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FROM: MARY LEMON
Political Affairs Division
16 December 2002

②
19 DEC 2002

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Mr Madden
Mr Mullen
To see & p/apl
(Note security
making)
P. McKeelley
20/12

Secretary of State (B&L)

**BREAKFAST MEETING WITH THE FOUR MAIN CHURCH LEADERS - TUESDAY
17 DECEMBER 2002**

Summary

Issue: You are due to meet, over breakfast, with the leaders of the four main churches on Tuesday 17 December.

Timing: For tomorrow's meeting.

Presentational Issues: None.

Recommendation: That you note the following briefing. I am grateful to Alison White (DLD); Mary Bunting (OFM/DFM); Alan McAllister (SPOB); and William Stevenson (RIR) for their significant contributions.

Detail

You are due to meet over breakfast with the four main church leaders on Tuesday 17 December.
The four church leaders currently are:

The Most Rev the Lord Robin H A Eames (Church of Ireland)

The Most Reverend Dr Sean Brady (Roman Catholic)

Rev Dr Russell Birney (Presbyterian)

Rev Winston Graham (Methodist)

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They will be accompanied by the joint secretaries to the churches, the Rev Dr Samuel Hutchinson and Rev Edmund Mawhinney. Pen Pictures for all are attached at Annex A.

Political Update/Addressing Sectarianism

2. This will be your first opportunity to meet the church leaders since your appointment as Secretary of State and, whilst they will expect you to update them on the general political process (a political brief is attached at Annex B) they are likely to focus most of their attention on the issue of tackling sectarianism. This has been at the centre of recent discussions between the church leaders, the previous Secretary of State and the Prime Minister, and you will be aware that the church leaders are due to meet the Prime Minister on 14 January to discuss further their role in addressing sectarianism. They are likely, therefore, to use this meeting with you to prepare for that. Colleagues in OFM/DFM are taking the lead on this issue and have provided appropriate briefing at Annex C.

Law and Order

3. Rev Dr Winston Graham, President of the Methodist Church has indicated that he also wishes to raise briefly the subject of law and order. In particular, he has mentioned a representation made to him in recent weeks by a small number of Methodist Ministers working in various parts of Belfast affected by interface violence. They have asked him to raise with you the role of the PSNI at this time. They are, apparently, suggesting that, in some incidents, the PSNI carries out a "stand-off policy" and that police officers do not carry out adequate investigations following attacks. Colleagues in SPOB have provided briefing on interface violence, including the NIO and security force response, at Annex D.

Equality

4. Dr Hutchinson has also indicated that the Presbyterian Moderator, Dr Russell Birney, may raise the issue of equality legislation and "its challenge to the right of the Presbyterian Church to employ staff within its ethos in Northern Ireland". I attach, at Annex E, some papers on this matter given to Mary Madden at a recent meeting with Dr Hutchinson. I am aware that colleagues in OFM/DFM have already met with Dr Hutchinson to discuss this issue. They have provided appropriate briefing at Annex F.

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A New Constitution for Europe

5. Dr Hutchinson telephoned this afternoon to say that Archbishop Brady may also raise some issues to do with "a new constitution that is being proposed for Europe". I have spoken to colleagues in RIR to try to bottom out what exactly he is referring to, and this appears to be a reference to the Catholic Church's desire to insert references to Christianity into the constitution. I suggest you may not want to get involved in the detail of this as it is a matter for the FCO. If pressed you may wish to draw on the background and lines to take attached at Annex G. These were provided by the Lord Chancellor's Department for Baroness Scotland's meeting on 5 December with the Catholic Bishops of England and Wales.

Comment

6. These meetings are generally informal and affable encounters. The Church Leaders will be keen to stress their willingness to help progress towards a peaceful society. You will want to encourage them to be courageous.

