

NGOs and the Durban Review Conference: History Repeating Itself

Gerald Steinberg and Naftali Balanson



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Summary

On April 20–24, 2009, in Geneva, Switzerland, the United Nations will host the “Durban Review Conference,” a follow-up to the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR). Driven primarily by nongovernmental organizations (NGOs), in close cooperation with Iran and other hostile regimes, the first Durban conference became a platform for intense attacks against Israel and antisemitism.

At the NGO Forum at the WCAR, the “Durban Strategy” of demonizing and delegitimizing Israel was crystallized. This strategy includes the exploitation of terms such as “apartheid” and “racist state,” the promotion of BDS (boycotts, divestment, and sanctions) and campaigning in the UN and other international bodies to promote a constant barrage of condemnations directed at Israel. Masking their intense ideological agendas with the rhetoric of universal human rights, the NGO network has campaigned consistently against Israel—from the false claims in Jenin and the accusations of Israeli “war crimes” in the Second Lebanon War to misrepresentations of international humanitarian law used to condemn Israel’s response to attacks from Gaza.

Developments suggest that the Review Conference will repeat the abuses and anti-Israel focus of Durban. Iran, Egypt, Libya, and Cuba are members of the influential Preparatory Committee, responsible for planning the event. In May 2008, they accredited the radical Palestinian Grassroots Anti-Apartheid Wall Campaign (PGAAWC), while the Canadian Council for Israel and Jewish Advocacy was rejected, clearly demonstrating the centrality of double standards. In addition, Palestinian NGOs have pressed their extremist agendas at regional preparatory meetings.

However, in contrast to the situation in 2001, Israel, Western governments, and important Jewish organizations recognize the dangers posed by the Review Conference and the central role of NGOs. Coordinated efforts to adequately confront and contain antisemitic and anti-Israel activity may help halt the demonization process which began in Durban in 2001.

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On April 20–24, 2009, in Geneva, Switzerland, the United Nations will host the “Durban Review Conference,” a follow-up to the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR). As mandated by the UN General Assembly, the Human Rights Council of the United Nations (UNHRC) is responsible for organizing and convening the event “toward the effective and comprehensive implementation” of the conclusions and recommendations of WCAR, and to continue the “global drive for the total elimination of racism.”¹

The first Durban conference itself became an instrument for racism, particularly directed against Israel. This agenda was driven by Iran and a number of Arab states, and primarily by the participants in the antisemitic NGO (nongovernmental organization) Forum. The final declaration of the NGO Forum—which labeled Israeli counterterrorism measures as “war crimes”—revived the “Zionism is racism” slogan and introduced the “Durban Strategy” of isolating Israel internationally, following the model of the campaign against apartheid in South Africa. This Durban strategy, led by NGOs, is behind the BDS (boycotts, divestment and sanctions) efforts, which its proponents justify using the rhetoric of human rights, to demonize and delegitimize Israel.

In the Preparatory Committee (PrepCom) meetings prior to the 2009 Review Conference, many of the syndromes that were displayed in 2001 were visible again, and more of the same is expected in the final PrepCom, scheduled for October 6–17, 2008. At this meeting, the participants, led by Libya, Iran and Egypt, will decide on the question of whether to hold another NGO Forum. In the May 2008 PrepCom, an NGO known as the Palestinian Grassroots Anti-apartheid Wall Campaign (PGAAWC) was given immediate accreditation, while Iran blocked the participation of the Canadian Council for Israel and Jewish Advocacy (CCIJA). This indicates that some are working to ensure a repetition of the NGO role in the review conference.

Durban Conference

The 2001 UN Conference against Racism in Durban consisted of three parallel gatherings: an official diplomatic forum, a “youth summit” and a massive NGO Forum. The Israeli government was poorly informed and unprepared, and the leaders of the official delegation were unable to respond effectively. The atmosphere and rhetoric in all three frameworks featured a high level of vitriolic antisemitism, and marked the return of the “Zionism is racism” theme, a decade after the 1975 UN resolution was repealed.² However, it was the NGO Forum that generated most of the publicity and impact from the Durban Conference, focusing on the development of a broad campaign to delegitimize Israel as a sovereign state.

NGO Forum: The Emphasis on Antisemitism

What are NGOs?

