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Permanent Neutrality of Moldova: A Chance, a Threat or a Misunderstanding?

Abstract

The following article examines the concept of permanent neutrality in the Republic of Moldova as a potential instrument for ensuring its sovereignty, territorial integrity, and national security within the state's complex geopolitical context. The author presents the theoretical and legal foundations of the institution of permanent neutrality under international law, reconstructs the main theses of the Moldovan legal debate on the sensibility and effectiveness of such a status, and discusses selected positions of Moldovan scholars. The article highlights the benefits, limitations, and illusions discussed by Moldovan academics regarding neutrality in the realities of aggressive great-power politics and unresolved Transnistrian separation. It concludes that, although neutrality remains a constitutional principle in Moldova, its actual implementation and international legal confirmation seem highly unrealistic or fraught with serious risks under current conditions, requiring a reconsideration of the role of this concept in Moldova's foreign policy. In conclusion, Moldova should not view its international legal status as a means to resolve its sovereignty and territorial integrity issues.

Key words: Moldova, Moldovan foreign and security policy, security problems of Eastern Europe, permanent neutrality of a state, legal aspects of national security.

Introductory remarks

Moldova is an Eastern European, post-Soviet, landlocked state situated between Romania and Ukraine. Since gaining independence in 1991, Transnistria, an Eastern part of the republic's territory, has been outside the jurisdiction of Moldovan authorities. Transnistria constitutes a so-called quasi-state (Kolstø 2006; Kosienkowski 2008) and is controlled by Russian armed forces – the 14th Russian Army (Czachor 2011b; Serzhanova 2017). The southern part of Moldova – Gagauzia – is also exposed to an ethnically motivated separatist movement. Moldova's domestic and foreign policy features a balancing between pro-European and pro-Russian orientations, manifested in regular political crises. The republic's complex economic and social situation is further complicated by corruption, low public institutional efficiency, and a relatively weak Moldovan national identity, which is denied in some circles and regarded as a part of Romanian identity. Moldova straddles the line between a flawed democracy and a hybrid form of authoritarianism (in the terminology of The Economist Democracy Index 2025), where oligarchic activity, manifesting in neo-patrimonial state capture processes, is a significant political factor (Czachor 2015; Hale 2015).

In this context, Moldova's foreign policy since 1991 reflects all of the state's dilemmas. It is currently a member of the Commonwealth of Independent States, maintains relatively positive relations with Russia (with limited sanctions due to the war in Ukraine), while simultaneously seeking closer ties with the European Union. According to some Moldovan scholars, maintaining close relations with the EU will be possible only if Ukraine maintains its pro-European choice (Budurina-Georgacii 2023). This means Moldova should be conceived as a small, vulnerable state with limited political, economic, and military potential, dependent on the foreign policy vectors of its neighbours (Ukraine, Romania), on informal Russian influence, and located at the geopolitical cross-roads between East and West. The existence of separatist Transnistria destabilises Moldova, creates conditions for crime, and generates a 'black hole' or 'legal vacuum, including the domain of human rights protection'. Such circumstances make uncertainty about Moldova's future justified and current.

From almost the very beginning of Moldova's independence, the concept of permanent neutrality has been one of its foreign policy options. It was mentioned in the Declaration of Sovereignty of the Moldovan Soviet Socialist Republic of 23 June 1990 (*Declarația de suveranitate*) and the Declaration of Independence of the Republic of Moldova of 28 August 1991 (*Declarația de independență*). Similar concepts of achieving the status of a permanent neutral

state were formulated in the early 1990s by the authorities of other former Soviet republics – Belarus, Ukraine, and Turkmenistan. A nationwide referendum held in Moldova on 6 March 1994 confirmed the society's general approval in this regard. To the question: "Should the Republic of Moldova develop as an independent and indivisible state within the borders recognised by the UN, promote a policy of neutrality, maintain mutually beneficial economic relations with any country and guarantee all its citizens equal rights according to the norms of international law?" almost 98% of voters responded affirmatively, with a turnout of 75%.