Attendance

7. You will be supported at the meeting by Mary Madden (PAB) and by Will Haire and Mary Bunting (OFM/DFM).

Mary Lemon

MARY LEMON
Ext 27089

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Annex B

POLITICAL BRIEF: 16 DECEMBER 2002

The devolved institutions in Northern Ireland were suspended on 14 October. Not everyone favoured this, but the Government decided that suspension was the best way to stem the loss of trust, preserve the benefits of the Agreement, and provide a basis for further political development.

On 17 October, the Prime Minister made his key "acts of completion" speech in Belfast. This said that another inch-by-inch negotiation wouldn't work, that symbolic gestures no longer built trust, and that it was time for acts of completion.

On return to the NIO as Secretary of State, I had immediate bi-laterals with all the parties. Since then, two sessions of roundtable talks have been held, co-chaired by the Secretary of State and Brian Cowen with the pro-Agreement parties and notably the UKUP. Tri-lateral talks were also held last week when representatives of these parties - with the exception of the UUP who had met with the Prime Minister previously - met with Des Browne and Tom Kitt, Minister of Foreign Affairs.

All sides have put their cards on the table and there has been frank discussion of the central issues - how to implement the Belfast Agreement in full and how to address the difficulties caused by paramilitary activity.

The critical condition that must be met if the Agreement is to operate again is an assurance on the part of all involved that all others involved are committed to the exclusive use of peaceful means; for the future there must be no threat whatever of violence for political purposes, by those involved in the democratic process. There must also be a clear commitment by those involved to the maintenance of stable and inclusive political institutions.

A third session of roundtable talks is scheduled to take place on Thursday 19 December.

Restoration of the institutions is Government's urgent priority and we are working on rebuilding the trust necessary to do that.

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Annex C

THE CHURCHES AND SECTARIANISM

Background

1. In January 2001, in the context of his Interfaith Initiative, the Prime Minister met with the leaders of the four main churches. A number of issues were discussed at the meeting and the Prime Minister invited the church leaders to submit joint proposals on how they might tackle the issue of sectarianism.
2. Subsequently, the leaders sent a submission on tackling sectarianism to the Secretary of State and the Prime Minister. Dr Reid met with them in June to discuss the submission and followed this up with a letter encouraging the further development of the proposals.
3. The churches did not respond to Dr Reid, but in September they wrote to the Prime Minister asking for advice on how to move matters forward. A reply was recently issued from the Prime Minister's office to the church leaders indicating that the matter would be discussed at the Secretary of State's introductory meeting in advance of a fuller discussion with the Prime Minister.

Way Forward

4. Officials have discussed how to proceed on this matter with Francis Campbell at No. 10 and with David Porter of ECONI (Evangelical Contribution on Northern Ireland). Francis Campbell has indicated that the Prime Minister is very keen to encourage the churches to make a positive contribution to civic society and also to explore what role they might play in promoting better community relations and tackling sectarianism.
5. David Porter has advised that since 1997, ECONI (which is funded by the Community Relations Council, which is in turn funded by OFMDFM) has been convening a broad based church group, the Churches Initiatives Group. The Group has been meeting regularly and the four main churches, the Society of Friends and some people from the smaller evangelical denominations have been attending these meetings. At the meetings the church representatives

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have been focussing on the role that the churches might play in the political process and in civic society in general. Officials have briefly explored with David Porter the potential for this group to act as a facilitator for further development of work both on the role of the churches in civic society and in tackling sectarianism. While this has not been formally put to the churches, preliminary indications are that this might meet with a positive response.

6. At his meeting with the church leaders, it is suggested that the Secretary of State might wish to encourage them to more specifically develop proposals in the areas of the churches role in civic society and tackling sectarianism with a view to putting forward further ideas in advance of the meeting with the Prime Minister in January.
7. While the churches submission on sectarianism contains some worthwhile suggestions, these would need further development. In particular the churches have proposed a conference involving the churches and others on this idea. This might provide a useful mechanism for bringing forward some further work but in advance of that, considerable preparatory work would be required. It would be important to explore with the churches how a mechanism might be developed, such as, for example, a standing group which would work with officials to shape up more specific proposals for short, medium and longer term action.

