The Prospects and Limitations of Bureaucratic Reforms in Thailand since 2014

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Abstract

This article analyzes the ongoing attempt of the Prayut government to improve the quality of public service over the last three years (May 2014 – the first quarter of 2017). Both the opportunities and limitations of bureaucratic reforms will be discussed. The existing literature on political reform under non-democratic regimes found that recently the durability of these regimes largely depends on their performance legitimacy or output legitimacy, rather than repressive power. This scholarship, however, is limited by the boundary of domestic politics. Hence, this article will fill the gap by providing a broader analytical framework for examination on the international landscape. It argues that the international environment provides contested international instruments, values, and norms for the Thai military government to legitimize the regime by enhancing bureaucratic performance through a series of reform measures and policies responding to international standards. These include international rankings, international development goals, and the standardization of public service. Notwithstanding, the continuing processes and outcomes of public administrative reform in practice appear to be constrained by the legacies of the Thai state, which might reproduce some similar unintended consequences of the 1997 reform.

Keywords: bureaucratic reform, Thailand, international legitimacy

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Introduction

Since the dissolution of the Soviet Union at the end of the Cold War, democracy seems to have become an undeniable global norm in most parts of the world except in Asia (Wallerstein, 2010). It was the 1997 Asian economic crisis that rang the curtain down on the successful legend of newly industrialized countries and replaced it with the good governance agenda. This finally became a new standard for governance in Southeast Asia and the rest of the developing world.

After that, the idea of new public management (NPM) was promoted and introduced, as an instrument of good governance, by several international organizations including the International Monetary Fund, the World Bank, and the United Nations Development Program, in the hope of creating effective bureaucracy in consolidated democratic nations (Bowornwathana, 2006a, pp. 667-680). Although each country interpreted and implemented NPM in practice differently (see Cheung, 2005) and the processes and outcomes of NPM reform in these countries usually could be strongly critiqued, it is convincing enough to conclude that each of the Southeast Asian democracies adopted this international norm to restructure its administrative system as can be seen in the re-decentralization in the Philippines, the good governance reform in Indonesia (*era reformasi*), and the Thai constitution of 1997.

Nevertheless, the ongoing democratic regression in Asia and the world today has proved that democracy is not the end of history as Fukuyama (1992) previously assumed. The important point is that while several countries are moving away from democracy, these less democratic countries that would be expected to turn to closed governance and corruption are continuing to engage with the good governance agenda. Even a country long dominated by autocratic elites, like in the Chinese post-revolutionary regime, has experienced a reform period (Holbig, 2011). More importantly, these undemocratic countries appear to have more commitment to these international principles than other democratic nations.

The case of Thailand exemplifies this trend. After the coup d'état in 2014, General Prayut Chan-o-cha, who led a junta named the National Council for Peace and Order (NCPO) and later became the Prime Minister, promised necessary political and administrative reforms, especially in the public sector, before holding an election. Although the complete roadmap on public sector reform is in the process of being drafted and is not yet fully implemented, in the past three years the Thai bureaucratic system has changed significantly.

This article will analyze the ongoing changes in Thai public administration by drawing on the concept of international legitimation. The international environment, it is argued, provides contested international instruments, values, and norms for the Thai military

government to legitimize the regime by enhancing bureaucratic performance through a series of reform measures and policies responding to international standards including international rankings, international development goals, and the standardization of public service. The continuing processes and outcomes of public administrative reform in practice, nonetheless, appear to be constrained by the legacies of the Thai state, which might reproduce some similar unintended consequences of the 1997 reform.

The article is organized as follows. After the introduction, the second part will discuss the concept of political legitimacy in non-democratic regimes. It will differentiate between domestic and international sources of legitimacy and this paper will be based on the latter. The third part will provide an overview analysis of the state of Thai bureaucracy after the NPM reform in 1997. The fourth part will trace changes in bureaucratic reforms from 2014 onwards before analyzing some limitations in the fifth part. Lastly, some observations and the contribution of the study will be presented in the conclusion.