A provision proclaiming Moldova's neutrality was included in the 1994 Constitution (Constitution of the Republic of Moldova). According to it, Moldova declares its permanent neutrality (Art. 11.1) and does not allow the stationing of foreign armed forces on its territory (Art. 11.2). This norm is permanent and hard to eliminate from the Constitution, since under Art. 142 of the Constitution, "provisions regarding the sovereign, independent, and unitary character of the state, as well as its permanent neutrality, can only be amended with the consent expressed in a referendum by a majority of citizens entered on the electoral rolls". This has led some Moldovan legal scholars to claim that permanent neutrality constitutes a basic constitutional principle of Moldova with a status equal to such principles as sovereignty, democracy, and the rule of law (Kuciuk, Costachi 2023). Additionally, Moldova's Law on International Treaties of 24 October 1999 prohibits concluding treaties that would limit the state's sovereignty, independence, or affect its neutral status (Legea privind tratatele internaționale).

Furthermore, the Foreign Policy Conception of the Republic of Moldova of 8 February 1995 declared that the state 'promotes a policy of permanent neutrality', renounces the possession and proliferation of nuclear weapons, and "supports all peacekeeping efforts worldwide, respecting international agreements on non-proliferation of nuclear weapons and arms control and supporting efforts aimed at disarmament and easing international tensions" (Concepția politicii externe). A similar position was expressed in the Republic of Moldova's Military Doctrine of 6 June 1995 (Doctrina militară) and in the National Security Concept of 22 May 2008 (Concepția securității naționale).

In recent years, Moldovan politicians and scholars have reinforced the discussion on the issue of the state's permanent neutrality. The recent geopolitical developments, sharpening geopolitical rivalry, strongly affect Moldova: its direct neighbour, Romania, is a NATO member, while Moldova's eastern region – Transnistria – is effectively controlled by Russia. Permanent neutrality is thus perceived under these circumstances as one of the solutions that could

guarantee the state's sovereignty and integrity without making a clear choice between a pro-Western or pro-Russian orientation. Any attempt to make such a choice would undoubtedly end in the most serious socio-political crisis in Moldova's history, possibly even the disintegration of the state. Awareness of the need to maintain a balanced *status quo* is evident, for example, in the policy of limited sanctions against Russia following the outbreak of the Russian-Ukrainian war in 2022.

In Moldovan academic discourse, legal and political scientists present various positions and views regarding the country's permanent neutrality. Among the issues they discuss are:

- a) theoretical and legal considerations on the essence of a state's permanent neutrality;
- b) research on the impact of permanent neutral status on the level of national security;
- c) studies of Moldova's foreign policy taking the neutrality factor into account;
- d) research on the thesis of the need to legally abandon the status of permanent neutrality;
- e) and more political than academic narratives about the groundlessness of declaring permanent neutrality and the necessity for Moldova to join a political-military bloc (NATO) that would guarantee the state's security (Kuciuk, Costachi 2023: 12–13).

Moldovan scholars consider both the positive aspects of acquiring the status of a permanently neutral state – understood mainly in terms of state survival and non-involvement in geopolitical rivalry and military conflicts – and the actual ineffectiveness of permanent neutrality in dealing with aggressive politics pushed forward by big powers.

Under these conditions, the question arises: is permanent neutrality a possible solution for Moldova? What are the chances and risks in this context, and can permanent neutrality as an institution of contemporary international law meet the above expectations? The following part of this paper aims to answer these questions and draws upon the scientific literature on permanent neutrality (Spring 2014; Wani 2017; Czachor 2021a), especially in the context of post-Soviet republics (Czachor 2022). The particular aim of the article is to reconstruct the main positions of Moldovan scholars on this issue. The subsequent parts of the article provide a legal characterisation of a state's permanent neutrality, then discuss the pros and cons of Moldova's hypothetical acquisition of such status. The next section offers a critical reflection on whether permanent state neutrality, in the light of contemporary international law and international

circumstances – where international law is increasingly, boldly, and brutally violated – is a beneficial and trustworthy option for Moldova. The final section of the article offers a summary of the findings.

Permanent state neutrality as an international legal status: an overview of the problem

State neutrality, as an institution of international law and international relations practice, can take two forms: permanent and non-permanent. Permanent neutrality means that a state declares that in the future it will not engage in any armed conflict, will not support any of the belligerents, will not join military alliances, will not host foreign troops on its territory, and will not in any way generate tension and conflicts in international relations. Non-permanent, wartime neutrality means that a state, for the duration of an armed conflict between third states, declares that it will not engage in that conflict and will not support either side. Such neutrality is declared each time the state considers it appropriate during an armed conflict.

