The Creation, Development and Integration of Client Charters in the Malaysian Public Sector: A Progress Report

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Abstract

This study attempts to take stock of the creation, development and integration of client charters in the Malaysian public sector since its introduction in 1993. 151 public agencies were sampled covering all 3 levels of government. The charters have evolved through successive revisions engendered by ICT, quality and other initiatives. The charter appears to have developed and become integrated into the mainstream of the agency. The primary feedback for improvement comes from the service failure reports but more proactive user consultation is low. The service recovery systems (SRS) have improved but SRS process standards are yet to be widely established, and SRS data and service performance reports are not published. Response to service failures indicates a very guarded administrative mindset.

(Keywords: Public Administration, accountability, customer orientation in public sector, client charters)

Beginning mainly from the mid-1980s, the Prime Minister Dr Mahathir Mohamad articulated a different mindset and approach of the government towards the private sector in Malaysia. There was greater realization that the public sector must facilitate the private enterprise through efficient and responsive service, and be more accountable for its performance to the clients. This realization led to a deluge of administrative reforms beginning from the mid-1980’s to the present (Siddique 2006: 343). This change momentum was also driven in part by the new public management agenda that conservative governments in UK and USA had brought to the office (Hague 2001; Hood 1991). They introduced market-based ideas to energise the public sector i.e. increase efficiency, be more customer-oriented and debureaucratise the public sector (Martin 2000; Osborne & Gaebler 1992). The new role of the public sector envisioned under the Malaysia Incorporated concept called for the treatment of the citizens and the private sector organisations as clients to be served. In this context, the client charter was a modest but fundamental effort to redefine accountability of the agencies to the users. The innocuous and general looking pledges marked an important shift in the mindset of the government to throw open the agencies to public pressure and censure to ensure that the users are being served responsively.
The Administrative Development Circular (DAC) No. 3, 1993 issued by the Chief Secretary called for the development of client charters in all government agencies of the federal government. As is customary, the federal directive was also adopted by the state and local governments. The circular defined the client charter as:

... a written commitment by the government agencies to the clients about the service provided. It is an assurance by the agencies to provide the services subject to a measurable standard of service. Customarily, the standards of service are those that meet the clients’ needs and preferences (Administrative Development Circular No 3: para 3, translation).

Interestingly, the definition of the client charter as an instrument public service accountability suggests that the standards should be customarily based on clients’ needs and preferences and that ‘the rights of the clients be stated in writing’ (DAC No.3 1993: para 5). Even the most ardent of the charter proponents have skirted the issue of conferring rights to the clients. Charters do not generally confer legal rights to citizens (Madell 2005). The charter merely underscores, in a public way, the commitment and obligation of the agency to provide the services at the specified level or quality. In a country where the public servants and the government wield considerable power in their dealings with the clients, the directive to be client oriented by openly and publicly stating the standards of service to be expected is a major shift in mindset. Prior to this, there was a general expectation, though not always fulfilled, of service, fast, fair and transparent. There was no yardstick, least of all, yardsticks offered by the agencies by which the services can be measured. The public display of standards of service was symbolically a stupendous change in the mindset. It represents an important concession to expose the agency to specific public expectations. It also suggests a shift, albeit, a small one in the client-provider power asymmetry.

Between 1993 and 1997 some 390 odd client charters were created and approved for public display (Mazlan 1997). The original client charters have undergone several rounds of adjustments to reflect the changes in the management of the organisation. All agencies from the federal to the local level
have developed client charters of varying levels of specificity and value. However, accountability and efficiency issues continue to dominate the national debate. The 2007 National Integrity Perception survey showed that public perception of public service delivery was rather negative (Malaysian Integrity Institute, 2008). Consequently, the improvement in public service continues to be a key agenda.

In view of these developments, it is an ideal moment to take stock of the changes and role of the client charters in public organisation management. The following questions are examined in the succeeding sections of this paper; have the client charters evolved overtime, what is the extent of public/user consultation, how are the agency employees informed and educated on the client charters, what recovery approaches are used in the event of service failures, is the client charter central to agency performance and management and are the performance reports available to the public?