In theory, NGOs are autonomous, non-profit and politically unaffiliated organizations that claim to advance a particular cause or set of causes in the public interest and in the framework of civil society. Often termed “the third sector,” NGOs are neither part of the government nor the private sector. As such, they are seen as independent institutions able to transcend narrow, selfish interests in order to promote universal values. NGOs can contribute to civil society and democracy by using their soft power to challenge governments and promote social interests, but they themselves are not necessarily democratic institutions. NGOs are generally only accountable to their particular funding sources and activist members. Fuelled by financial support from sympathetic foundations or governments and encouraged by the “halo effect”—whereby statements made by NGOs are routinely accepted at face value by journalists, diplomats, academics, and the general public—local and international NGOs exert a great deal of power.³

NGOs at Durban

An estimated seven thousand delegates from more than fifteen hundred NGOs participated in the three-day NGO Forum at Durban, claiming to represent the “voices of the victims”⁴ of racism, discrimination and xenophobia. The funding from the Ford Foundation and various governments and the large attendance made the NGO Forum the central focus of the entire Durban Conference. This support also reflected the dominant ideology that viewed NGOs and civil society as “authentic” voices and representatives, in contrast to those of government officials and elected representatives in democratic societies.⁵

The Durban conference took place against the backdrop of intense violence—the so-called second intifada that began at the end of September 2000 and escalated to major Palestinian mass terror attacks against Israelis. When Israel responded, it was consistently condemned for alleged human rights violations, and the speakers at the NGO Forum focused on the theme of Israel as a singular human rights violator, stripping away the context of the conflict. Hanan Ashrawi, a prominent Palestinian official who also heads the NGO known as MIFTAH, declared: “The Palestinians today continue to be subject to multiple forms and expressions of racism, exclusion, oppression, colonialism, apartheid and national denial.” At the beginning of the conference, UN Human Rights Commissioner Mary Robinson called on participants to focus on “particular victims of racism,” noting the situation of the Palestinians as a central example (Robinson later changed her position), and Israeli-Arab Knesset member Azmi Bishara referred to Israel’s “apartheid” policy toward the Palestinians.⁶

At the conference, the image of Muhammed al-Dura—“the patron saint” of the NGO Forum, as noted by Prof. Richard Landes—was used to promote the virulent anti-Israel agenda. Al-Dura’s father, Jamal, was flown to the conference in Yasir Arafat’s airplane, and was a featured speaker. (On September 30, 2000, journalist Charles Enderlin from France 2 TV reported that Israeli soldiers had shot and killed Muhammad al-Dura, a twelve-year-old Palestinian. Iconic images of al-Dura’s death, filmed by France 2 cameraman Talal Abu Rahmeh, were shown worldwide, and widely adopted by the NGO community, including groups such as Human Rights Watch (HRW) and Amnesty International, which were active in the NGO Forum. Suspicions were raised that this had been staged, and on May 21, 2008, a French court reviewed the evidence and dismissed a libel suit against those who made this claim.)

A session entitled “Hate Crime and Hate Groups, Ethnic Cleansing and Genocide” focused on victims from Sudan, India and primarily the Palestinian Authority. South African activists, including local Arabs and Muslims, marched through the conference area chanting, “What we have done to apartheid in South Africa must be done to Zionism in Palestine.”⁷

Jewish representatives were subjected to verbal assaults and threats of physical violence throughout the conference. Additionally, major international NGOs, including Amnesty International, were complicit in the exclusion of representatives of Jewish nongovernmental organizations. Anne Bayefsky of the International Association of Jewish Lawyers and Jurists (IAJLJ) reported the message of HRW advocacy director, Reed Brody, indicating that representatives of Jewish groups were unwelcome.⁸

NGO Forum: Final Declaration

The NGO Forum’s final declaration, adopted by consensus and without dissent, was a concentrated indictment directed at Israel. This document asserted that the “targeted victims of Israel’s brand of apartheid and ethnic cleansing methods have been in particular children, women, and refugees” and called for “a policy of complete and total isolation of Israel as an apartheid state … the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation, and training) between all states and Israel.”