While wartime neutrality has been practised by states since antiquity, permanent neutrality was introduced in the first half of the 19th century. After the Congress of Vienna, Switzerland was the first to acquire this status, which it still maintains, followed by Belgium and Luxembourg. In more recent history, after World War II, Austria acquired this status in 1955, Laos between 1954–1962, and at the end of the 20th century – Cambodia in 1991 and Turkmenistan in 1995. The number of states holding this status is therefore small, and at no time in history has permanent neutrality been particularly popular, serving mainly as a mechanism to ensure territorial integrity and security for small states creating a buffer zone between great powers (Czachor 2021b). From the perspective of defensive realism (Waltz 1979), the decision to seek the status of a permanently neutral state is motivated by the rational calculation of small states operating in a hostile international environment. Recently, Mongolia, wedged between Russia and China, has declared its intention to seek the status of a permanently neutral state (Jang, Kim 2024).

In the light of international law, permanent state neutrality is regulated by treaty law as well as customary international norms and has a constitutive character. To be effective, it requires not only the declaration of the state itself and the adoption of appropriate domestic legal acts. Acquiring this status also requires confirmation from other subjects of international law. For example, in Switzerland's case, it was the provisions of the Congress of Vienna (with France,

Great Britain, Prussia, and Russia as guarantors of its neutrality); for Austria, it was the treaty regulating its status after World War II and the Austrian-Soviet treaty; for Turkmenistan, it was resolutions of the UN General Assembly. Initially, the founders of the UN did not allow the possibility of combining membership in this organization with the status of a permanently neutral state (Komarnicki 1952: 78). The obligation to implement UN Security Council resolutions can, in some situations (e.g., imposing military sanctions against an aggressor), conflict with the principle of non-involvement in ongoing armed conflicts. Among other reasons, Switzerland only joined the UN in 2002.

Permanent state neutrality under international law must be distinguished from neutrality policy and non-alignment, i.e., maintaining equal distance from different political-military blocs (Papacosma, Rubin 1989). The latter is not legally fixed, constitutes merely a model of foreign policy, and can be abandoned by a state at any time. Examples of states that until recently pursued a policy of neutrality include Sweden and Finland, and in the past, Iceland (Sutor 1972; Barcik 2009; Czachor 2021a). It is important to note that in the Moldovan referendum in 1994, the public was asked about a 'policy of neutrality', while the Constitution declares a 'neutral status'.

Permanent state neutrality represents a mutual commitment between the state acquiring this status and the international community, especially those states that officially recognise and guarantee that neutrality (undertaking to respect it) in an act of international law. The permanently neutral state undertakes in particular to:

- a) refrain from participation in international armed conflicts, including not providing military, political, or financial assistance;
- b) abstain from participation in political pacts and military alliances;
- c) not host foreign military units on its territory;
- d) protect its status as a permanently neutral state (including by armed means, e.g., through defensive war) and pursue a policy of good-neighbourliness conducive to the peaceful development of international relations.

Conversely, states recognizing the permanent neutrality of another state undertake to:

- a) respect it, i.e., respect the sovereignty and territorial integrity of the permanently neutral state;
- b) refrain from involving the permanently neutral state in international conflicts;
- c) refrain from interfering in the internal affairs of the permanently neutral state.

Membership in economic integration organizations is not incompatible with a state's permanent neutrality, as evidenced by Austria's membership in the European Union (Popławski 2016). The obligations of permanently neutral states show that they are not only consumers of international security but also its providers. Furthermore, permanently neutral states like Switzerland and Austria, as well as those pursuing a neutrality policy like Sweden, have traditionally engaged in various initiatives in which they act as facilitators of conflict resolution and providers of humanitarian aid.

In light of the above, the essence of a state's permanent neutrality as an international legal status lies in retaining all rights under Article 2 of the United Nations Charter and the 1970 Declaration on Principles of International Law, in particular equal status with other states, while simultaneously accepting foreign policy limitations aimed at ensuring its own national security and contributing to international stability.