Legitimizing the Military Regime

Although legitimacy has been defined differently among social scientists, they agree that political legitimacy is a crucial factor for the sustainment of the stability of political systems. The right to rule in any state, thus, needs to justify itself by trying "to establish and cultivate the belief in its legitimacy" (Weber, 1922, First Part, III. 1. §1) or be able to "engender and maintain the belief that the existing political institutions are the most appropriate one for the society" in the words of Lipset (1983, p. 64). From this view, legitimacy is a social construction. Berger and Luckman termed the process by which rulers seek legitimacy as legitimation (1966).

Traditionally, Weber concluded that the pure sources of legitimacy may derive from tradition, charisma, and legal rational authority (1922). With the triumph of democracy after the Cold War, legal-rational legitimacy through nonviolent and democratic procedures appears to have become the only way to legitimation in the modern world. In order to survive, the current scholarship on authoritarianism discovered that non-democratic regimes respond to this situation by not largely depending on coercion and repression in the conventional style. Although repressive power remains a crucial method of political stability, especially during the installation of autocracies, to maintain the consent of the population and key supporters of the regime other strategies for legitimation are required (Brooker, 2000) through output legitimacy (Scharpf, 2009) or performance legitimacy (Lipset, 1983). As Kneuer rightly pointed out (2011):

"Output legitimacy or performance legitimacy … seems to be central to gaining the support of citizens, the main ruling coalition, and the groups upon which the autocracies rely. Autocracies have to make considerable efforts to convince these different groups that they are capable of solving problems and successfully making decisions, and that policy outcomes will compensate for the lack of input legitimacy."

The above argument has been proved by a growing body of literature on the pursuit of legitimacy in autocratic regimes (Gilley, 2009; Schlumberger, 2010; Sedgwick, 2010; Valbjørn and Bank, 2010). Notwithstanding, this scholarship has suffered from the limited scope of study within the nation-state boundaries and then failed to differentiate between internal and external legitimation strategies of authoritarian systems. According to Holbig (2011):

"Western legitimacy theories have mostly focused on the nation-state and the domestic aspects of political legitimacy. However, with the acceleration of globalization, a dimension of legitimacy has come into view that has previously been largely neglected in political science: the international dimension. While the interdependence of nation-states at the global level might put some constraints on the (re)production of legitimacy domestically, it simultaneously allows them to leverage their global standing to gain legitimacy abroad and at home."

Besides, in the developing and underdeveloped world external legitimation strategies might be the center of political legitimacy. As Hoffmann argued (2011, p. 5):

"I question whether the traditional assumption of legitimation as an essentially domestic game has ever been an adequate explanation for those political regimes which, as in many parts of the Global South, were born out of the struggles for national independence or which stemmed from rebel movements against colonial or neocolonial domination. In such cases, international legitimation strategies have always been at the heart of a regime's claim to rightful rule."

This article, hence, will apply a framework of international legitimation to scrutinize the attempt to reform the public sector from 2014 onwards under the Prayut government. It can illuminate the continuing bureaucratic reform processes as a strategy of legitimation. Even though Thailand has not experienced the struggle for the declaration of independence, Thai elites have been obsessed with the quest for civilization and international acceptance since the 19th century (Winichakul, 2000). It should be noted that this paper does not ignore the processes of domestic legitimation, as Panduprasert (2017) well-presented, but it aims at providing a more complete picture and understanding of contemporary political changes in Thailand under the military government.

The State of Thai Bureaucracy before 2014

The distinctive feature of Thai bureaucracy could be traced back to the period of the formation of the state in the 19th century. Despite avoiding Western colonization, the creation of modern bureaucracy based in Bangkok on the one hand and the suppression of riots in the peripheries on the other created a strong centralized state under the reign of King Chulalongkorn. This condition provided a political basis for bureaucrats to entrench themselves in governance when the regime shifted from absolutism to parliamentary rule in 1932 (Riggs 1966). Although the growing social movement from the 1970s made many scholars believe that the well-known bureaucratic politics model has lost its explanatory power (see Zimmerman, 1974), the role of bureaucracy was inevitable for the ruling elites to consolidate their power (Cheung, 2005, p. 267). Indeed, after the reign of King Chulalongkorn Thailand has not witnessed any extensive reform until the 21st century (Ockey, 2004). Thus, before 1997 the nature of Thai bureaucracy could be rightly termed as traditional-style public administration.

