Available at <https://www.mercycorps.org/what-we-do/peace-conflict> (Accessed on 23/01/2026)

²¹ Council on Foreign Relations., 'Understanding Intrastate Conflict' Available at <https://education.cfr.org/learn/reading/understanding-intrastate-conflict> (Accessed on 23/01/2026)

²² Interstate vs. Intrastate Conflicts: What Intelligence Professionals Need to Know., Available at <https://www.augusta.edu/online/blog/interstate-vs-intrastate-conflicts#:~:text=What%20Are%20Intrastate%20Conflicts?,As%20the%20interstate%20vs.> (Accessed on 23/01/2026)

²³ Ibid

²⁴ Morales. W.Q., 'Intrastate Conflict and Sustainable Development: Lessons from Bosnia, Somalia, and Haiti' Available at <https://surface.syr.edu/cgi/viewcontent.cgi?filename=17&article=1022&context=books&type=additional> (Accessed on 23/01/2026)

²⁵ Council on Foreign Relations., 'Understanding Intrastate Conflict' Op Cit

²⁶ Ibid

²⁷ Interstate and Intrastate war., Available at <https://glopoib.wordpress.com/lessons-24-25-26-interstate-and-intrastate-war/> (Accessed on 23/01/2026)

²⁸ Ibid

²⁹ Ibid

³⁰ Council on Foreign Relations., 'Understanding Intrastate Conflict' Op Cit

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independent state or overthrow sitting governments³¹. Further, there have been cases of state-sanctioned violence in various parts of the world usually involving the use of police and military to target particular groups³². In addition, there have been intra-state conflicts involving criminal and terrorist organizations targeting citizens or government facilities/institutions for ideological, financial or political reasons³³. Further, resource-based conflicts are common in many regions of the world including Africa. Factors such as poor governance, inequitable benefit-sharing arrangements, corruption, illegal exploitation of resources and existing ethnic and political divisions are fuelling resource-based conflicts all over the world³⁴. For instance, it has been observed that most of the internal conflicts in Africa can be linked to exploiting natural resources – from high-value resources such as timber, diamonds, gold and oil to scarce resources such as fertile land and water³⁵.

Intra-state conflicts are therefore prevalent all over the world. For example, in Africa, there have been frequent intra-state conflicts which are caused and worsened by various factors, including but not limited to natural resources, fight for political control, poverty, negative ethnicity, religion tensions, environmental causes and external influence³⁶. Numerous civil wars have occurred in Africa in several countries including Sudan, Chad, South Sudan, Liberia, Sierra Leone, Nigeria and the Democratic Republic of the Congo (DRC)³⁷. These conflicts are a major threat to peace and security and undermine Sustainable Development efforts. For instance, intra-state conflicts result in loss of human life, destruction of critical infrastructure, loss of livelihoods and displacement of vulnerable populations leading to humanitarian crises³⁸. Further, it has been observed that intra-state conflicts can also produce state failure by weakening a government's control over its territory, a situation that leads to violence, insecurity, political instability and underdevelopment³⁹. In the African context, it has been observed that conflicts have had adverse impacts on every aspect and corner of the African family, community and state, with negative economic, cultural, political, social, and environmental costs⁴⁰. It has been observed that the prevalence of intra-state conflicts and wars has been one of the main causes of poverty, insecurity and underdevelopment in Africa⁴¹. The United Nations notes that due to prevalent intra-state conflicts in Africa, achieving peace and security has become more challenging with protracted and recurring conflicts more difficult to prevent or resolve, often because their underlying causes are not well understood or

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Brown. O., & Keating. M., 'Addressing Natural Resource Conflicts: Working towards more Effective Resolution of National and Sub-National Resource Disputes' Available at <https://www.chathamhouse.org/2015/06/addressing-natural-resource-conflicts-working-towards-more-effective-resolution-national> (Accessed on 23/01/2026)

³⁵ United Nations Environment Programme., 'In Sudan, Conflict and Environmental Decline go Hand in Hand' Available at [https://www.unep.org/news-and-stories/story/sudan-conflict-and-environmental-decline-go-hand-hand#:~:text=United%20Nations%20Environment%20Programme%20\(UNEP,as%20fertile%20land%20and%20water](https://www.unep.org/news-and-stories/story/sudan-conflict-and-environmental-decline-go-hand-hand#:~:text=United%20Nations%20Environment%20Programme%20(UNEP,as%20fertile%20land%20and%20water) . (Accessed on 23/01/2026)

³⁶ Muigua. K., 'Towards Effective Peacebuilding and Conflict Management in Kenya.' Available at <https://kmco.co.ke/wp-content/uploads/2021/05/Towards-Peacebuilding-and-Conflict-Management-in-Kenya.docx-Kariuki-Muigua-MAY-2021x.pdf> (Accessed on 23/01/2026)

³⁷ Africa Center for Strategic Studies., 'African Conflicts Displace Over 40 Million People.' Available at <https://africacenter.org/spotlight/african-conflicts-displace-over-40-million-people/> (Accessed on 23/01/2026)