In addition to Moldovan theoretical-legal studies on permanent state neutrality (Dorul 2014), the Constitutional Court of Moldova has provided its own interpretation of the content of permanent neutrality under Article 11 of the Constitution. In its ruling of 2 May 2017, it held that:

- a) Moldova's declaration of permanent neutrality, despite lacking control over its entire territory and lacking international recognition and guarantees of this status, does not affect the validity of the constitutional provisions on this matter;
- b) in the event of threats to fundamental constitutional values, including independence, territorial integrity, and national security, Moldovan authorities are obliged to take all measures, including military ones, to eliminate those threats;
- c) the stationing of foreign military units or bases on the republic's territory is prohibited;
- d) participation in collective security mechanisms, including UN peace-keeping or humanitarian operations or in sanctions imposed on aggressors, is not inconsistent with the principles of permanent neutrality pursued by Moldova (Hotărârea nr. 14).

Formally, Moldova appears to meet the criteria for recognition as a permanently neutral state, as it is not a member of military alliances (it is neither part of the Collective Security Treaty Organisation nor of NATO) and does not participate in armed conflicts. However, a serious obstacle in this regard is the lack of control over the separatist region of Transnistria, which remains under the *de facto* jurisdiction of separatist authorities and the Russian army. This circumstance is considered by Moldovan scholars in their studies on the country's international security problem.

Permanent neutrality as a potential opportunity and threat for Moldova

In light of the geopolitical circumstances, permanent neutrality as a foreign policy choice for Moldova appears justified. As noted, in modern times this status has been acquired by countries such as Switzerland and Austria, and neutrality policies were pursued by Finland, states located between great powers or in their immediate neighbourhood. For small states, its adoption is often viewed as a survival strategy (Karsh 1988).

Following the dissolution of the Soviet Union, several of its constituent republics expressed interest in acquiring the status of a permanently neutral state. Belarus, Ukraine, Moldova, and Turkmenistan hoped thereby to secure their sovereignty, territorial integrity, and national security. Relevant provisions were included in their declarations of state sovereignty and constitutions. In practice, of these states only Turkmenistan confirmed its international legal status as a permanently neutral state in a unique way – instead of recognition by individual states, this was achieved through United Nations General Assembly resolutions adopted in 1995 and 2015 without any votes against (Resolution of the UNGA A/RES/50/80A; Resolution of the UNGA A/RES/69/285). Another post-Soviet state, Belarus, despite constitutional stipulations confirming aspiration to acquire neutral status, never undertook the necessary actions and in fact pursued a policy inconsistent with the obligations of a permanently neutral state, by joining the Collective Security Treaty Organisation and hosting Russian military bases on its territory (Czachor 2011a). As a result of the latest constitutional reform in Belarus, the relevant provision was removed from its constitution.

Encouraged by the example of the Central Asian republic, Moldovan authorities and scholars have considered permanent neutrality as an option for their foreign policy. The demand for its acquisition has been promoted since the early 1990s, to avoid the fate of other parts of the former Soviet Union affected by local conflicts – the South Caucasus and Central Asia (particularly Tajikistan). In Moldovan scholarly literature, there is a belief that Moldova's declaration of permanent neutrality was 'the most reasonable decision' and was intended to provide the young state, which had repeatedly changed allegiance among great powers, with stability, the withdrawal of foreign troops, and to foster social and economic reforms. It was also seen as a guarantee against a return to armed conflict in Transnistria (Bîrgău 2023: 44) and a legal safeguard to prevent the separatist region's secession from Moldova (Racheru 2020: 45). Some scholars also invoke Moldova's historical experience, noting that 'since the Middle Ages it has been at the crossroads of foreign powers' interests,' including the Ottoman

Empire, Poland, Hungary, and Russia, and in these conditions had to ‘choose the path of peaceful cooperation and understanding among nations’ (Stepaniuc 2023: 118–119). The internal factor is also taken into consideration – the need to develop a form of policy acceptable to a polarised society, with neutrality seen as a potential tool for this purpose (Popilevschi 2023).

It has also been argued that through international legal institutions, Moldova could ensure its international security better than through international integration structures (Cebotari 2020: 83; Bîrgău 2023: 42). Additionally, scholars point to other possible benefits, including calming the social situation by securing the withdrawal of foreign troops from Moldova’s territory (Transnistria), reducing budgetary costs related to military expenditures, and increasing citizens’ welfare (Kuciuk, Costachi 2023: 28–29). The Moldovan authorities referred to their neutral status, for example, at the 1999 Istanbul summit of the Organisation for Security and Co-operation in Europe, demanding that Russia withdraw from Transnistria (Bîrgău 2023: 56).

