Public Policy and Administration Review
December 2014, Vol. 2, No. 4, pp. 51-66
ISSN: 2333-5823 (Print), 2333-5831 (Online)
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Published by American Research Institute for Policy Development
DOI: 10.15640/ppar.v2n4a4

URL: http://dx.doi.org/ 10.15640/ppar.v2n4a4

The Evolution, Development and Practice of Federalism in Nigeria

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Abstract

Federalism is a political philosophy in which members of a group are bound together with a governing representative head. The term "federalism" is also used to describe a system of the government in which sovereignty is constitutionally divided between a central governing authority and constituent political units (like states or provinces). The Nigerian federal structural arrangement emerged from her colonization by the former, British Colonial Master, an imposition that eventually came up with a somewhat artificial geopolitical synthesis. Nigeria was put together as a country in 1914 as necessitated by some factors such as the size, cultural and traditional diversity, language, historical particularism as well as economic and political considerations that prevailed. The amalgamation of the colony and protectorates of Northern and Southern Nigeria, the seed of federalism, were not sowed until 1946, by the Richard constitution. It was this constitution that first divided the country into three major regions under the auspices of "Unitary Colonial State" that was already in place. This marked it as a turning point in the history of Nigerian legislature's unity in diversity towards interaction with one another among legislative councilors in 1947. However, the adoption of federalism in Nigeria was a compromise aimed to fairly distribute authority between the states and the national government. Although, in recent times, there have been growing disagreements and agitations for the Sovereign National Conference, where diverse people come together under one umbrella to discuss common problems affecting them with the intention of finding lasting solutions to the country's problems.

Keywords: British colony, Nigerian amalgamation1, federalism, legitimizing state creation, intergovernmental relations

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Introduction

Federalism is a political structure that allows states to unite under a central government to maintain a measure of independence and interdependence. The reason behind is to create supreme authority centrally while the component states retain a considerable amount of semi autonomy. The Constitution created a federal system of government (federalism) as a compromise. Under this system, power is shared and divided between national and state governments. Both levels have their own agencies and officials that directly affect the people. This arrangement was carried out by the Nigerian founding fathers; at that time they had no other better choice than federalism. In Canada, federalism implies opposition to sovereignty's movements and the same is historically true in the United States. Advocates of a weaker federal government and stronger state governments are those that generally favor confederation nations.

However, In Europe, the word "federalist" is sometimes referred to as those who favor stronger federal government, at a national or supranational level. Furthermore, the term is also used to describe those who favor weaker provincial governments. In the federal nations of Europe, which include countries such as Brazil, Argentina, Australia, Germany, Switzerland among others, considered federalism as label situations where sub-national states may have more power than the national (federal) government; it does not imply a strong central government since membership is voluntary.

Although the word "federalism" is sandwiched in comparative politics, the paradigmatic conceptual analysis of the term boarder on different perspectives and particularly centers on its philosophical underpins in terms of appropriate terminology and classification. Attempts to study federalism constitute a part of comparative politics or political institutions since federalism is not only cross-national but a cross-cultural research. It has been noted by Ayode (1988) that federalism did not begin as a concept of social and political organization evolved by reflective philosophers; rather, it is a political ideology that signifies a division of governmental power between the national government and the constituent units which may well be a state, division, province, and region, among others. It was against this background that we can say federalism could be defined as a functional arrangement between states or more accurately between communities for living and working harmoniously together and preserving a measure of separate identity.

However, the history of federal system in Nigeria could be dated back to the period before the amalgamation in 1914. It was during that period that the nation was observed to have comprised many cultural groups which were in the colonial processes and later metamorphosed into the specie in the genus of multi-ethnic political and social communities called federalism. It was observed that during the British colonial era, the British colonial power deliberately imposed the federal system on Nigeria in order to maintain a post colonial control of the country after political independence. Nigeria was a large country comprising more than 400 ethnic groups combined differently to constitute the major pre-colonial political system. According to Nigerian historians and some political scientists, at that time were the stateless societies in the East, the Hausa state in the North and the centralized power Alafin in the former Oyo Empire in the West.