After the crisis in 1997, the 1997 constitution and the new phase of democratization led to the subsequent series of bureaucratic reforms through the lens to the NPM framework under the Thaksin government. According to its theory, NPM denies the nature of traditional state bureaucracy, especially in terms of "its monopolistic control, unmanageable size, managerial inefficiency, public inaccessibility, economic inertia, excessive corruption, and self-serving agenda" (Haque, 2004, p. 303), and proposes to restructure bureaucracy with a business approach to make the public sector more "competitive, productive, efficient, innovative, responsive, and customer-friendly" (ibid). The Thai elected government embraced this international value. In 2003, the Office of Public Sector Development Commission (OPDC) was created to be responsible for overall public service reforms, while the Office of the Civil Service Commission (OCSC) was in charge of human resource management (Tjiptoherijanto, 2012, p. 7). Apart from that, the Office of the National Economics and Social Development Board (NESDB) and the Bureau of the Budget (BB) were co-working to implement the strategic performance-based budgeting system (SPBB) in Thailand (Coompanthu, 2007).

In spite of significant changes to public administration, NPM reform in Thailand produced several unintended consequences like in many developing countries. First of all, the planning and budgeting processes could not achieve strategic direction since the NESDB and BB were unable to integrate their work processes but they set up a 1-year strategic framework and 1-year budgeting allocation framework separately. Besides, even though in each fiscal year the performance of all government agencies was measured by key performance indicators

(KPIs), it was not derived from the strategic goals of each agency but it depended on negotiation between each department and the OPDC. The government also did not use this assessment in allocating budget to government agencies in the following fiscal year. Under this situation, Wedchayanon (2016), one of members of the budget committee under the Prayut government, precisely observed that in each fiscal year all departments tended to use an incremental budgeting approach, rather than the SPBB.

Secondly, the structure of bureaucracy was still big, complex, and centralized. At the central level, compared to before 2002, the number of government agencies increased from 14 ministries and a bureau to 20 ministries and from 125 departments to 161 departments. Santhitiwanich and Bowornwathana (2014) explained that senior bureaucratic officers who directed the reform had large interests in expanding their respective departments. At the same time, there are many central government agencies still located in provincial areas, instead of being transformed into provincial unit so as to avoid the influence of the Ministry of Interior. In Nakhon Ratchasima province, for example, there are 38 regional government agencies under the supervision of the provincial governor but there are more than 150 central government agencies located in the province. It is difficult for provincial governors to achieve the principles of integrated provincial administration under this structure. In addition, Thailand failed to transfer responsibility and resources from many central government agencies to local government as provided for in the decentralization plan.

Thirdly, as regards human resource management in the public sector, the number of public officers and spending on human resource management did not decrease as expected. According to the report of the OCSC (2014, pp. 7-8), the proportion of the workforce in the public sector in 2011 went up approximately 13.40 percent from that in 2005, whereas all public spending on civil servants was more than 40 percent and it did not suggest a downward trend. Furthermore, the demand for new employment was not equal to the retirement rate. In each year, around 3,000 civil servants retire, while bureaucracy agencies request more than 15,000 new positions for future responsibilities. All of these statistics represent ineffective workforce productivity in the bureaucracy.

From the above discussion, it can be seen that NPM reform in Thailand lost its premise in enhancing the quality of public service to the same level as in business sector. It had only changed the form of bureaucracy from a centralized and unitary administrative system to a system of more dispersive governing power in the hands of central bureaucrats. Bowornwathana defined it closely as "an automatization of Thai state" (2006b). This is because

under the new democratic system the elected government needed the existing bureaucratic system to nurture the survival of the government. As Flinders pointed out (2012, p. 274):

"Thailand provides a similar model of bureaucratic colonization … but what makes this a particularly interesting case is the manner in which the rhetoric of democratization and 'good governance' have been deployed as a veil through which to disrupt and dislocate traditional arenas of bureaucratic power and, in their place, install new arenas of party patronage. The transition from military-authoritarian rule in Thailand to a semi-democratic or hybrid state has therefore not brought with it a transition … but has simply seen the use of preexisting patronage networks by a new elite (and, as a result, it remains a fragile democracy)"

International Dimensions of Bureaucratic Reforms

The previous section shows that in spite of several unsatisfying consequences of the 1997 bureaucratic reform, at least the elected government adopted the idea of good governance and NPM reform as international norms to be implemented in the country. However, why did the current military government clearly express its political commitment to reform bureaucracy? And how is it relevant to the international context? Panduprasert (2017) provided a promising explanation by identifying three related types of legitimation: performance legitimacy, royal legitimacy and reform legitimacy. Nonetheless, as discussed in the second part, these answers are incomplete to shed light on bureaucratic reforms related to the international context. To answer these questions, this section should begin by analyzing the status of Thailand on the world stage after the breakdown of democracy.