The NGO declaration also condemned Israel’s “perpetration of racist crimes against humanity including ethnic cleansing, acts of genocide.” It redefined antisemitism to include “anti-Arab racism.”⁹ Noticeably absent from the declaration was any reference to Palestinian terror, or to the terrorists’ endangerment of civilians through their use of populated Palestinian areas as launch pads for attacks on Israel. The Jewish NGO Caucus attempted to balance the declaration with a paragraph referring to virulent anti-Zionism as a contemporary form of antisemitism, and another condemning Holocaust denial. Both proposals were overwhelmingly rejected.

International human rights NGOs either kept quiet or actively supported the declaration. Later, once the NGO declaration was criticized, particularly by some supporters of human rights NGOs in the United States, leaders of HRW and Amnesty International attempted to distance themselves from the declaration and Durban’s blatant political agenda. However, the record shows their complicity in Durban’s outcome. One journalist noted that “[a]n Amnesty press release handed out during the NGO conference cited several examples of racism and human rights abuses around the world, but mentioned only Israel by name.”¹⁰ HRW Executive Director Kenneth Roth, who did not attend the conference, revealed his group’s intentions two weeks before the proceedings, telling an interviewer, “Israeli racist practices are an appropriate topic.”¹¹ In the pre-Durban preparatory conference at Geneva, the HRW delegation had also refused to object to “calls for violence” in the draft declaration, claiming this clause was “justified if against apartheid or on behalf of the Intifada.”¹²

The Forum’s declaration has become an action plan for the radical pro-Palestinian NGOs that helped draft the document, as well as for many of the international NGOs that supported it. As a result, the NGO-led Durban Strategy of demonization and delegitimizing Israel’s existence as a Jewish state—the modern form of antisemitism—continues to gain strength.

Durban Strategy: Boycotts, Divestment and Sanctions

The NGO strategy, based on isolating Israel internationally, is comprised of three related campaigns:

- one-sided condemnations of Israel, to vilify and delegitimize its responses to terror and attack;
- the use of international bodies, such as the United Nations, criminal courts, or media, to delegitimize Israel;
- the singling out of Israel through calls for boycotts, divestment and sanctions (BDS).

Based on the successful South African model, but in entirely different circumstances,¹³ proponents of the Durban Strategy frequently use terms such as “apartheid” and “ethnic cleansing.” Their objective is to force Israel to capitulate to a particular vision of a “just solution” to the Arab–Israeli conflict, meaning the end of Israel as a Jewish democratic state.

Durban Strategy: Implementation and Impact

Since the WCAR, the NGO network has applied the Durban Strategy repeatedly: in promoting the myth of the Jenin “massacre” (2002); campaigns against Israel’s West Bank security barrier (2004); the attempt to impose an academic boycott on Israel (2005); the church-based anti-Israel divestment campaigns (2006); and the 2006 Second Lebanon War.¹⁴ During the six weeks of fighting, major NGOs issued over a hundred press releases, statements and reports, almost all of which were directed against Israel.¹⁵

From late 2007 through 2008, the focus of the Durban Strategy has been on condemning Israel’s policy regarding Hamas-controlled Gaza. Numerous NGOs active in the Arab–Israeli conflict issued reports, press releases, and “urgent calls” in condemnation of Israel. In general, these documents misrepresent international humanitarian law by labeling the policy “collective punishment” and largely parrot a PLO “legal opinion” claiming that Israel remains responsible for the welfare of the population in Gaza.¹⁶ (In July 2008, following a politicized “report” issued by an NGO known as Gisha, alleging that Israel was refusing to allow Palestinians students to travel to universities abroad, the United States secretary of state, Condoleezza Rice, severely criticized Israel on this issue. But after Israel agreed to allow a group to go to the US under the Fulbright Program, the American government agreed that some were high security risks, demonstrating that the issue is not simply one of humanitarian assistance, as claimed by the NGO network.)

In another related arena, following the 2001 Durban conference, NGOs have consistently and repeatedly been involved in bringing legal cases against IDF officers in criminal and civil courts in Europe and North America.¹⁷ This “lawfare” is ongoing, and the Palestinian Centre for Human Rights (PCHR) filed suit in the National Court of Spain against seven Israeli military officials in June 2008.

Each of these NGO campaigns emphasized the Palestinian narrative of the conflict; presented the Palestinians and Lebanese as victims of Israeli aggression; made factual claims that were often false or unverifiable; eliminated the context of terror; and exaggerated the scope and impact of Israel’s counterterrorism activities vis-à-vis a civilian population. These

repeated condemnations went far beyond legitimate criticism and disagreement. This politicized approach was reflected in NGO reports and statements, which were repeated by the international media and by diplomatic officials without question or independent verification. In this way, they have laid the foundation for extending the campaigns to the Durban Review Conference.

