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Israeli Think Tank Calls for Sabotaging "Delegitimizers" of Israeli Government– but Admits They Have a Point

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While a report by a highly respected Israeli think tank has been widely condemned [1] for advocating that the Israeli government use its intelligence services to attack and sabotage non-violent human rights advocates, the report is worth detailed study because it is chock full of admissions of illegitimate features of the Israeli government it desperately seeks to protect.

The report, "Building a Political Firewall Against Israel's Delegitimization," is the product of a year of research by a team of Tel Aviv-based Reut Institute [2] investigators and includes contributions from more than 100 individuals in Israel, the United Kingdom, and the United States. While the Israeli government did not commission the report, Reut officials gave a PowerPoint presentation, "The Challenge of Delegitimacy to Israel's National Security," to the Israeli Cabinet in February 2010 and to a large conference of Israeli government officials in March 2010.

The report describes the "new strategic threat" created by the human rights activists' "fundamental delegitimization" of the Israeli government.

But the report also:

Validates two of the three demands of the rapidly growing Boycott, Divest, and Sanctions (BDS) campaign: for ending the occupation and for equal rights for all Arab-Palestinian citizens of Israel

Admits the concern that Israel will become a pariah state if it fails to end the occupation and provide equal rights

Asserts that “earnest and consistent commitment to ending occupation” and “to the equality and integration of its Arab citizens” are critical to combating delegitimization

Notwithstanding the previous points, asserts that the demand for equal rights is one that “unbundles Israel’s elimination,” and therefore, actually providing equal rights is incompatible with the Israeli government’s continued existence

Admits that the Israeli government requires the ability to continue unilaterally launching “harsh” militarily attacks

Admits that the delegitimization crisis is “crippling” the Israeli government’s freedom to launch such military attacks

Admits the crucial importance for the Israeli government to overcome that crisis to restore its unbridled freedom to act militarily

Admits that in the past the Israeli government was successful at using peace moves to obtain the legitimacy it needed for its next war

Admits that its widely publicized withdrawals from Lebanon in 2000 and Gaza in 2005 were not effective to achieve legitimacy for its attack on Lebanon in 2006 or its most recent massive attack on Gaza

Admits that the failure of those peace moves to achieve legitimacy for the attack on Gaza had consequences that accelerated the delegitimization. Admits that “following Operation Cast Lead,” the intense criticism of the government “was expressed in the Goldstone report and in legal proceedings against IDF officers and Israeli politicians.” Admits that the legal proceedings restricted Israel military and political leaders’ freedom to travel “due to application of universal legal jurisdiction.”

Admits that “the Jewish world is growing more distant from Israel” and that “criticism of Israel is more prevalent within the Jewish world than in the past”

Admits that “too few of our people … are able to effectively respond to Palestinian claims or to campaigns which seek to de-legitimize the moral basis for Israel”

Admits that the so-called “delegitimizers” are a loose network of non-violent activists who “punch above their weight”

Despite the well-deserved condemnation the report has received for its proposal to attack human rights advocates, the admissions included in the report, taken together, make it a valuable resource: through these admissions the respected Reut Institute paints the Israeli government as essentially a rogue state needing to “overhaul” its methods to maintain its ability to continue being one. But the desperate methods the Reut Institute recommends risk further accelerating its decline in legitimacy. As happened when Israeli border guards denied entry to Noam Chomsky on May 16, 2010.[3]

The Expanding Repression of Human Rights Activists and Organizations

Identifying human rights activists in certain cities as the catalysts creating its legitimacy problems, the Reut report recommends that the Israeli government use its intelligence services to repress human rights activists in London, Toronto, Madrid, and the San Francisco Bay Area. If implemented, this policy would extend the repression of non-violent human rights groups that the Israeli government is carrying out inside Israel and in the Occupied Palestinian Territories (OPT) to people and groups in countries that are beyond the Israeli government’s nominal control.

In a recent interview, Haaretz correspondent Gideon Levy described the Israeli government’s “systematic” efforts in curbing the activities of human rights activists inside Israel and the OPT.