After the coup d'état in 2014, Thailand has lost its democratic legitimacy not only for its citizens but also for great powers on the democratic side. Unsurprisingly, the United States and the European Union imposed sanctions on Thailand in many forms. To legitimize the military regime after the coup, the military government has turned to seek endorsement from Thailand's near neighbor, China, and from Russia but these partnerships are not sufficient to represent international acceptance.

Consequently, to gain more international respect on the one hand and maintain popular consent on the other, the Prayut government took advantage of the structure of the contested international environment, which provides further international instruments, norms, and values as alternative sources of international legitimation, rather than only the international acceptance of democratic countries. In the area of public administration, the Prayut government bridged both international factors and domestic politics by selectively adopting these norms, as the

democratic government had, to acquire output legitimacy by reforming public service. Then, the output of the reform processes can be claimed as performance legitimacy at both the national and international level. This section will identify three elements for the junta's international legitimation, leading to public administrative changes from 2014 onwards.

World Rankings

The first source of international legitimation is world rankings. This source is crucial to the Prayut government because it is a set of well-qualified international indicators to measure and compare between Thailand and other countries. Since all processes are run by confidential third parties without any government intervention, it is guaranteed that the results are more reliable than normal national polls. The results are also published and broadcast by the Thai media. After 2014, the status of Thailand in all democratic indexes considerably declined (e.g., see Thai PBS, 2017) The Prayut government, thus, has shifted its attention to other rankings in the economic and governance spheres and has improved Thai governance response to those indicators in order to gain performance legitimacy through this channel.

The formal way to enhance the positon of Thailand in these rankings is to cascade these international indicators to measure the performance of relevant government agencies. The OPDC has started to use these international indicators as mandated KPIs without negotiation because the government has set the goals for each year. For example, all indicators in the category of ease of doing business were cascaded into more than ten government agencies. In the corruption perception index which is relevant to all government agencies, the Thai government invented integrity and transparency assessment (ITA) based on the experience of the Anti-Corruption and Civil Rights Commission in South Korea to measure all central, provincial, and local government agencies in Thailand from 2015 (Office of the National Anti-Corruption Commission, 2013). As regards the areas of concern, as can be observed from the ease of doing business case, the government actively conducted meetings among relevant government agencies, the targeted respondents, and the World Bank officials around ten times in a year, which cannot be seen after 2014, to communicate a clear message on improvement and discuss other potential areas. Apart from the cascaded KPIs, other rankings are closely monitored by the government. In the fiscal year 2017, if Thailand decreases in any ranking, the permanent secretary or director of any responsible agency needs to explain the reason to the public and the government

Although a major concern of the government is the ranking of Thailand, this attempt has also improved public services in practice because of the qualified methodology. According

to the World Bank's report on the ease of doing business, Thailand not only maintained its ranking of 46th from 2016 to 2017, but also experienced empirical improvements in starting a business, getting credit and resolving insolvency (2017). These changes, obviously, could be claimed as an improvement in government performance, although its ranking declined in 6 of the other categories.

Global Goals

Secondly, the Prayut government has sought international legitimacy from global goals, otherwise known as sustainable development goals (SDGs), initiated by the United Nations. As previous Thai development is usually critiqued by the military government as not having had a clear direction since it had been changed when the new government came into power, setting a clear vision for the future development is one of the government's priorities. However, these goals cannot be legitimized only when proposed by internal reform committees. International dimension plays an importation role in this process. Fortunately, at the end of 2015 the eight millennium development goals will be replaced by the seventeen SDGs, which will be used for the next 15 years. Hence, the Prayut government actively engaged in pursuing these goals as can be seen from the prime minister's speech at the G77 interactive dialogue on 23 September, 2016 in New York (Chan-o-cha, 2016):

> "Thailand adopted the sufficiency economy philosophy (SEP) … In terms of prosperity, the SEP has been widely known since the 1997 financial crisis, especially for its holistic approach, risk management, self-immunity, reasonableness and responsibility for the society. It promotes profit-making without exploiting society or the social fabric. The SEP, therefore, contributes to the achievement of the SDGs concerning sustainable and inclusive economic growth, employment and decent work as well as infrastructure and industrial development. … I am pleased that many countries have begun to appreciate the SEP. This reflects the universality of the philosophy. This is the first step to strengthening global mechanisms for sustainable development."