**METHODOLOGY**

To examine the state of client charters in Malaysia, we conducted a cross-sectional study in late 2006. A structured questionnaire covering the creation, development and integration of client charters was mailed to 550 government agencies at all 3 levels of government. Of this, 161 agencies responded to the survey giving a response rate of 29.3% which is not uncommon for mailed surveys. As expected, the federal (42.5%) and state agencies (46.9%) dominated the survey with about 10.7% from local authorities. In terms of the nature of these agencies, 67.1% were government departments, 21.1% were statutory authorities, 11.2% were local authorities and 0.6% not unstated. Overall, the composition of the sample is fairly reflective of the general governmental structure in Malaysia. In terms of size, two-thirds of the agencies had less than 200 employees.

**RESULTS**

The following sections provide the findings on the creation, development and integration of the client charters in the Malaysian public sector.
The Creation of Client Charters

Many reforms launched with great fanfare, hype and hope have just fallen into disuse as the political priorities shift and new agenda come to the fore (Van de Walle, Thijs & Bouckaert 2005). It is therefore interesting to see what happened to the client charters within the Malaysian public sector. Although 64 respondents did not state the year of creation of their client charters, there is a sharp increase in charter creation since 2000 as evident from Figure 1. The introduction of ISO 9000 quality certification in 1996 continued to provide the impetus for establishment and improvement of the client charters (Torres, 2005). As part of the quality certification, agencies are required to state their quality objectives which mirror closely the client charter-based process standards.

Now, almost all agencies and their units have a client charter with the key elements incorporated as required by the 1993 DAC circular. Between 75%-90% agencies surveyed have explicitly stated their clients, the services offered, have quantifiable service standards and established a service recovery system. But still many client charters, especially at the corporate level, understandably make general promises of good service. These promises are operationalised at the unit level where specific services and standards can be readily identified.

And as result of information technology, quality certifications, public-private partnerships and privatization, the constituent elements of the client charter have undergone revisions as shown in Table 1. E-government services especially those with online payment schemes, have dramatically altered processing time associated with over the counter services. In fact, there is a call now for e-charters for e-government services focusing on security and integrity of systems unlike the conventional client charters which focused more on over the counter services (Poelmans 2006).
Public Consultation, Participation and Feedback

It is a basic premise of the New Public Management (NPM) movement that customers should be involved in the design and delivery of services to maximize their satisfaction. Customer participation, it is believed, will help dilute the bureaucratic and internal orientation in public service design and delivery. The 1993 circular did not clearly and firmly require that there be consultation with the clients in the development of the charter. It merely urged the consideration of clients’ needs and expectations. The lack of a forceful statement on the consultation with public reflects the top-down nature of the government and bureaucracy and permits the continuation of the paternalistic attitude (Siddiquee 2006:352). The circular also suggested that the clients be consulted through surveys, feedback sessions, dialogue and interviews. The public agencies appear to have limited their consultation to feedback on the service provisions (see Table 2). As is also evident in countries with weak democratic culture, participation tends to be limited to the citizen’s role as consumer (Borgmann 1992; Cheung 2005b; Drewry 2005:337). While the customer orientation theme in the public sector has been received and implemented with the customary compliance, the voice of the customer has not been an active part of the agency decision making like in Hong Kong, Belgium, and in UK where citizen committees or user committees facilitated and articulated the voice of the public (Bynoe 1996; Cheung 2003; Swindler and Kelly 2000; Torres 2003).

[Insert Table 2 here]

However, there is greater responsiveness to the business clients given their importance to economic growth and competitiveness, better organization and also close business-political party nexus. For example, PEMUDAH, a task force headed by the Chief Secretary to the federal government and also comprising businesspersons, was set up to press for and monitor improvements in business regulation services. Indeed, the achievements are, in many instances, spectacular. It would appear that extent of direct consultation is conditioned by the power wielded by the client groups. The public agency managers are concerned that the technology may lead to overwhelming response to participate in
agency matters, which may shift the fulcrum in the agency-public power equation. Through the e-government initiatives many e-community participation tools are in place now but the low e-participation index for Malaysian of .03 (United Nations 2008) shows the lack of excitement on the part of the public. There is little tangible evidence that engagement via the e-participation tools is beneficial. There is no sharing of information on the engagement and outcome which is critical to continued public support (Parston 2008:5). Some agency heads fear that they risk crossing the administration-policy divide by embracing active citizen participation in agency affairs which can become contentious and unmanageable (Hazman & Maniam 2008).