The churches' role

- I see a very important role for the churches in two key areas:
 - providing leadership in civic society;
 - promoting better community relations and tackling sectarianism.

Providing leadership

- The Government would welcome closer working relationships and greater input from the churches on the development of policy generally.
- We would also see merit in the churches developing an enhanced capacity to engage with Government.
- Therefore, I would like to invite you to consider establishing a standing group to work with us on how this relationship might be developed.

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THE CHURCHES AND SECTARIANISM

Lines to Take

Introduction

- Refer to previous meetings with Prime Minister, Dr John Reid and meeting planned with Prime Minister in January.
- Welcome the opportunity to discuss this matter with you.
- Grateful for the work that has been done and for the obvious commitment on the part of the churches to play their part in addressing difficult issues associated with a divided society.
- Grateful in particular for the churches' submission on Sectarianism to the previous Secretary of State and Prime Minister, and welcome the opportunity to discuss how it might be taken forward.
- The submission contains some useful ideas which I would like you to develop further, and on which I shall offer some suggestions.

The churches' role

- I see a very important role for the churches in two key areas:
 - providing leadership to civic society;
 - promoting better community relations and tackling sectarianism.

Providing leadership

- The Government would welcome closer working relationships and greater input from the churches on the development of policy generally.
- We would also see merit in the churches developing an enhanced capacity to engage with Government
- Therefore, I would like to invite you to consider establishing a standing group to work with us on how this relationship/input might be developed.

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- Such a group could work on specific issues and also act as a more general sounding board.

Community relations and Sectarianism

- We hope to launch a major consultation on community relations and sectarianism early in the New Year.
- I am aware of the very good work that the churches are doing in areas such as youth work.
- I would welcome your views on how work such as this might be further developed and also on how we might engage with the churches at all levels in our consultation on community relations
- I am also keen to see your suggestion for a major conference being taken forward.
- I would welcome your ideas on what the focus of such a conference might be, who should participate and what the outcome might be. We could, for example include church/faith leaders from other parts of the UK where these are similar issues e.g. work in Scotland on sectarianism.
- Suggest that if a standing group was established, this could take this forward.

Next steps

- Following this meeting, I will write to you setting out my views.
- Following that, it would be helpful if you would let me and the Prime Minister have your specific proposals in advance of the January meeting.
- Suggest that, if churches would find it helpful, officials could meet with their nominees/representatives to progress this.

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INTERFACE VIOLENCE

Background

North Belfast

The summer months witnessed an increase in sectarian violence in north Belfast. During July there were a number of shooting incidents, which resulted in the tragic deaths of William Morgan and Gerald Lawlor.

The most significant street disorder in north Belfast throughout the summer has been at Alliance Avenue/Glenbryn Park interface, where almost nightly projectiles were thrown across the interface. In February 2002 a 6 metre high, 275 metre long security fence was erected at the Alliance Avenue / Glenbryn Park interface. Work has recently finished on extending this fence by a further 3 metres in height.

At interfaces across north Belfast, the police tactics have been to respond in force when CCTV footage indicated that trouble was developing. This is working well.

In March 2002, the NIO erected a CCTV camera near the junction of Ardoyne Road / Alliance Avenue. In addition, during the early summer 2002, the PSNI erected a further 21 CCTV units at various interface locations throughout north Belfast.

The Government is considering proposals for an extension to the fence at the lower end of Alliance Avenue/ Glenbryn Park.

Police deployed up to 3 TSGs and 5 companies of troops to tackle violence in North Belfast.

East Belfast

Since mid May and through the summer months, there was serious and sustained violence in and around the Short Strand area of east Belfast. Although the area has seen some respite, tensions still

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remain high. At its height, the violence has seen 400-500 persons involved and the use of petrol bombs, acid bombs and live fire exchanged between both communities and also directed at the police. Each side blamed the other for starting the trouble, with their side simply acting in retaliation.