However, a major difference in the two political organizations was the existence of a formal checks and balances system inherent in the then Oyo Empire and all other kingdoms in the West compared to the caliphate and Emirate System of Administration in the North. While the Oyo Mesi constituted a powerful body to check the excesses of the King, the powerful Emirates in the north were governed absolutely, with only the fear of God as guiding principles as well as the restraining force. There were only very powerful chiefs, groups or individuals that could challenge the authoritarian Emirs. This implies or shows the existence of a small form of democracy and egalitarianism in the West. Furthermore, apart from political ambition, the realization and protection of groups' and individuals' rights and liberty were some of the reasons for the intra and inter ethnic conflicts and wars particularly so among the Yoruba's. In view of the above statement, today, it pleases a Yoruba person, individual or group to advertise their different Associations and Struggles for Supremacy on the pages of the dailies.

In the Eastern part of Nigeria, generally there was no state organization. The Igbo society was regarded as stateless and the only form of political leadership in their domain appeared in a form of council of elders, where membership was chosen based on age consideration. This prescribed a higher form of democracy and egalitarianism. Attempts by the colonial administrations to create monarchical head similar to what obtained in the North and the West failed. The aim principally was to effect proper colonial administration in line with the policy of indirect rule and as well as system of tax collection; consequently, it led to the 1929 popular Aba Riot.

Thus, traditional institutions, though now available in many shapes, were not significant parts of the culture of the Igbo prior to colonial rule. Therefore, these glaring differences in history, politics, culture and even geography were carried into amalgamation.

Similarly, apart from the differences in culture and orientation among the people of Lagos colony, the River protectorate and Niger territories, the different and sometimes conflicting systems of administration employed by the British to govern good and the conflicting issues involved boundary these areas were not always frictions. However, it was the boundary friction and other problems that made the British govern these areas by setting up the Lord Lugard committee to consider the future administration of Nigeria. It was due to the outcome of the report that led to the River protectorate and Niger territories to unite and form southern protectorate in 1900. While, the remaining part of the Niger (for example, Idah) was merged with part of the Northern Nigeria and was ruled by Fredrick Lugard. On the other hand, the south protectorate was ruled and exposed to executive and legislative councils with laid down laws, there was nothing of such in the Northern Nigeria. This became so as all powers were regulated by proclamations and there was no uniform policy for the two protectorates. These were some of the factors that enhanced indirect rule to succeed in the North. Early attempts at interaction between the North and South were resisted by the colonial masters.

The dynamic of federalism rests on a tripod as a legal fact as pointed out by Ogbu, U. K. (1996) that as a legal fact, political force and social fact are quite often the turmoil of the socio-political aspect that determines the legal structuring, while the rule of law becomes a guide and socio cultural aspect that has been so strong that politics of federalism is constantly reeling from one crisis to another. He further concluded that the deep rooted problem of federalism in Nigeria is the issue of legitimacy; ethnic loyalties run deeper than national loyalty, leaving the central authority bereft of sustainable legitimacy. As a result, it created a certain irony thereby resulted into nation state, became autonomous force in its growth and also assumed absolute autonomous role making as well as making it an end in itself, exercising an unrestrained power, sovereignty over all domains of life.

Conceptual Analysis of Federalism

Nigerian federalism began as a concept of social and political organization evolved by reflective philosophers and political scientists. It is a political ideology that signifies a division of governmental powers between the national government and the constituent units which may well be states of provinces and or regions, as pointed out by Ayode (1988). While Federalism to Junaidu (2007) is an ambiguous term which has no clear or universally acceptable meaning apart from its philosophical terminology,including its diversified approaches. The word federalism to him is used to make useful a useless situation defined by its diversified operation in the world and which has found classification in such terms as quasi federalism, cooperative federalism, organic federalism dual federalism or even decentralization. However, be that as it may, to Daniel (2007), it means several varieties of political arrangement in Nigeria to which the term federalism has properly been applied. In spite of this confusion, we can still conceptualize federalism. For instance, federalism is a form of governmental and institutional structure designed to cope with the dual but equally difficult task of maintaining unity while preserving its diversity. Hence, the need for unity and the simultaneous preservation of diversity are central to federal arrangement.