³⁸ Ibid

³⁹ Council on Foreign Relations., 'Understanding Intrastate Conflict' Op Cit

⁴⁰ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Available at <https://www.cambridgescholars.com/resources/pdfs/978-1-4438-5707-9-sample.pdf> (Accessed on 23/01/2026)

⁴¹ United Nations., 'Promotion of Durable Peace and Sustainable Development in Africa.' Available at https://www.un.org/osaa/sites/www.un.org.osaa/files/docs/2109875_osaa_sg_report_web_new.pdf (Accessed on 23/01/2026)

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addressed⁴². Consequently, there is need to embrace appropriate techniques in order to effectively resolve intra-state conflicts for peace, security and Sustainable Development.

3.0 Negotiating and Mediating Intra-State Conflicts for Peace and Security

Negotiation and mediation are classified as Alternative Dispute Resolution (ADR) techniques⁴³. ADR is an umbrella term that covers a wide range of processes that are applied to manage disputes without resort to adversarial litigation⁴⁴. These processes include *negotiation, mediation*, arbitration, conciliation, adjudication, expert determination, early neutral evaluation, and Traditional Dispute Resolution Mechanisms (TDRMs) among others⁴⁵. Negotiation, as an ADR techniques, has been described as an informal process that involves parties to a conflict meeting to identify and discuss the issues at hand so as to arrive at a mutually acceptable solution without the help of a third party⁴⁶. It has been observed that negotiation is one of the most fundamental methods of managing conflicts which offers parties maximum control over the process and outcome⁴⁷. Negotiation usually involves direct discussions between parties to find a mutually acceptable solution to their conflict⁴⁸.

On the other hand, mediation has been defined as a process of conflict management where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information, thus aiding in the process of reaching an agreement⁴⁹. Mediation can also be described as a non-adversarial and collaborative process through which an impartial third party helps parties in a dispute reach a resolution through interest-based negotiations⁵⁰. It has been observed that mediation is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock⁵¹. Parties therefore involve a third party known as a mediator to assist them continue with the negotiations and ultimately break the deadlock⁵².

Despite being described as ‘*Alternative*’ Dispute Resolution techniques, it has been observed that negotiation and mediation alongside other ADR techniques are in fact ‘*Appropriate*’ processes in conflict management⁵³. These techniques provide several benefits in the dispensation of justice including informality, privacy, confidentiality, flexibility and the ability to promote expeditious and cost-effective management of disputes making ADR a viable and appropriate tool in enhancing access to justice⁵⁴. In particular, it has been observed

⁴² Ibid

⁴³ Muigua. K., ‘Alternative Dispute Resolution and Access to Justice in Kenya.’ Glenwood Publishers Limited, 2015

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Oba. A., ‘Comprehensive Guide to Conflict Resolution: Traditional and Modern Methods in East Africa’ Available at <https://remedialcorner.com/blog/comprehensive-guide-to-conflict-resolution-traditional-and-modern-methods-in-east-africa/> (Accessed on 23/01/2026)

⁴⁹ Muigua. K., ‘Resolving Conflicts through Mediation in Kenya.’ Glenwood Publishers Limited, 2nd Edition., 2017

⁵⁰ United Nations Environment Programme., ‘Natural Resources and Conflict: A Guide for Mediation Practitioners’ Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf (Accessed on 23/01/2026)

⁵¹ Bercovitch. J., ‘Mediation Success or Failure: A Search for the Elusive Criteria.’ *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

⁵² Ibid

⁵³ P. Fenn, “Introduction to Civil and Commercial Mediation”, in Chartered Institute of Arbitrators, *Workbook on Mediation*, (CI Arb, London, 2002), pp. 50-52

⁵⁴ Muigua. K., ‘Alternative Dispute Resolution and Access to Justice in Kenya.’ Op Cit

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that negotiation and mediation provide for more creative and collaborative outcomes than those available through litigation⁵⁵. By bringing all parties together, negotiation and mediation improve communication between parties in conflict and provide a forum for creative solutions to disputes that better meet the needs of the parties⁵⁶. Negotiation and mediation have been described as collaborative processes which are guided by certain principles key among them being ensuring open communication, finding common ground, and creating a culture of trust among all parties⁵⁷. Consequently, it has been pointed out that these approaches are ideal when it is necessary to maintain all parties' relationships or when the solution itself will have a significant impact on a large group of people⁵⁸.

Due to the foregoing advantages, negotiation and mediation are suitable in managing intra-state conflicts for peace and security. It has been argued that by focusing on collaboration, negotiation and mediation provide a platform for dialogue, cooperation and trust among parties to intra-state conflicts especially when there is a stalemate⁵⁹. Unlike mandatory processes such as litigation, negotiation and mediation provide parties with a non-coercive framework to manage their differences and disagreements which is a valuable approach towards achieving sustainable and long-lasting outcomes⁶⁰.