Loyalist Feud

During September and October there was internal feuding between loyalist groups, which resulted in three murders and 6 attempted murders. The police took proactive measures under the Terrorism Act to prevent further loss of life.

Loyalist and Republican Charges

Since September 2002 to 28 November, 24 loyalists and 13 republicans have been charged under the Terrorism Act 2000.

General Lines to Take

- At the height of the violence the security forces established a high profile presence on both sides of the community. Police can call on 7 level 1 and 10 level 2 Tactical Support Groups (**502 officers**) to police public disorder in Belfast.
- The security forces have borne the brunt of this violence often coming under nightly attack from blast bombs, paint bombs and even acid bombs, bricks, and other missiles by both communities, with **437** officers injured this year in north and east Belfast.
- There have been significant policing successes; from May 2002 to date **124 persons** have been charged with public order offences resulting from interface violence in north and east Belfast (**49 republicans and 75 loyalists**).
- Disturbed by the inexcusable violence ongoing at these interfaces, this wasteful and corrosive behaviour damages communities and ruins lives

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- There is clear evidence that both sides are involved: posturing and indulging in the blame game only serves to prolong the suffering of the communities in the interface shadow who are the real victims in all of this
- Complete confidence in the security forces: they have a difficult task in dangerous circumstances and they continue to act in the best interests of the entire community
- Dealing with the violence at the interfaces is an operational matter for the police: they are faced with many tough situations and I believe they are best placed to make the right choices
- Physical security is not a long term solution and will only ever have limited effectiveness against sustained attacks; the only true solution is for mature dialogue to take place.

Lines to Take - East Belfast

- The violence witnessed during the summer in the Short Strand area of east Belfast was totally unacceptable.
- The Government has been working tirelessly to deal with the violence in east Belfast, and in response to the serious and sustained public disorder we have completed a significant number of security measures.
- In June 2002, the NIO arranged for rolls of razor-wire to be laid out on the green area at the front of side of St Matthew's Roman Catholic Church to prevent individuals from encroaching into the Church grounds.
- The NIO sealed off the alleyway at the rear of homes on the loyalist side of the Madrid Street security gate, following allegations that individuals were using this as cover and a means of getting closer to, and attack, homes in Clandeboye Gardens.
- A security gate was installed across Madrid Street, the height of which was subsequently increased by a further 3 metres to a total of 6 metres.

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- An additional 4.6 metres in height has been added to the existing security fence along Bryson Street, from Beechfield Primary School to Madrid Street, bringing the total height to 7.6 metres.
- The Army erected a temporary structure along the top of the wall at Cluan Place; this is now being replaced by a permanent structure, which commenced on 7 October and is expected to be completed shortly.
- In addition, the NIO is currently working closely with PSNI in order to provide a matrix of CCTV cameras for the area. This equipment has proved invaluable to the police in north Belfast, allowing for pro-active and intelligent deployment of resources as well as providing a useful and accurate source of evidence. PSNI have indicated the following operational requirement :-
 - 2 cameras on a single pole at the Cluan Place / Clondeboy Drive interface;
 - 1 camera at the Cluan Place / Clondeboy Gardens interface;
 - 1 camera at Bridge End; and
 - 1 camera at the junction of Albertbridge Road / Woodstock Link.

The system will be functional from week commencing 16 December and fully operational from 6 January 2003.

- Since this trouble erupted in east Belfast, 24 families have left their homes, 20 in Cluan Place (orange), 2 in Clondeboy Drive (green) and 2 others.
- Police routinely deploy 1 TSG and 2 companies of troops to Short Strand area.

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SECTARIAN ATTACKS

- Utterly deplore and condemn without reservation all sectarian violence in Northern Ireland.
- Those who carry out these attacks have nothing to offer their communities but more sectarian hate and bigotry. It is time to leave these deep-rooted attitudes behind once and for all.
- Applaud the strenuous efforts being made by the security forces to resolve the situation. The extra police patrols supported by the army have frustrated those attempting to carry out attacks.
- I am confident that the police are doing all that they can to prevent these attacks and to bring those responsible to justice.