According to his speech, the Thai government not only expressed their commitment to SDGs, but also persuaded other members to follow the SEP to achieve SDGs together. From an internal perspective, this speech represented international recognition in the Thai development pathway. In other words, it successfully bridged international and national legitimacy by promoting the SEP for SDGs as a new national development agenda. Unsurprisingly, after this speech there followed a series of serious actions. The SEP for SDGs became a core of Thai public administration and was promoted to the public by several

government agencies. A new national committee being responsible for the SDGs was created. Significantly, the goals from the SDGs were inserted into the 12th National Economic and Social Development Plan (2017-2021) and the BB started to share the same strategic framework with the NESDB to allocate public budgeting. Besides, the KPIs in the 12th National Economic and Social Development Plan were used to measure the performance of responsible government agencies through a new performance measurement system enforced by Article 44 of the interim constitution. To conclude, because of the global goals, Thai public administration appears to be achieving strategic management under the military government.

The Standardization of Public Services

Thirdly and finally, the standardization of public services is another source of international legitimacy. Although, compared to the above two points, this source is a less direct form of international legitimacy, it could be traced back to the concept of the standard of civilization. Briefly, "the 'standard of civilisation' has its roots in the culturally widespread trope of 'civilised' versus 'barbarian'. It took its specific modern form in the 19th century, primarily as a European legal term" (Buzan, 2014). For a contemporary standard of civilization, Linklater (2016) pointed out that several current attempts in world politics to promote 'good governance' are best regarded as illustrations of the most recent phase of the 'civilising process'. Since the current government could be perceived as a less civilized form of governance, it not only needs to occupy any kind of performance legitimacy but that performance should be 'civilized' enough. From this perspective, the standardization of public services could be understood as an attempt by the military government to enhance the traditional style of Thai bureaucracy to 'modern' public services in order to reach the standard of civilization.

Unsurprisingly, after 2014, the OPDC changed its motto to "make simple, be modern". In 2015, the government launched the Licensing Facilitation Act, B.E. 2558 (2015) to standardize public services that control how licenses, permits, registrations, and other notifications are operated under Thai laws. As Suvarnapunya and Rungreungthanya summarize (2015):

> "A key feature of the LFA is the responsibilities this act imposes on the government officer who accepts and considers License applications (Competent Officer) (LFA, Section 8). If the submitted application has any defect or the attached documents or evidences are not satisfactory, the Competent Officer must suggest to the applicant to fix or fill up at once. If the fixing of defect or the fulfilling of requirements cannot be done immediately, the

Competent Officer must make a record of the identity of the defect or the requirements to be satisfied, as well as the period of time in which such shortcomings must be fixed or fulfilled. Furthermore, the Competent Officer and the applicant of the License shall sign their names on that record. Moreover, the Competent Officer must deliver a copy of such record to the applicant as evidence. If the applicant thereafter satisfies the shortcomings as identified in such record, the Competent Officer may not require any other documents or evidences and shall not refuse to consider the application on the ground of defect of the application or of insufficient documents or evidences. However, the grant of a License may be denied if negligence or dishonesty on the part of the relevant Competent Officer was involved. In such case, disciplinary action or a charge against the relevant Competent Officer must be made without delay (LFA, Section 8).

Another interesting provision is that, if upon the expiration of the period for consideration as specified in the relevant licensing manual, the relevant governmental agency is unable to finish its consideration, it shall clarify, in writing, as to the reason for the delay to the applicant, every seven (7) days until the consideration is finished. The governmental agency must also submit a copy of such writing to the OPDC each time. If the governmental agency fails to make a such written clarification, it shall generally be presumed that it has committed an omission to act causing damages to the relevant person (LFA, Section 10).