Preparations for the 2009 Durban Review Conference

The Human Rights Council of the United Nations (UNHRC) is responsible for organizing and preparing for the April 2009 Review Conference and, as UN Watch has demonstrated in detail, this body has a consistent anti-Israel bias.¹⁸ Furthermore, the Libyan representative was appointed to chair the Bureau of the Preparatory Committee, which is responsible for planning the 2009 conference. Cuba, Egypt and Iran, which have an interest in deflecting attention from their own human rights records, are also members of the Preparatory Committee.¹⁹ After the PrepCom meeting in May 2008, a “non-paper” was released by a UN working group, which will likely function as an outline for the DRC’s final declaration. This document “expresses concern about the plight of the Palestinian people under foreign occupation,” as “the particular vulnerability [of people under occupation] is dramatically enhanced if it is connected to racial or ethnic distinction from the higher power.”²⁰ Iran’s intention to single out Israel is also apparent from the “non-paper.”

The declaration of the African Regional Conference, held in Nigeria in August 2008, also displays a distinct focus on Israel. Despite the fact that the Palestinians do not live in Africa, and in blatant disregard for severe human rights violations in Sudan and elsewhere on the African continent, it was the “plight of the Palestinian people,” that was the only specific situation mentioned in the entire document. Additionally, in discussing “religious hatred,” the African countries list “anti-Semitism, Christianophobia and, more particularly, Islamophobia”, revealing the pervasive power of Islamic nations.²¹ According to UN Watch, “Millions of African victims of xenophobia—present and future—are ill-served by the conference’s grant of impunity for racial or ethnic crimes committed in African countries,” and “its inflammatory provisions now threaten to derail the world conference in April.”²²

While the Preparatory Committee has not, at this stage, approved an NGO Forum for the Durban Review Conference, indications are that NGOs will play a significant role in April 2009. The Office of the High Commissioner for Human Rights (OHCHR) wrote a letter extending “compliments to non-governmental organizations,” and invited them to participate in the regional preparatory meeting in Nigeria (with a \$2,000 stipend). A similar arrangement might extend to the review conference, itself, thereby further providing the NGOs with a dominant role.

In the May PrepCom, the committee voted to accredit a highly political, radically anti-Israel NGO, Palestinian Grassroots Anti-Apartheid Wall Campaign (PGAAWC), “without any objection or debate.”²³ This group is a coalition of Palestinian NGOs and popular committees focused on “mobiliz[ing] and coordinat[ing] efforts on local, national and international levels... stopping and dismantling the Apartheid Wall, and resisting Israeli occupation and colonization.” PGAAWC, a central proponent of the Durban Strategy, devotes most of its website to BDS-related activities, materials and resources. PGAAWC justifies BDS as the “most effective” tactic in opposing Israel’s security barrier, and uses language of demonization.

As another example of double standards, at the same Preparatory Committee meeting, Iran frustrated an attempt at accreditation by the Canadian Council for Israel and Jewish Advocacy (CCJIA), leading it to withdraw its application.²⁴ The juxtaposition of the CCJIA's difficulties with PGAAWC's immediate acceptance also points to plans for another intensive anti-Israel NGO campaign to accompany the Review Conference.

NGO Lobbying in the Buildup to the Durban Review Conference

As part of the Durban Strategy, a number of Palestinian NGOs have consistently lobbied UN forums, with the objective, as noted by Al-Haq, of holding “Israel (the Occupying Power) accountable before the United Nations.”²⁵ NGOs initiate and support anti-Israel resolutions in the General Assembly and Security Council; they prepare one-sided, borderline antisemitic submissions to the UN’s human rights review bodies (Universal Periodic Review and the Committee on the Elimination of Racial Discrimination), strongly condemning Israel under the guise of objectively representing the human rights situation; and attend special sessions of the Human Rights Council, speaking against Israeli policy and holding side meetings and press conferences to promote particular agendas. NGOs often publicize their anti-Israel reports and statements on the UN OCHA’s “ReliefWeb” bulletin board for humanitarian emergencies and disasters. All in all, these NGOs make sophisticated and extensive use of the UN’s human rights apparatuses, manipulating these mechanisms to broaden and strengthen their attacks on Israel.