Furthermore, Kenneth (2003) provided a cogent conceptualization of federalism; the federal principle, to him,is the method of dividing powers so that general and regional governments are each within a sphere, coordinate and independent. This definition is classic in the sense that it tries to stress formal institutional requirement such as constitutional delimitation of powers, bi-cameral legislature, independent electoral system for both levels of government, multi-party but preferably a two party system, a supreme court, etc. it is essentially because these variables are presented in such a way as to constitute the defining characteristics of federalism, which is not even accepted scholarly, that elements of weakness of these types are found in such definitions.

While Frederick (2008) believed that federalism is a process, it is not so institutional or a design. He argues that any particular design or pattern of competencies or jurisdiction is merely a phase, a short run view of continually evolving political reality.

To him, therefore, if so understood as the process of federalism, it will become apparent that federalism may be operating in both the direction of integration and differentiation. Consequently, federalism should be seen as a process by which unity and diversity are politically organized and these processes include political phenomena, persons, ideas and institutions put differently. This means we understood federalism as a general principles of social organization and that the degree of federalism resides in a political system.

In comparison, however, many people do not acceptably define the characteristics of federalism because those existing federal systems do not all embody these criteria and where they do, there are identifiable variations from one federal system to another. For example, it is difficult to classify Switzerland and Canada as federal states but as quasi federal. Besides, there are unitary systems of government where we find some of these institutional attributes. The parliament of United Kingdom is bi-camera. On the other hand, it must however be noted that legislative or institutional approach is not relevant, but within the frame-work provided by a federal arrangement with particular reference to its division or governmental powers, that the federal instruments take to its meaning and significance. Indeed, what the process view successfully adds to our understanding is that it sensitizes us to the dynamic or changing and evolving nature of the federal balance of power and to the fact that inter-governmental cooperation usually cuts across the formal constitutional division of power.

In line with the above, Livingstone (2006) concluded that: The essence of federalism lies not in the institutional or constitutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected.

This means territorial demarcation of diversities is an important distinguishing characteristic of federal government. In fact, the diversity may be distributed in such a fashion that certain attitudes are found in particular territorial areas. For example, in Northern Nigeria, they may be scattered widely throughout the whole of the society, which is peculiar to Yoruba speaking people and Igbos scattered all round Nigeria. This shows that if people are grouped territorially or geographically, then the result may be a society that is federal. This shows that the notion of federalizing process is unhelpful if it is taken that there is a degree of federalism in all political systems.

However, we should not doubt the utility of notion of social diversity as a tool for federating. It was against this development that Livingston further observed that federalism is not an absolute but a relative term; there is no specific point at which a society ceases to be unified and becomes diversified. The differences are of degree rather than of kind. All countries fall somewhere in a spectrum.

One may also note the explanation by Fredrick (2008), that federalism seems the most suitable term by which to designate the process of federalizing a political community. This is to say an order by which a number of separated political organization, be they states or any kind of association enter into agreement or arrangements for working out solutions, adopting joint policies and making decision on joint problems. For example, in the US, it may be a process through which a hitherto unitary political community becomes differentiated into a number of separate and diverse political community, achieves a new organization in which the differentiated communities now separately organized become capable of working out separately and on their own, those problems may have in common.

In view of the above explanation, we can clearly and categorically see that federalism is a process of aggregation or disintegration. In conclusion, it is drawn as a temporary device holding together units that eventually stay together to aggregate or fall apart disaggregate. Since aggregative federation is one in which previously sovereign states come together in a federation. This situation may arise as a result of external threat or its feelings or for the need of economic viability to redraw colonial boundaries. While disintegration means federations which are also called centrifugal federation grow out of the balkanization or division of a formerly unitary states and this may also be diversified due to size, culture, linguistic and above all, historical background reaches a level that is in the interest of the continuance of the constituent units.

Historical Antecedence of Federalism in Nigeria

The evolution and development of Nigerian federalism could be dated backed to the period of pre-colonial era. According to some political scientists, sociologists and historians, the available literatures show that there were other reasons as pointed out by Erim, O E. (1996) that "the logic of British interest in colonial Nigeria favored a strategy of divide and rule.

A strategy, which, he observed, in which the British officers stationed in different parts of Nigeria corroborated and the Nigerian's primordial features of the indigenous society which the British conquered each kingdom, state, empire, republic, separately and negotiated separate treaties with each made a federal or confederal arrangement inevitable. While each of these has shaped the political history and future of Nigeria as a federal state.