The service by the Licensing agency should also be enhanced because each government agency is required to establish its Service Link Center (LFA, Section 7) to accept all relevant license applications, and One Stop Service Centers (LFA, Section 14) may be established (especially in the provinces) to be the center for receiving ALL applications under the laws relating to Licensing."

Apart from that, in 2016 related government agencies were encouraged to set up the Government Easy Contact Centers (GECC). A center has a standardized procedure for passing its certification. A certified GECC will be awarded a trophy and/or certification symbol that is valid for 3 years. The government also continued to work with related government agencies to improve public services in other potential areas. All of these attempts were advertised through a conference on improving public services during the last quarter of 2016. Clearly, the key massage was how the government successfully transformed traditional bureaucracy into a modern one.

The Ongoing Trajectory

The third section shows that external legitimation strategies have shaped the Prayut government's behavior in response to international factors. Although the fundamental function is to gain legitimacy, it has changed Thai public administration in positive ways. Under the ongoing process of constitutional drafting, international values have been adopted into the new Thai constitution. According to Section 76:

> "The State shall develop a system for the administration of State affairs at the central, regional, local levels and for other affairs of the State in compliance with the principle of good governance, and State agencies shall mutually cooperate and support the performance of duties with a view to enhancing maximum efficacy of the State administration, the public services and the spending of budget in the interest of people. The State shall develop honesty and attitude of State officials to serve the public in a convenient, speedy, and non-discriminatory fashion with efficient performance."

Nevertheless, the ongoing bureaucratic reforms also have some limitations that obstruct Thai bureaucracy from pursuing the goals of strategic public management. Firstly, the current sequencing process of the SPBB is a fallacy. This is because the OPDC identifies the KPIs for each government agency around the first quarter of each fiscal year, which is one year late after the planning and budgeting process. Thus, during the budgeting process, government agencies always compete with each other to broaden their functions in order to gain more of the budget allocation, rather than focusing on how to cooperate with other ministries and departments to achieve some specific goals. Under this condition, the structure of public administration is still dispersed. Secondly, the current administrative structure is expanding and the mentality of bureaucratic officers is still dominated by the centralized working style. For example, although the OPDC tried to standardize the quality of public services by enforcing all government agencies to provide a licensing manual for all services to the public, the authority to approve these manuals is centralized in the hands of the OPDC officers, rather than empowered to provincial governors who supervise local government. Unsurprisingly, although it is more than a year since the government launched this law, the approval of all the licensing manuals, especially for local government, has not yet to be obtained.

Additionally, to gain international and domestic performance legitimacy in a short time, some government agencies took advantage of this opportunity to expand their structure and position. Some examples of this include around 221 district offices of the Department of Fisheries were created aimed at alleviating the international situation of illegal, unregulated and unreported fishing; to promptly solve people's day-to-day problems, the position of a

district chief was promoted from the primary level to the higher level; and positions for more than 1,000 new employees were created in the Ministry of the Interior. Further, to enhance the efficiency of the national planning system, the Department of Public Works and Town & Country Planning will also be separated into two departments.

Conclusion

In conclusion, this article analyzes the continuing bureaucratic reforms under the Prayut government. It shows that the international environment provided a political opportunity to improve Thai governance responding to world rankings, global goals, and the standardization of public services. These could be termed as international legitimation strategies. Even though these attempts delivered some beneficial aspects to Thai society, the limitations did not mainly lie with international aspects but with domestic politics. The continuing bureaucratic reforms in Thailand seem not to be able to overcome the political legacies. The outcomes of the reform, hence, will be constrained by competing power among the central government agencies.

In a broader context, this article applies a fresh analytical framework in the context of Thailand. The analysis of external legitimation strategies in a non-democratic regime could illuminate the ongoing political, economic, and social changes under the government's control. However, practically, its effectiveness would be limited since non-democratic governments cannot respond to all international issues, especially those which are relevant to democratic elements. The opposition groups might also take advantage of this opportunity to delegitimize the regimes, and this aspect requires further in-depth research. Lastly, it should be noted that the author did not ignore internal legitimation strategies but, to provide a more comprehensive understanding of how political changes unfold in these countries, the international aspects should be included in studying legitimacy of non-democratic systems in Asia and elsewhere across the developing world.

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