PARAMILITARY ATTACKS

- These attacks are completely the opposite of what the Agreement was about. In the Good Friday Agreement people voted for a new start and for a society based on the rule of law. These attacks are a parody of law and justice.
- We call on all with information to co-operate with the police to stop these attacks, or to those with influence over the paramilitary groups to call a complete cessation to these barbaric acts.

PARAMILITARY/"PUNISHMENT" ATTACKS

(Shootings and Assaults 1/1/02 – 8/12/02)

	Loyalist	Republican
Shootings	112	51
Assaults	89	49
Total	201	100

The total number of attacks for 2002 is 301: **16 less** than for the same period in 2001.

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Annex F

EU FRAMEWORK DIRECTIVE – THE CHURCHES' CONCERNS ABOUT A RELIGIOUS ETHOS EXEMPTION

Background

1. Patricia McAuley's recent submission to Des Browne, of 29 November 2002, provided background and detail on the concerns of the Churches on the issue of a "religious ethos" exemption not being included in forthcoming legislation. A further submission on 6 December 2002 reported on the outcome of a meeting with the Presbyterian Church on the issue.
2. The matter was first raised by the 4 Churches in a letter to the former First Minister and Deputy First Minister on 20 June 2002. They have also expressed their reservations to the Equality Commission.
3. The Presbyterian Church wrote again to the former First Minister and Deputy First Minister on 3 October 2002 and a meeting subsequently took place with officials on 3 December 2002.

Religious Ethos / Sexual Orientation

4. The primary issue of concern is the likelihood that a "religious ethos" exemption cannot legally be included in forthcoming NI legislation to implement the EU Employment (Framework) Directive. This means that Churches cannot discriminate in filling certain posts within their remit where they may wish to employ only those who adhere to the teachings of the church.
5. The reason a "religious ethos" exemption cannot be included is because the Directive only authorises legislation creating or maintaining such an exemption where that legislation (1) was already in force at the date of adoption of the Directive; or (2) where it reflected an existing national practice. Neither (1) nor (2) apply to Northern Ireland. To introduce an exemption could be regarded as regression from the protection currently afforded against religious discrimination and regression is not allowed under the Directive.

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6. The exemption will however be available in both the ROI and GB since they can meet the requirements at (1) and (2) in the preceding paragraph.
7. The Churches would take the view that they are unique entities and employees must show by their lifestyle that they adhere to the doctrines and morals of the church.
8. The key problem for the Churches in this is not only the possible absence of an exemption for "religious ethos" but a concern about employees who might practise a sexual orientation or co-habit with another person which is in conflict with the doctrine of the church. The EU Directive however prohibits using the religious ethos exemption to mask discrimination on any other grounds, for example sexual orientation. They were also concerned about the possible inclusion of "marital status" in the single Equality Bill as opposed to protection for married persons', which currently exists.
9. The Churches are organised on an all-Ireland basis. If the "religious ethos" exemption is not implemented in NI legislation that will create two levels of protection for one Church arising from the implementation of the same EU Directive. The Churches will argue that such a scenario would not be within the spirit of the Belfast Agreement.

Volunteers

10. The Churches' are also concerned that "volunteers" may be included within the anti-discrimination legislation claiming that would create an administrative nightmare for them since they are used widely in the weekly activities of the Churches.

GB Position

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Goods, Facilities, Services

11. They also have concerns about the extension of the legislation to cover goods, facilities and services.

Programme of legislation

12. We have informed the Presbyterian Church representatives of the proposed programme of legislation. Consultation on subordinate legislation to implement the EU Employment (Framework) Directive and Race Directive is being published early next year and will cover race, sexual orientation, religion or belief as well as amendments to disability and equal pay law.