This means that those that were sympathetic to the cause of Nigerian nationalism maintained that it was for the purpose of administrative convenience that the British colonial administration attempted to administer Nigeria based on federal structure so as to protect their interest as well as save cost and problems of personnel. The other reason was to ensure that, if there was any emergence and advocacy for new states, such would forever remain weak, unstable, unrealizable or unachievable. Furthermore, Erim, O.E. (1996) concluded that it was clearly revealed that the British had no long term political programme, and therefore matters were attended based on adhoc manner. In view of this, the British had never faced up with the problems of political unification of the country they had created rather they assumed it somehow it would solve itself with time by a process of natural evolution.

The emergence of Nigeria as a federal system of government came after independence as pointed out by Samuel (2009) that the debate on the source of authority of how Nigeria arrived at a different view of the constitution and of federation. In the analysis, the separated protectorates such as Lagos, defunct southern and northern protectorates became one and independent polity thereafter was entered into agreement to have a general government for certain limited purpose where justification have been deduced for succession, interpositions and state rights. According to Samuel (2009), men who conceived the original design of American federalism worked from the premises of the national theory. The American federalism presupposes their nationalism. The constituent power was one people (the nation). The idea by which a nation would act not only the constituent power but also as to continue controlling and directing the influence in the political life of its citizenry through representation. This postulation had preoccupied the energies of the long struggle and continued to be central to the shaping of the federal structure.

It was against this development that Humphrey N. (1977) posit that:

It is neither false nor an exaggeration to postulate that the critical problem of political development in Nigeria lies not in the absence of political authority, but in the existence of several legitimated authorities in the wider society which inhibit the exercise of national political authority.

The situation remained like this until 1914, when Lord Lugard succeeded in effecting unification of the southern and northern protectorates now called Nigeria. Some of the reasons that informed the amalgamation were among others, not only the needed financial assistance from the south and the British to the North but also the intention of granting the south the administrative features that were lacking but were so much perfected in the North. However, beyond the reasons for the unification was the intention of granting the southern Nigeria the administrative features that had since been perfected by the North.

According to Okafor (1981), Lugard only had very little experience limited to the north from 1900-1912; Nigeria-south and North drastically changed administrative style and purpose. Furthermore, he also stated and observed disapprovingly that the educated Elite observed since the arrival of Lugard in Nigeria in 1912; Lugard made it categorically clear that the social and political situation in Nigeria must be made to confirm to northern Nigeria interest. Nigeria was divided into three areas, which were the colony and the northern and southern provinces. This would have been an excellent arrangement if the principle was also laid down that each division shall be autonomous (free). Furthermore, each area shall have within it a perfect machine for effective government, subject nevertheless to a central control. Therefore, this central authority should have the power of dealing with matters peculiar to each. This would have thereby become a federate state in which the governor-general would be, as it were.

After the unification in 1914, the new Nigerian state and the issue of its continuous survival dominated the constitutional evaluation of Nigeria beginning with Clifford's attempt to change the system he inherited, which made administrative and political departments to remain separate. As a result, there were growing conflicts due to differences in tradition, character and orientation.

It was in response to this that: The late sir Ahmadu Bello, the Sardauna of Sokoto in his book entitled "My Life" opined that the 1914 amalgamation of Southern and Northern Nigeria was a mistake and that the north could have been allowed to go on their own way.

In spite of this, Clifford still attempted to unify the country through destroying the myth of separate development of the North and South which was resisted by the British colonial officers. After a new change of leadership in 1943, Sir Arthur Richard took over the leadership of Nigeria as Governor General and divided the country into three regions in a federation without necessarily calling it a federation. However, it was in response to this arrangement that Chief Obafemi Awolowo observed and stated that: Nigeria is not a nation; it is a mere geographical expression. There are no Nigerians in the same sense as there English, Portuguese or French; the word Nigeria is merely a descriptive appellation to distinguish those who live within the boundaries of Nigeria from those who do not

According to Awolowo, for the sake of smooth and speedy progress, steps must be taken then to develop the various ethnical groups in the country along this line. He therefore subscribed to the creation of as many provinces as there are ethnic groups, with each being independent and autonomous in regard to its internal affairs and each must have its own regional house of assembl. In line what Obafemi Awolowo said, Abubakar Tafawa Balewa concluded that Nigeria existed as a country only on paper as it was still far away from being united. Nigeria was only a British intention for the country. Similarly, Namdi Azikiwe also advocated for the same form of federalism.