As part of this strategy, these NGOs have also lobbied the Regional Preparatory Meetings in an attempt to predetermine the direction of the Durban Review Conference. At the Latin American regional session held in Brasilia, Brazil, on June 17–19, 2008, a coalition of Palestinian NGOs active in BDS—including BADIL (which is heavily funded by European governments), the primary NGO advocate for the so-called “right of return of Palestinian refugees”—sent an “open letter” to the “people, governments, movements, and organizations” of Latin America. As opposed to addressing Latin American human rights issues, the letter proclaims “the Palestinian people [as the] victims of the world’s last state-sponsored colonial apartheid regime,” and as such, Israel should be the definitive priority in Geneva. The NGOs also spuriously accuse governments that have reservations about antisemitism at the Durban Review Conference of trying to “silence the principled voices of the victims of racism that shaped the agenda of the civil society conference at Durban in 2001.”

Boycotting the Boycotters: Refusals to Attend and Fund an Antisemitic Conference

After having helped promote and fund the NGO Forum in the 2001 conference, the Canadian government, supported by the opposition Liberal party, declared that it would not attend the conference in Geneva. In the words of Foreign Minister Maxime Bernier (in January 2008), “I had hoped that the preparatory process for the 2009 Durban Review Conference would remedy the mistakes of the past.... We have concluded that despite our efforts, it will not.” In addition, Israel, the United States, France and the United Kingdom have also threatened to join this boycott if the antisemitism of the first conference repeats itself. Officials from these nations initially sought to change the agenda through participation in the process,²⁶ but these efforts have largely failed, and Israeli officials speak of “most probably” refusing to attend.²⁷ The US, which walked out of the diplomatic framework in 2001, has not participated in the preparatory meetings, and has stated that it will not

attend the Review Conference “unless it is proven that the conference will not be used as a platform for antisemitic behavior.”²⁸

“The Magenta List”

The boycott question has been hotly debated among some NGOs that are opposed to a repetition of the 2001 events. While the proponents of BDS continue to promote the Durban Strategy, a group of NGOs and some funders have signed the “Magenta Statement of Core Principles for WCAR Follow-Up,” which “thoroughly “rejects hatred and incitement in all its forms, including antisemitism.” The signatories also call on participants to “learn from the shortcomings of the 2001 WCAR, and to work together in a spirit of mutual respect” to “eradicate racism, discrimination, and intolerance.”²⁹

Led by the Magenta Foundation (a Dutch NGO that combats racism), and signed by close to one hundred NGOs, the “Magenta list” includes the influential New Israel Fund (NIF), a controversial funder of left-wing (including Arab) NGOs in Israel.³⁰ However, NIF has refused to restrict the participation of its grantees in this process.³¹ NIF grant recipients include NGOs that were active in the first Durban conference and reject the Jewish character of Israel—most prominently, Adalah and ACRI.

Many of the NGO superpowers that were also active in the 2001 NGO Forum, such as HRW and Amnesty, have failed to add their weight to this process. Similarly, Christian Aid, a very powerful group based in Britain, which generally promotes a one-sided, pro-Palestinian ideology in the conflict, responded to NGO Monitor’s letter on this issue by claiming that as it had not participated in “Middle East fora” at the first Durban conference and will not do so in 2009; its priority at the WCAR is caste discrimination. However, Christian Aid’s partners—which include radical, anti-Israel, pro-boycott NGOs such as Adalah, ICAHD, Alternative Information Center, Ittijah, and Sabeel—can “determine and support their own participation in the conference.”³²

On the other side of the spectrum, some NGOs argue that the “Magenta list” does not go far enough. The Canadian Jewish Congress removed its name from among the signatories after deciding that the preparations for the Durban Review Conference, including the scheduling of important meetings over Jewish holidays, had already violated the “Core Principles,” and that the review conference will inevitably repeat the anti-Israel agenda of Durban.³³

Major Funders: The Ford Foundation and European Governments

The Ford Foundation, which was instrumental in funding participation in the 2001 NGO Forum, and was strongly criticized afterwards,³⁴ has adopted a policy of not directly supporting participation in 2009. At the same time, Ford continues to fund NGOs in the leadership of the Durban Strategy, many of which will probably assume active roles in Geneva. According to the Ford Foundation, even blatantly anti-Israel campaigning, whether involving BDS or baseless accusations of “apartheid” or “human rights violations,” will not result in a cessation of funding.³⁵