13. Preparatory work for a single Equality Bill to harmonise as far as practicable, update and extend existing anti-discrimination law continues. That will be primary legislation which has a wide latitude to develop existing law however it will not be able to regress on the subordinate legislation made under the EU Directives referred to above. It is intended to consult on proposals for the Bill next autumn. In the meantime there will be engagement with those with an interest in the Bill, including the Churches.

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Note:- unaltered text below is the position.
The altered text was done at a later stage to be
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CONFIDENTIAL submission L.

EU FRAMEWORK DIRECTIVE – THE CHURCHES' CONCERN ABOUT A RELIGIOUS ETHOS EXEMPTION

Lines to Take

- The initial legal view is that the "religious ethos" exemption **cannot** be included in forthcoming domestic legislation implementing the EU Directive. NI

- ~~However,~~ legal advisers ^{what} ~~Lawyers~~ have been asked if any other options might be available and Counsel Opinion has been requested on related issues, including whether there is any scope under the Directive to have an exemption in the sexual orientation legislation to protect religious organisations in certain circumstances. ^{to address the Churches' concerns within the framework of EU and current NI legislation}

- A "religious ethos" exemption provision in the Directive does not justify discrimination on any other grounds. Thus, even if available, it could not be used to justify discrimination against a person of a particular sexual orientation.

On the question of a level playing field on the island of Ireland

- The Republic of Ireland already has provision in its legislation for a religious ethos exemption and so under the Directive's provisions they can continue to use it. (GB does not have any religious discrimination currently and will avail of the exemption.)

On the inclusion of volunteers in the legislation

- It is currently intended that the Regulations implementing the Directive being made next year would **not** cover volunteers and this is in line with similar Regulations in GB. However the debate continues and will be further considered in the single Equality Bill.

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On goods, facilities and services

- These are already covered in existing legislation. The extent to which they will be extended in the single Equality Bill, for example for the new grounds of sexual orientation and age, will be the subject of a wide consultation.

The Catholic Bishops want:

- To be seen to be playing a part in the debate about the Future of Europe, especially regarding the religious dimension of European Constitution
- An express reference to "God" or, as a fall back, the "Transcendent", in the Charter (or elsewhere in a future constitutional Treaty)

The Government wants:

- To maintain good relations with the Catholic Bishops, and
- To maintain a sympathetic but non-casual position on the "God" issue.

Points to make:

- See no realistic prospect of any amendments (on any topic) to the Charter's substantive articles, or to its Preamble.
- Charter Article 10 guarantees freedom of religion (repeats ECHR text)
- EU is a multi-cultural group of States, with a large non-Christian population. Any new formula about religion would have to be one that all could live with. May be difficult to do this and retain some real meaning.

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Annex G

EU CONSTITUTION - REFERENCES TO CHRISTIANITY

Background

The Catholic Bishops want:

- To be seen to be playing a part in the debate about the Future of Europe, especially regarding the religious dimension of European Constitution
- An express reference to "God" or, as a fall back, the "Transcendent", in the Charter (or elsewhere in a future constitutional Treaty)

The Government wants:

- To maintain good relations with the Catholic Bishops, and
- To maintain a sympathetic but non-committal position on the "God" issue.

Points to make

- See no realistic prospect of any amendments (on any topic) to the Charter's substantive articles, or to its Preamble.
- Charter Article 10 guarantees freedom of religion [repeats ECHR text]
- EU is a multi-cultural group of States, with a large non-Christian population. Any new formula about religion would have to be one that all could live with. May be difficult to do this and retain some real meaning.

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- At the original Convention, the French resisted even a gentle reference to Europe's "religious heritage" within the Charter preamble. Unclear that Giscard's recent audience with the Holy Father has changed the position.
- The UK has not taken a clear position on a reference to religion in a new Constitution for Europe, but topic is far from straightforward for us: Britain is multi-cultural/multi-faith/no faith.
- Encourage you to make your points as vigorously as you can in the Convention.

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