To this end, by 1947 to 1955, a federal constitution was adopted in Nigeria and took over the mantle of leadership from the colonial masters, thus continuing the struggle between North/South for separate development as well as control of resources in the centre. In view of this, the political battle between such till today is yet to be resolved and currently costing the country political instability as directly responsible for the setting up of present National Constitutional Conference which has been agitated for by some quotas.

Federalism and Emergence of States

In Nigeria, the issue of federalism came when it was discovered that there was too much power concentrated in the hands of a central government leading to despotism. Also, people in different parts of the country would have different needs and different values, so it makes sense by decentralization of power, which is a good thing for the people. Another perspective of the origin of state and of the principles that legitimized its power is contained in thinking about politics separate from religious beliefs and also where men and women are not preoccupied with the problems of political stability. Other reasons are that Nigerians would be able to adopt their own policies. Furthermore, by allowing each state to develop its own policies, experimentation is encouraged. As each state develops its own solutions to problems, the country gets the opportunity to see which policies work well and which ones do not. Finally, state governments and local governments are closer to their people than the federal government. As such, leaving issues for the states to decide is more democratic than leaving everything for the central government to decide.

State evolves when two or more people live together permanently bounded by language, religion, culture and tradition, among others. Importantly, it could be evolved when the continued survival of the groups depends on findings and distributing natural resources and by extension, when food resources are scarce, it may make people to establish a state. Therefore, state may also evolve within a group; if there is a conflict between different social groups over the distribution of meagre resources. In fact, the desires of the separate individuals who make up the group may be significant to the level of forming a state when such desires must eventually be transformed into a group will.

Thus, when creating a state, it must be followed by instrument of legitimizing the state as a means of developing the statehood. Furthermore, the state must be legitimized, otherwise it will not exist and that is why it takes a new military government long time to consolidate itself in office who came to power through coup. Another instruments of legitimizing the state is through diversifying the right of kings as a mode operandi for state to exist. This is the longest lived doctrine of politics with its skeletal remnant in the world today where there is kingship; it also acts as a major instrument of legitimizing the state which is also contained in the acrimony "might makes right".

This is a direct appeal to harsh physical reality and to the logic of the battle field. In fact, whoever has the authority to rule (to take over government) also legitimately has power to rule. For example, the attempt to seize power in proper perspectives, is in any way a claim to counter human rights in a system which, in the first place, was created by force.

Similarly, there is also social doctrine called social contract theory popularly Husbberian human nature that is so brutal and aggressive. According to John (2009), because men are rational, they cannot be trusted to pursue their self interest without infringing on the equal rights enjoyed by their fellow citizens. Therefore, because this is inherent rationally, citizens can therefore be trusted to judge the legitimacy of governments they legislate, administer as well as adjudicate the state laws. Although, in Nigeria, there is assumable freedom to associate and organize based on the social conventions whereby people are expected to obey government laws and respect citizen's right. Furthermore, government is to provide security of lives and property. In return, they should forfeit their freedom and right. However, when government fails in her responsibilities, due to self interest, people would react as currently obtained as pointed (Ake,1980).

Relationship between the three Tiers of Governments in Nigeria

The concept of intergovernmental relations has been misunderstood by many scholars and researchers alike. Some people have tended to understand intergovernmental relations as the relationship between two sovereign nations. Whereas this conceptualization may not be completely wrong, especially at global analysis of the government, it tends to paint a nebulous picture of the scope of the subject matter by creating an impression that intergovernmental relations relate purely with international reactions or matters.

The political reality of Nigeria is that there are many cultural groups which were in the colonial process, but later welded into a nation state. It was first called amalgamation by those who performed the feat. Later it metamorphosed into specie in the genus of political communities known as federalism, as observed by Ogbu (1996). The Nigerian federal system allows people living in the six geopolitical zones or states with different needs and different interests to set policies suited to the people in their state, yet still come together with other states as one nation.