Besides security objectives, the inclusion of permanent neutrality in the Moldovan constitution in 1994 pursued some internal objectives, including the defence against criticism of the pro-Russian character of government policy and the neutralisation of pro-Communist and pro-Russian political forces and the non-Romanian population of the state. Regardless, both right-wing, pro-Romanian, and left-wing, pro-Communist groups never fully accepted the idea of state permanent neutrality, which was mainly supported by centrist parties (Moșanu 2020: 540).

The course of the ongoing Russian-Ukrainian war leads some specialists to argue that Moldova’s permanent neutrality should be reconsidered due to the possibility of Russian aggression being directed against it (currently, by controlling Transnistria, Russia occupies 11% of the republic’s territory (Zaporojan, Zaporojan 2023: 103)). At the same time, researchers emphasize that permanent neutrality – even if recognized by other subjects – does not mean a guarantee of assistance in the event of a violation of state sovereignty and territorial integrity (Kuciuk, Costachi 2023: 9). In Moldova’s case, they derive its meaning from the content and context of Article 11 of the Constitution, treating it as ‘one of the constitutional principles’, similar to the principle of state sovereignty with which it is strongly linked, and as a directive for conducting foreign policy based on cooperation and trade with other states worldwide (Kuciuk, Costachi 2023: 15). Some researchers underline that in the Moldovan authorities’ political practice, in the context of the constitutional stipulations regarding permanent neutrality, Article 11.2, which prohibits the presence of foreign troops on Moldovan territory, has the highest significance (Neguța 2023: 67).

A cautious critique of the significance of the institution of permanent state neutrality for solving Moldova's geopolitical problems starts from the rational statement that this legal institution "is not a security solution nor a hidden commitment by the international community to solve the problems of the given state" (Lazari 2015: 171).

Some authors point to the harmfulness of Moldova's foreign policy to date and its chimerical neutrality. It is argued that neutrality restrains the authorities of the republic from taking more decisive actions, such as those undertaken by the governments of Georgia and Ukraine toward closer cooperation with NATO (Ciobanu 2013). It is also claimed that Moldova has failed to seize the opportunity to lobby for international recognition of its permanent neutrality status by the Commonwealth of Independent States (of which Moldova is a member) and the Collective Security Treaty Organization (Kuciuk, Costachi 2023: 19). Some authors conclude that membership in the Commonwealth of Independent States, as well as dependence on other geopolitical and economic factors, prevents the republic from fully benefiting from the status of a permanently neutral state (Bîrgău 2023: 55).

The normative critique of Moldova's permanent neutrality points to inconsistencies in the lawmaking process. Alongside declarations of permanent neutrality, official documents also point to the objective of 'gradual integration into the European Union and collaboration with NATO' (Moșanu 2020: 456–457).

From yet another angle, the experience of Moldovan neutrality is evaluated by those who see in it an empty slogan and the incompetence of successive governments, which have neither been able nor interested in consolidating public institutions (Grosu 2015: 589). As a result, Moldova's current status offers no protection in the event of Russian aggression, while providing Moscow with the opportunity to exploit Moldova's 'geostrategic function' (*Neutralitatea Republicii Moldova în contextul noilor*).

Overall, Moldovan researchers' approaches to the legitimacy of the state's permanent neutrality status are conditioned by different understandings of how best to guarantee the republic's security and territorial integrity. Radical Occidentalists advocate for close cooperation with the European Union and NATO, and, in their view, permanent neutrality is of little relevance to the country's future. Moderate supporters of a gradual resolution to the separatist issue – sometimes labelled pragmatists or Slavophiles – see some value in neutrality, though they do not overestimate its importance (Racheru 2020: 85–86, 95; Grosu, Donciu 2021).

Permanent neutrality and Moldova: excessive expectations or a misunderstanding?