**Internal Marketing of the Client Charters**

The 1990s witnessed a flurry of change initiatives in the Malaysian public selector. The torrent of reforms left little time for the agencies to develop better understanding and buy-in to the changes (Ghuman 2002). The introduction of the client charter was carried with little time to develop good internal understanding of the initiative. Consequently, public servants sometimes delivered the services with no reference to the service standards that hung majestically in the halls and hallways of the agency and/or adorned the often stale homepages (Drewry 2005:324; Haque 2005:409). In some cases, the service personnel contradicted the proclaimed standards of service. In other cases, the service personnel reportedly expressed surprise that the client took the charter seriously. In short, internal marketing was wanting in many instances. However, this survey shows some positive development. A variety of method is used to develop internal understanding of the client charter. Meetings, manuals and training sessions are used to inform the staff of the client charters and the applicable standards of service (see Table 3). However, communication effort may not directly correlate with understanding and acceptance of the charter standards.

[Insert Table 3 here]

To be truly effective, the client charter standards must be incorporated into the work of the unit managers and their charges. Such an alignment would have integrated the service standards into the
larger performance management system thus drawing the service charters into the strategic heart of the agency (Drewry 2005). Without real system support and reinforcement of the new initiative, the charters remained at the periphery of the organisation rather than at its epi-center (Osborne & Plastrik 1997: 256). The Drucker’s dictum that “what gets measured gets done” may not be the whole truth but measurement and assessment indicate importance and priorities that are likely to shape behaviors and attitudes of agency employees. Thus, an important linkage in the institutionalization of the client charters was missing. This creates a serious disconnect between the service standards and daily routines of the public servants as was more broadly observed by Kaplan and Norton (1996) in introducing the Balanced Scorecard as an integrated implementation tool.

Review of Agency Service Performance

The 1993 DAC circular clearly called for frequent reviews of the client charter and monitoring of the agency performance vis-à-vis the service standards stipulated. The progress in developing the client charters were the subject of the periodic reports prepared for the Chief Secretary. Certainly, some improvements or refinements were made after the first round of client charters. Occasional reports of spectacular improvements among the winners of the charter awards were some of the publicly available information of the progress (Ahmad Sarji 1996: 70-86). It is not widely known how effectively the agencies monitored their performance against the client charter standards. Findings of this survey show that service performances are monitored and compared, and to a moderate extent, service performance is used in the agency and staff assessments (see Table 4). There is quite a bit of ambivalence on the issue of service performance and the budget formulation. The Modified Budgeting System required agencies to commit to programme outcomes which were not directly linked to the service standards. Most of the monitoring of the client charters is intended for control and management within the public sector and service performance information is not published for public review (Ahmad Sarji 1996: 87; Cheung 2005a:314; Torres 2005: 695).

[Insert Table 4 here]
Review of charter is often also carried out when it is linked to other audited quality initiatives (Torres, 2005:695). ISO 9000 is one such exercise enabling some review of the client charter standards. In terms of linkage and integration of the client charter into the quality management system, most respondents affirm the similarity of the service standards and quality objectives as should be the case (see Table 5. The Ministry of Higher Education website provides an excellent example of the integration of the two systems (www.mohe.gov.my).

[Insert Table 5 here]

Since most of the agency annual performance reviews are conducted within the framework of the budget formulation and approval, the record of service quality should be a key item in the examination of resource use and the outputs (Hyndman & Anderson 1997). Without the inclusion of the charter-based service standards, the current resource use and its future availability may not permit the capacity to meet the standards in terms of the personnel, technology and training. The focus and the criteria for performance assessment and resource provision send clear institutional signals of importance. The revision of Citizen’s Charters into Service First programme highlighted the need for external monitoring incorporating the customer perspective (McGuire 2002: 498). This would raise the institutional stature of client charters, the standards and its achievement. The compliance focus of the budget evaluation and auditing does not put the spotlight on the qualitative and customer-based standards of service.

**Service Recovery Systems (SRS)**

Many public services are monopolies and/or regulatory services. In absence of alternatives, the customer must be provided with an effective and inexpensive service recovery system to voice their dissatisfaction and to seek resolution (Cheung 2005b; Vigoda 2000). Hence, SRS are critically important to ensure accountability of the agency and the production of high quality services. In fact, a central feature of charters everywhere is the presence of a robust SRS (Torres 2005). The findings of this study show that a high majority of the agencies have a SRS which is largely manually operated. Standards for SRS are present only in about half the agencies sampled (see Table 6) which does not
mean that they are met. The SRS data are not broadcasted to the public reflecting the practice elsewhere (Cheung 2005b:350). While SRS practices are developing, their effectiveness cannot be easily ascertained as information about SRS are not available for external scrutiny. Recently, the SRS itself has come under scrutiny for compounding service failures (Norizan & Hazman 2007). Anyhow complaint data does not truly indicate the overall level of public satisfaction with the services of the agency (Cheung 2005a:315). The high power distance and high femininity in the local value system encourages reticence rather than active reaction to seek remedy (Hazman & Razmi 2002). Hence, low complaints do not imply service excellence. In fact, ineffective SRS can diminish future complaint intentions (Voorhese & Brady 2009).