For example, the people of Lagos might have a very different view on water usage than the people of Kano. A federal limit on water usage that would be appropriate for Lagos, would be a joke in Kano, and might keep them from utilizing their abundant water resources effectively. Just as states have different physical resources, so also their populations have different interests and needs. If one tries to force people in Enugu to adopt early marriage they would quite reasonably protest that they should be allowed to govern themselves. Although, there are limits on what states can do and cannot do. For instance, they cannot pass laws that violate rights guaranteed in the Nigerian Constitution, Also, all states have to accept Nigerian currency, have free trade with other states, etc. This means federalism allows Nigeria to be a nation that is simultaneously diverse and unified.

The intergovernmental relations between various levels of governments could be described as a function of the amount of heterogeneity within the national polity, and the reluctant level of inter units accommodation determines the nature of the federation as well as the pattern and form of the political parties. According to James (2008), the more diverse the element within a political system is, the better suited it becomes for federation. In line with the above propositions, Max (2010) further opines that:

Federation constitution is necessitated where size, cultural and traditional diversity, language, historical particularism as well as consideration and centralization prevail. If really federation is a device to keep separate people together without making them one people, then such federalism limit the amount of relationship that could exist between them

This shows that intergovernmental federalism is a functions of the types of federalism existing. This is because such federation is mostly positive and built on the desired to cooperate and the advantages of the federation to the unit deprive mainly from such cooperation. Therefore positive intergovernmental relation is a precondition for the formation of federation. Thus if a federation arises out of the need to recognize the separate identities of the diverse units within the state such as it happened in Nigeria first republic, the relationship between the units becomes functions of the nature of federalism. Therefore vertical political relation communication in a form of relations at all levels; local, state and federal government can never be very cordial.

This is because they hardly have a common cause. Example, the Nigerian first republic regions are too large to the extent that various states controlled by different but solid yet representing a former ethic interest thereby resulted to conflicting interest.

State versus Local government Inter-governmental Relations in Nigeria

The situation is also graphic in state-local government relations. State – local relationship as pointed out by Ayode (2008) is of principle and an agent to what extent is it proper to conceptualize the local government at the local level. However, mostly during the civilian administration or democratic era government fund from federal to local level and constitutionally, funds should be channeled to the local government through the state government but many local governments complained of lack of such from the state. This scenario created a dependency situation than independent one between the local and state.

This practice has created a dependency situation but not an independent one between the local government and the state. In view of this, intergovernmental relations at state – local and local-state are functions of the diversity of the state. This is particularly so if that diversity is translated into political parties affiliation and inter local boundary disputes. It was in respect of this that Ayode (1988) opined that:

In spite of whatever powers are permitted to the local government by the state governments, intergovernmental relations will be affected whether by the same or different political parties controlling the state and the local government. And in a situation where the same political party is in power in the state and the local government, intergovernmental relations tend to be positive because the relationship between the two levels is symmetrical.

However, when they are being controlled by different political parties as the case may be between state and federal government, then the intergovernmental relationship would be asymmetrical and more often than not tend to be negative. Example of such states in Nigeria that are controlled by different political parties and having negative intergovernmental relations are Kano, Borno, Adamawa and Zamfara states among others.

Therefore, in such a situation whether between local and state or between state and federal governments, amenities, appointment, funding by the state or federal government might reflect bias in the appointments and distributions not in favor of the opposition localities or state which currently obtained in the country.

Conclusion

in conclusion therefore, the history of federal system in Nigeria was traced back to the period before the amalgamation in 1914. It was during that time that the nation was deemed to be full of many cultural groups which were in the colonial processes and later metamorphosed into the specie in the genus of multi-ethnic political and social communities called federalism. It was observed that during the British colonial era, the British colonial power deliberately imposed the federal system in Nigeria in order to maintain a post colonial control of the country after political independence. The Nigerian federal structural political arrangement emerged out of her colonization by the British colonial Master which put Nigeria together as a country in 1914, a move that was necessitated by some factors such as the size, cultural and traditional diversity, language, historical particularism as well as economic and political considerations that prevailed at that time. As a result, the 1947 Richard Constitution that created three regions which the Nigerian federal system of government (federalism) later adopted as a compromise. Under this system, power was shared and divided between the national and state governments developed.

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