In light of the above findings, it can be stated that Moldovan politicians and scholars regard permanent neutrality as one of several possible tools to ensure sovereignty, territorial integrity, and national security. Primary emphasis is placed on the need to restore control over Transnistria, which would be possible only if Russian troops withdrew from that region. For this reason, there is growing advocacy for redefining the concept of neutrality as understood by Moldovan authorities and for revising its place in the republic's foreign policy (Гуця-ляк 2023: 80). Such a step could represent a break from the submissive stance toward Russia, which expects Moldova to fulfill the obligations of permanent neutrality while simultaneously failing to respect them itself (Цэрэнүү 2010).

This approach would also entail Moldova's withdrawal from the Commonwealth of Independent States, thereby making Moldova a non-aligned state. This would not be equivalent to acquiring the international legal status of a permanently neutral state but would bring Moldova closer to the principles practised today by, for instance, Ireland – a member of the European Union but not of NATO. The realisation of this scenario would require Moldova to develop the capacity to resolve the Transnistrian issue independently, primarily by resisting Russian pressure and overcoming its influence on the domestic political agenda. The next step could be for Moldova to seek international legal confirmation of its permanent neutrality status – possibly by following the path taken by Turkmenistan.

However, the realisation of a scenario of non-alignment followed by international legal neutralisation seems highly unlikely. In this context, Moldovan researchers see the best chance for achieving the republic's foreign and security policy objectives in strengthening cooperation with NATO. It is emphasised that this cooperation already has a long tradition, having developed since early 1995 (Kuciuk, Costachi 2023: 22, 25; Zaporojan, Zaporojan 2023: 108). At the current stage, it is considered that the extent of cooperation is not inconsistent with the obligations of a permanently neutral state (Socor 2006). Nevertheless, some jurists are analysing the constitutional procedure for legally abandoning Moldova's permanent neutrality. According to Article 142 of the Constitution, the renunciation of the state's permanent neutrality would require approval by the citizens expressed in a nationwide referendum (Zaporojan, Zaporojan 2023: 111).

To fully understand the contemporary legal nature of permanent neutrality, one must consider the view of some scholars who argue that the concept is outdated (Czachor 2021b: 20). This results in the universally binding

prohibition on the use of force and the threat of its use. Thus, the *iuris cogens* provisions contained in the United Nations Charter have effectively absorbed the main value of permanent state neutrality. Recognising this fact should be the starting point for Moldovan researchers and politicians to reconsider the rationale for pursuing permanent neutrality status and to separate this issue from the problem of Transnistrian separatism.

Conclusions

To be a full-fledged neutral nation, Moldova should meet some significant criteria. First, Moldova must regain jurisdiction over its entire territory, which would require Russia to cease supporting the separatist Transnistria and withdraw its soldiers. Second, Moldova's permanent neutrality would have to receive international legal confirmation either from individual great powers or, as in Turkmenistan's case, from a universal international organisation such as the United Nations. Since, under international law, this scenario appears highly unlikely, Moldovan legal doctrine has developed its own understanding of the state's status and foreign policy priorities.

An analysis of how Moldovan jurists understand permanent neutrality indicates that they see this institution primarily through the prism of their nation's most important problems. They focus on the issue of Transnistrian separatism and the presence of the Russian army in that territory and seek an effective tool to resolve this. Given that an attempt to restore jurisdiction over Transnistria by force seems unrealistic, they turn to international law as a support for their own expectations. It can be said that the aim of regaining control over Transnistria – that is, the withdrawal of the 14th Russian Army – is not an end in itself, but rather a goal to be achieved 'incidentally' through pursuing the status of a permanently neutral state. Meanwhile, the situation is the reverse – the priority of Moldova's foreign and security policy is the restoration of jurisdiction over its entire territory.

In connection with the Russian-Ukrainian war, achieving internationally confirmed permanent neutrality status appears vague, perhaps even unrealistic. Under current circumstances, somewhat paradoxically, the realisation of Moldova's pro-Western foreign and security policy goals is not impossible. Recent developments in international politics have created a more favourable context for the accession of states such as Ukraine and Moldova to the EU (Pertuț 2024: 315). However, even in these conditions, the problem of Transnistria cannot remain unresolved (Ceban 2023). Under other circumstances, Russia might be

interested in international legal confirmation of Moldova's status as a permanently neutral state to block its rapprochement with NATO, even at the cost of withdrawing its troops from Transnistria. Hence, 35 years after the disintegration of the Soviet Union, Moldova's geopolitical future remains undecided.

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