In the last year there have been real cracks in the democratic system of Israel. [The authorities have been] trying to stop demonstrators from getting to Bilin [a West Bank village, scene of frequent protests against Israel’s wall]. But there’s also a process of delegitimizing all kinds of groups and [nongovernmental organizations] and really to silence many voices. It’s systematic — it’s not here and there. Things are becoming much harder. They did it to “Breaking the Silence” [a group of soldiers critical of the Occupation] in a very ugly but very effective way. Breaking the Silence can hardly raise its voice any more. And they did it also to many other organizations, including the International Solidarity Movement, which are described in Israel as enemies.

On April 5, 2010, the New York Times published an article by Isabel Kershner, “Israeli Rights Groups View Themselves as Under Siege,” which confirmed Levy’s account and demonstrated that Reut Institute concerns about delegitimization were well received at the

highest level of the Israeli government. In her article, Kershner described the "increasingly hostile environment" in which various prominent Israeli human rights organizations are forced to operate. In addition, Kershner reported that Prime Minister Benjamin Netanyahu had identified "the delegitimization of Israel abroad" as "a major strategic threat." Referring to international rights groups that have been critical of Israel, such as Human Rights Watch, Kershner quotes a senior Netanyahu aide saying that the Israeli government was "going to dedicate time and manpower to combating these groups." Consistent with that statement, a newly proposed law within the Israeli Knesset would stifle the work of Israel-based human rights NGOs involved in efforts to prosecute Israeli officials for "breaches of International Humanitarian Law, or war crimes."

Thus, at the highest level, the Israeli government recognized the strategic threat posed by the loss in Israeli government legitimacy and, consistent with the Reut Report, declared that the legitimacy war is on for human rights critics both domestically and internationally.

Identifying Israel's "Delegitimizers"

Consistent with traditional divide and rule strategy, the Reut report distinguishes between those who merely "criticize" Israeli policies and those who "delegitimize" the State, inviting repression against "delegitimizers" while advocating engagement with less severe "critics." According to the report, delegitimizers include those who: (1) single out the Israeli government for its failure to abide by international law and seek to hold its political and military leaders accountable under universal jurisdiction; (2) label recent Israeli military attacks on Palestinians and neighboring countries war crimes, crimes against humanity, or aggression; (3) describe Israeli settlements in the occupied territories as "illegal and immoral"; (4) demand an end to discrimination against Palestinians within Israel's 1967 boundaries; (5) criticize the Israeli blockade of Gaza as illegal collective punishment; (6) label the Israeli government as a "pariah, apartheid state"; (7) refuse to accept Israel's "right to exist"[4] or the right of the Jewish people to self-determination; or (8) call for a one-state solution to the Israeli-Palestinian conflict.

According to the Reut report, these "delegitimizers" also include supporters of the BDS campaign. The BDS movement was inspired by the US civil rights movement, the United Farm Workers grape boycott, and the boycott, divestment and sanctions campaigns against South African apartheid. It had been building outside of Israel and the OPT for several years and was reinvigorated in 2005 when hundreds of Palestinian non-governmental organizations called upon activists to focus their efforts on three concrete objectives: (1) ending Israel's occupation and colonization of land acquired by force in 1967 and dismantling the wall; (2) equal rights for all Arab-Palestinian citizens of Israel; and (3) permitting the return of Palestinian refugees to their homes and villages within Israel and the OPT. These demands were chosen, in part, because each is thoroughly supported in international legal instruments and customary legal norms binding upon the Israeli government.

While dividing the opposition is crucial to the strategy proposed by the Reut Institute, the strategy could backfire if human rights workers subject to attack are able to maintain unity and parry the illegitimate tactics with broad based campaigns to defend any human rights workers subject to attack.

Israel's Loss of Legitimacy: Strategic Costs for Israel

The report makes clear that re-establishing Israel's global reputation and legitimacy is not merely a matter of Israeli pride, but also a strategic necessity. The Reut report states:

In the past few years, Israel has been subjected to increasingly harsh criticism around the world, resulting in an erosion of its international image, and exacting a tangible strategic price. (par. 1)

The report details the extensive political and military costs suffered by the Israeli government as a result of progress the "delegitimizers" are supposedly making toward "branding Israel as a pariah state." (par. 106)

1. Ability to make war

The report states that the delegitimacy crisis is "crippling Israel's unilateral option by limiting military use-of-force." (par. 106). Thus, the report admits concern that, having "come to represent violence, aggression, disregard for human rights, etc." (par. 120) the Israeli government's ability to act on its own to launch further attacks on neighboring countries and further bombard civilians living under occupation is being limited by the Israeli government's loss of legitimacy.