Responses to Service Failures

When service failure occurs and an aggrieved citizen seeks remedial action, what do the agencies typically do? The 1993 client charter and the 1994 SRS directives did not state compensation as a response to serious failures. Explanation is by far the routine response to service failures. It is not known what type of explanation is usually offered to the complainants (see Table 7). Greenberg (1990) identified three types of explanations namely, excuses, apology and justifications typically provided by organisations. Excuses and justifications are probably more common feature of the explanations than apology because it deflects responsibility for the failure from the organisation. Compensation is not generally a stated option. This remedy is only attainable through litigation under administrative law and tort.

In some cases, where the consequences of failures are serious, public agencies exclude liability for the consequences. The Road and Transport Department and Employees Provident Fund excused themselves of any liability in event of gross failure resulting in losses to the client. The court’s reluctance to weigh in on these unfair and questionable practices in the public sphere has limited public accountability. The nexus between legal immunities and instruments of customer service like
service charters have not been widely recognised and debated. The implicit decline in the power asymmetry between the agency and the clients that is a necessary corollary of the quality initiatives especially the service charters has been lost on the legislators and adjudicators. The service charters and the attendant realignment of power of the agencies have not seeped into the very legal instruments of power (Peters & Pierre 2000). Exclusion and limitation of liability is a complete anathema to quality and accountability that forms the basic principles of consumerism. The service standards and guarantees are managerial creations that do not confer rights to the customer and therefore, limits the efficacy of recovery effort (McGuire 2002; Torres 2003). As Osborne and Plastrik (1997: 176) point out, a customer strategy i.e. to promise better services by spelling out the standards and procedures for voice if the standards are unmet, without a consequence strategy i.e. what happens in the event of a service failure which results in losses to the public, decouples quality from accountability. This can be fatal to quality.

**DISCUSSION**

The charters, at least nominally, manifest the key requirements spelled out in the 1993 directive. It marks the acceptance, albeit, in symbolic and superficial terms, the importance of the customers in the operation of the agencies. For the first time, public agencies stipulated and publicized service standards to the public. This is a significant departure from the previous practice of promising excellent and courteous service which lacked any real means of assessment and accountability. But this non-intrusive initiative fitted well with the need to project an image of a more people-friendly and innovative public sector without much structural realignments.

Since its introduction in 1993, client charters have become a common and visible feature growing customer orientation in all public agencies in Malaysia. The quality certifications under ISO 9001 which started in 1996 helped the process of specifying standards of quality in the public agencies. The recent and vigorous implementation of key performance indicators (KPI) for all public agencies is expected to generate more interest in the client charters as a source of the KPI and raise the strategic stature to the charter.
The 2008 national elections showed a high level of public dissatisfaction with government. Consequently, an effective SRS is viewed by the government as a key means to restore public confidence and trust in government. The SRS, which an integral part of the client charters is under the spotlight. While most agencies have complied with this requirement, the efficacy of service recovery system (SRS) to address aggrieved customers is still limited. Lately, the SRS has come under added scrutiny (Norizan & Hazman 2007) and, multiple ICT aided channels for raising the complaints have been created with the Federal Public Complaints Bureau acting as the national clearing house.