In contrast, the European Union and its members, which have provided large amounts of funds for NGOs that are among the most active in promoting the Durban strategy, made no public policy statements regarding funding for NGO participation in the Review

Conference. (EU programs such as “Partnerships for Peace” and the European Instrument for Democracy and Human Rights, as well as the aid agencies of the individual countries, are among the frameworks providing “project support” that is often the main source of income for these radical NGOs.)³⁶

What to Look for: NGOs in the 2009 Durban Review Conference

NGOs with UN Department of Economic and Social Affairs (ECOSOC) consultative status and those that acquire specific accreditation for the Durban Review Conference are invited to attend preparatory meetings and the Geneva conference. Additionally, as the conference in April 2009 is a follow-up to Durban, all NGOs previously accredited for the original conference, including those that organized and participated in the vehemently antisemitic rhetoric and events, are automatically permitted to attend the Review.

The accredited NGOs involved with the Durban Strategy and other anti-Israel agendas include: Adalah, Addameer, Al-Haq, Alternatives (Canada), BADIL, Gaza Community Mental Health Programme (GCMHP), Palestinian Grassroots Anti-Apartheid Wall Coalition (PGAAWC), Sikkuy, and MIFTAH.³⁷ Based on their activities at the first Durban conference and continuing to today, these NGOs can be expected to once again promote the Palestinian narrative of the Arab–Israeli conflict, denying Israel’s right to exist as a Jewish state, and hence the Jewish people’s right to sovereignty. Israel will again be condemned for “racist” and “apartheid” policies—renewing the demonization process—while Palestinian terror and human rights violations by Arab regimes will be ignored. Even if leading Western countries boycott or walk out at the last minute, participation by the NGO superpowers—Amnesty International, Human Rights Watch, and others—will continue to give silent, tacit approval, or perhaps even overt, vocal support, for another antisemitic NGO Forum.

However, this time, in contrast to 2001, Israel, the US, Canada and NGOs that are not part of the anti-Israel network have had time to systematically prepare and coordinate for the anticipated antisemitic proceedings. Appropriate interventions at and surrounding the Durban Review Conference are being considered: Alternative meetings to truly address racism in all its forms will be scheduled, and plans are underway for Yom HaShoah commemorations to be held in Geneva parallel to the UN’s conference. Perhaps this time, having learned the lessons of Durban, the demonization process will be halted.



Notes

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¹⁷ See Anne Herzberg, “NGO ‘Lawfare’: The Exploitation of International Law in the Arab–Israeli Conflict,” *NGO Monitor Monograph Series* (forthcoming September 2008).

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²⁰ http://blog.unwatch.org/wp-content/uploads/2008/06/durban_non-paper_working_group_27_may_2008.doc.

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³² <http://www.ngo-monitor.org/data/images/File/CA%20response.pdf>.

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³⁶ Gerald M. Steinberg, "Europe's Hidden Hand: EU Funding for Political NGOs in the Arab–Israeli Conflict," *NGO Monitor Monograph Series*, (April, 2008).

³⁷ See NGO Monitor’s website (www.ngo-monitor.org) for detailed reports about these NGOs.



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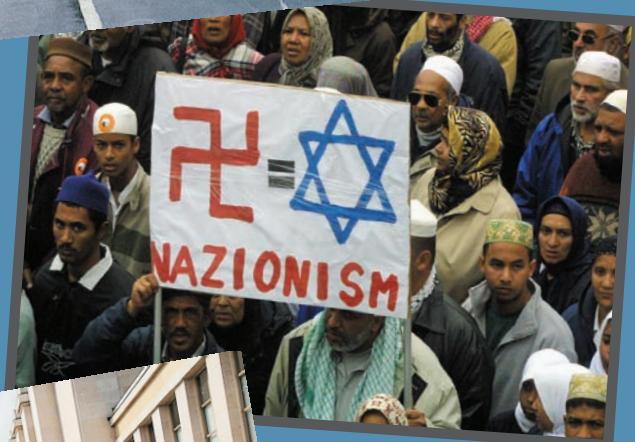
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