While this is a source of deep concern for the Reut Institute, if true, it is, of course, a source of guarded relief for others.

2. Weakened ability to use peace moves to gain legitimacy for making future war

In connection with its discussion of maintaining the "unilateral" option to militarily attack,

the report includes startling admissions about Israel's decisions to withdraw its military forces from Lebanon and Gaza. According to the report, the Israeli government leveraged its withdrawals from Lebanon and Gaza to obtain legitimacy for future "harsh military responses." The report states:

Israel's unilateral withdrawals from Lebanon (May 2000) and Gaza (August 2005) reflected a logic that, in the absence of a partner for a political process, Israel could unilaterally withdraw to a recognized international boundary, and thus secure international legitimacy for harsh military responses in case of future provocations across the border. The combination of military force and international legitimacy were expected to create effective deterrence. (par. 106)

As such, the report admits that the Israeli government used peace moves to "secure [the] international legitimacy" necessary to give the government greater latitude to engage in harsh military operations. But the report notes that this strategy was only "partially successful" during Operation Cast Lead when Israeli military forces harshly attacked the civilian population in Gaza and drew intense international criticism.

3. Discrimination and Segregation within Israel

According to the report, the legitimacy crisis risks "breaching of Israeli sovereign discretion and internationalization of the issue of Israel's Arab citizens." (par. 106). Thus, the report admits that the crisis is allowing world involvement in the government's systematic discrimination against non-Jewish populations inside Israel. Human rights organizations, both inside and outside Israel, have criticized the lack of equal rights in Israel, including both de jure and de facto segregation and discrimination against Israel's Arab citizens on the job, in schools, and across Israeli society. In a report addressing legitimacy, it is remarkable that the Reut report fails to mention the numerous international legal instruments that make provision of equal rights mandatory for legitimacy, including the UN Charter, UN General Assembly Resolution 181, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.

The report identifies as delegitimizers both those who call for equal rights and those who respect the right of Palestinian refugees to return to their homes within Israel's 1967 borders. According to the report, these demands "unbundle Israel's elimination:"

Delegitimizers make a set of separate demands from Israel that together amount to elimination of Israel or to the rejection of the right of Jews for self-determination. For example, they call for 'the return of individual Palestinian refugees to their homes' or for

‘full and equal right of the Arab minority in Israel’. (par. 102)

Along with equal rights, the right of refugees to return is one of the most fundamental articles of international law, supported by the Fourth Geneva Convention, the 1907 Hague Regulations, UN General Assembly Resolution 181, UN Security Council Resolution 194, the Universal Declaration of Human Rights, UN Security Council Resolution 242, and the International Covenant on Civil and Political Rights.[5]

By claiming that respect for Palestinian rights, whether as refugees or as Israeli citizens, would result in the “elimination” of the Israeli state, the Reut Institute gives its stamp of approval to the view that underpinnings of the Israeli government are incompatible with universally accepted human rights codified in basic instruments of international law. Thus, without intending, the Reut Institute lends its authoritative voice to human rights advocates who condemn the discriminatory Israeli form of government as outside the law and therefore illegitimate.

4. The Occupation

In discussing the occupation, the report notes that the Israeli government faces a “conundrum” that threatens its national security:

[A]ny territory Israel withdraws from will be used as a platform for hostile military activities against it. This threat will increase if the Palestinian state controls its own airspace and borders. According to this logic, Israel must retain control in the West Bank, and potentially renew its control over Gaza. (par. 108)

The report, however, also acknowledges the strength of certain practical arguments in favor of ending the occupation:

Israel’s political logic: To leave – If Israel fails to end its rule over the Palestinian population in the West Bank or reoccupies Gaza, demographic trends will erode Israel’s fundamental legitimacy, and ultimately render it a pariah state. As such, Israel must urgently end its control of the West Bank. (par. 108)

However, the report separately mentions the “foundational value” of Zionism of “sovereignty, ownership, or control of the Land of Israel, which represents the cradle of Hebrew civilization.” (par. 76). The foundational Zionist goal of obtaining, maintaining, and

expanding control over Palestinian land may do more to explain the reluctance to withdraw from occupied territory than the pretext concerning national security.