Further, negotiation and mediation are suitable in managing intra-state conflicts and wars by addressing the root causes of such conflicts. It has been observed that in most contexts, intra-state conflicts usually have deep internal and external root causes which are not adequately addressed by traditional responses making such conflicts difficult to address⁶¹. Addressing the root causes of intra state conflicts is therefore crucial in building and sustaining peace and security. For example, it has been argued that addressing the internal and external root causes of conflicts in Africa beyond the traditional response, which only tackled their symptoms, would create the capacities that can help African countries overcome the peace and security challenges they face, which have deep historical roots⁶². In intra-state conflicts, negotiation and mediation can allow parties to find mutually-satisfactory, long-lasting and sustainable solutions on key issues such as access to and use of natural resources, political power, access to economic opportunities and territorial issues making these mechanisms ideal in addressing the root causes of intra-state conflicts⁶³.

⁵⁵ JAMS ADR., 'What is ADR' Available at <https://www.jamsadr.com/adr-spectrum/> (Accessed on 23/01/2026)

⁵⁶ Alternative Dispute Resolution., Available at <https://www.dol.gov/general/topic/labor-relations/adr#:~:text=Types%20of%20ADR%20include%20arbitration,%2C%20neutral%20factfinding%2C%20and%20minitrials.> (Accessed on 23/01/2026)

⁵⁷ Miroslavov. M., 'Mastering the Collaborating Conflict Style In 2024' Available at <https://www.officernd.com/blog/collaborating-conflictstyle/#:~:text=It's%20one%20of%20the%20strategies,their%20underlying%20needs%20and%20interests> (Accessed on 23/01/2026)

⁵⁸ Isenhardt. M.W., & Spangle. M., 'Summary of "Collaborative Approaches to Resolving Conflict"' Available at <https://www.beyondintractability.org/bksum/isenhardt-collaborative> (Accessed on 23/01/2026)

⁵⁹ Svensson. I., 'Chapter 9: Mediation as a method of conflict prevention in intrastate conflicts' Available at <https://www.elgaronline.com/edcollchap/book/9781803920849/book-part-9781803920849-15.xml> (Accessed on 23/01/2026)

⁶⁰ United Nations., 'Root Causes of Conflicts in Africa Must Be Addressed beyond Traditional Response, Special Adviser Tells Security Council Debate on Silencing Guns.' Available at <https://press.un.org/en/2023/sc15249.doc.htm> (Accessed on 23/01/2026)

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

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Despite their efficacy in addressing intra-state conflicts, negotiation and mediation are largely under utilised in peace processes as evidenced by the worsening nature of intra-state conflicts all over the world⁶⁴. It is therefore necessary to enhance the use of negotiation and mediation towards managing intra-state conflicts for peace and security.

4.0 Conclusion

With intra-state conflicts and wars being witnessed globally, negotiation and mediation provide parties with a platform to effectively manage these conflicts for peace and security. Negotiation and mediation can play an important role in preventing and managing conflicts and enhancing stability for Sustainable Development⁶⁵. It is therefore necessary to integrate negotiation and mediation in peace processes. Further, there is need to foster the voluntary participation of parties in negotiation and mediation processes for sustainable and long-lasting outcomes⁶⁶. In addition, it is vital to ensure the efficacy of these processes by taking into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the national, regional and international environments⁶⁷.

Involving all stakeholders including women in negotiation and mediation processes can also enhance the sustainability of peace processes towards effectively managing intra-state conflicts. For example, it has been observed that women play a pivotal role in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response and in post-conflict reconstruction⁶⁸. Due to different gender perspectives and approaches to conflicts, the participation of women in conflict prevention and resolution can improve outcomes before, during, and after conflict⁶⁹. Ensuring the participation of all stakeholders including women in peace negotiations and mediation processes can therefore foster effective management of intra-state conflicts for peace and security.

Negotiating and mediating intra-state conflicts is therefore possible. There is need to embrace this ideal for peace, security and development.

⁶⁴ Svensson. I., 'Mediation of Interstate Conflicts and Civil Wars' Available at <https://oxfordre.com/internationalstudies/display/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-528> (Accessed on 23/01/2026)

⁶⁵ Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

⁶⁶ United Nations., 'Guidance for Effective Mediation' Available at https://unrcca.unmissions.org/sites/default/files/dpa_msu_guidance_english_web.pdf (Accessed on 23/01/2026)

⁶⁷ Ibid

⁶⁸ United Nations Security Council., 'Resolution 1325 (2000): Adopted by the Security Council at its 4213th meeting, on 31 October 2000' Available at [https://docs.un.org/en/S/RES/1325\(2000\)](https://docs.un.org/en/S/RES/1325(2000)) (Accessed on 23/01/2026)

⁶⁹ Women's Participation in Peace Processes., Available at <https://www.cfr.org/womens-participation-in-peace-processes/index.html> (Accessed on 23/01/2026)

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