But not surprisingly, despite the progress in customer orientation, citizen’s voice in the service design and delivery is limited (Torres 2005:696). Some have observed that the client charters provided a popular platform to rebrand the public service to restore public confidence (Torres 2005; Cheung 2005b). It created an image of customer orientation and accountability but with little structural changes (Common 2004:357). Public accountability of the agencies to the citizens is limited and episodic. Further, as Cheung (2005b) rightly pointed out public agencies under the auspices of citizen or client charters are exhibiting varying degrees of service (delivery issue) rather than policy responsiveness (policy issue). The extent of service responsiveness depended largely on the relative power of the customers vis-a-vis the public organisations as postulated in the Political Nexus Triads framework by Moon and Ingraham (1998). For example, the business clientele because of their economic importance, greater articulative power and closer ties with the political masters, have influenced not only the public service design and delivery but in some cases policies itself. There have been dramatic improvements in business license processing time through one-stop centres and removal of many unnecessary processes. The link between business regulation efficiency and economic competitiveness has given the business clients greater leverage to demand innovations in services (www.weforum.org). Powerful and vocal clients together with patronage of the Chief Secretary make for a strong case for change. The resulting changes can also be viewed as internal administrative pressure rather than evidence of developing public accountability to the more vocal clients. In fact, bosses dissatisfaction with services is far more efficacious in generating changes than public dissatisfaction! (Cheung 2005a). Accountability to the public as the recipient of services is still a
recent and nascent ethos among public organisations in Malaysia. Besides, accountability to the customer is a problematic concept in the public sector in view diverse and larger set of equally deserving stakeholders whose interests must be accommodated as well (Stephenson 2003; Talbot 2004:14).

Further, as observed by Osborne and Plastrik (1997), the customer strategy as symbolized by the client charter must be accompanied by a comprehensive set of changes which can precipitate deep changes in the culture of the public agencies. Recent developments in the country indicate that the public will be further empowered vis-à-vis public agency. The use of customer satisfaction as KPI will shift the power towards the public rendering the client charters far more effective instruments of accountability than they are today. Since May 2009, all federal agencies are encouraged to have their service performance reports published on the Internet. The access to these performance data will help the cause of greater public accountability of the Malaysian public agencies.

**CONCLUSION**

In conclusion, the client charters in Malaysia indicate a significant change in the approach of the public sector vis-a-vis the citizens. The growth and integration of the client charters into the strategic management of the public agency is limited but positive signs are emerging. To institutionalise agency responsiveness and accountability, the client charters must be located in the heart of agency management. To achieve this, the cultural, customer, organisational and legal strategies must be aligned to create fundamental and collective shifts in administrative mindset to value and serve the customers (Barrett 2003; Goodman 2000; Osborne & Plastrik 1997). There are signs that the 15 year old client charters may yet transform into an instrument of public management and accountability.
References


Table 1: Revision of Client Charters

<table>
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<th>Nature of revision</th>
<th>Yes</th>
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<tr>
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<td>93.8</td>
<td>6.2</td>
<td>1</td>
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<tr>
<td>Services</td>
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<td>40.4</td>
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<td>Service Recovery System</td>
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Table 2: Means of Soliciting Feedback from Users

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<td>Complaints</td>
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<td>1</td>
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<tr>
<td>Focus groups</td>
<td>40.3</td>
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<td>Dialogue/forum</td>
<td>29.6</td>
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N = 161

Table 3: Dissemination of Client Charter information within organisation

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<td>Meetings</td>
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<tr>
<td>Manuals</td>
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<td>Bulletins</td>
<td>22.8</td>
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Table 4: The Uses of Service Standards in Agency Management

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<th>Uses of Service Performance Data</th>
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<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
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<td>Service Performance is monitored and compared</td>
<td>3.8</td>
<td>9.4</td>
<td>59.1</td>
<td>27</td>
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<tr>
<td>Service performance is used to assess unit performance</td>
<td>3.8</td>
<td>8.8</td>
<td>63.5</td>
<td>23.9</td>
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</table>
Service performance is used to assess staff performance | 0.6 | 11.9 | **53.5** | 13.8
Service performance is published in annual report | 1.3 | 10.8 | **50** | 11.4
Service performance is used in budget formulation | 0.6 | 12 | 39.2 | 17.1

**Table 5: Client Charter Standards and ISO 9000 Quality Objectives**

<table>
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<tr>
<th>Elements</th>
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<th>Agree</th>
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<td><strong>52.5</strong></td>
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<td>Service standards different from ISO 9000 quality objectives</td>
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**Table 6: Service Recovery System (SRS) in the Client Charters**

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<td>Existence of SRS</td>
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<td>SRS Processes</td>
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<td>Manual</td>
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<td>Automated</td>
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<td>SRS standards stipulated</td>
<td>51.0</td>
<td>49.0</td>
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<td>SRS is collected</td>
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<td>SRS data is publicized</td>
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<td>80.3</td>
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<td>Manual</td>
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<tr>
<td>Both</td>
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**Table 7: Responses to Service Failures**

<table>
<thead>
<tr>
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