It is also remarkable that a report focused on legitimacy should omit mention of the numerous legal instruments and decisions that render the Israeli occupation of Palestinian and Syrian territory illegal and illegitimate: the continued occupation places the Israeli government in violation of UN Security Council resolution 242, General Assembly resolution 2625, article 2, section 4 of the UN Charter, the 2004 decision of the International Court of Justice, the 150-6 vote by the UN General Assembly demanding Israeli compliance with that decision on July 20, 2004, and the 157-7 vote by the UN General Assembly in 2006 supporting the rights of the Palestinian people to self-determination and to an independent state, and which stressed the need for the Israeli government to withdraw from the Palestinian territory it has occupied since 1967. Furthermore, the introduction and maintenance of settlers in Palestinian and Syrian occupied territory places the Israeli government in violation of the Fourth Geneva Convention and UN Security Council resolution 465. Also, the "targeted killing" of civilians, torture or inhumane treatment of prisoners, unlawful confinement of civilians, and the extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly in Gaza and the West Bank places the Israeli government in grave breach of the Fourth Geneva Convention.

But even the practical argument against the occupation provided in the report validates the view that continuing occupation, rather than efforts of "delegitimizers" is increasingly responsible for the Israeli government losing legitimacy and becoming a pariah state.

5. The BDS Campaign

The report notes the negative effects the BDS campaign has had on Israel's international image: "Although the tangible economic implications of the BDS campaign have been limited, the thrust of its damage has been in branding Israel as a pariah state." (par. 106). At the same time, however, amazingly, the report admits that two of the three demands of the BDS campaign are legitimate. The report's authors deserve credit, if not for acknowledging the justice of these demands, at least for acknowledging their importance to legitimacy:

The Israeli-Palestinian conflict provides the main leverage for Israel's fundamental delegitimization. Clearly, Israel's earnest and consistent commitment to ending 'occupation' is critical to combating delegitimization and failure to exhibit such a commitment adds fuel to its fires. (par. 48)

Clearly, here too Israel's credible commitment to the equality and integration of its Arab citizens is vital to combating delegitimization, while failure to exhibit such a commitment will create fertile grounds for its cultivation. (par. 48)

However, the Reut Institute does not wholeheartedly advocate changing policies to actually achieve legitimacy in these two areas. The express purpose is merely to combat delegitimization. Something less than an actual change in Israeli policy is indicated by the report's insistence that full and equal rights for Palestinians "unbundles Israel's elimination." The report appears to be suggesting that the Israeli government can resolve its legitimacy crisis merely by exhibiting a commitment toward ending the occupation and providing equal rights, but can stop short of actually realizing these objectives.

Notwithstanding these limitations, the report's admissions that the Israeli government fails to meet legal standards concerning equal rights and ending occupation validate the position of human rights organizations and advocates.

Actual Sources of the Legitimacy Crisis: Operation Cast Lead

During Operation Cast Lead from December 27, 2008 to January 18, 2009, Israeli planes, ships, artillery and invading ground soldiers attacked Palestinian civilians, civilian housing, and civilian infrastructure, including hospitals, schools, and UN facilities. News media showed dramatic bombings with white phosphorus. Evidence gathered by investigators from such human rights organizations as Amnesty International, Human Rights Watch, the National Lawyers Guild, and Physicians for Human Rights Israel presented compelling evidence that Israeli forces intentionally targeted civilians.

As a result of the largely unexpected worldwide criticism of the Israeli government during and following the operation, the United Nations Human Rights Council launched an independent mission under Justice Richard Goldstone to investigate violations of international law committed by civilian and military authorities in Israel and Gaza. Substantial evidence gathered by his UN mission demonstrated that Israeli political and military leaders willfully failed to distinguish between military and civilian targets, used disproportionate force, and targeted civilians in violation of international law. The resulting report, known as the Goldstone Report concluded:

While the Israeli Government has sought to portray its operations as essentially a response to rocket attacks in the exercise of its right to self-defence, [6] the Mission considers the plan to have been directed, at least in part, at a different target: the people of Gaza as a whole. (Goldstone par. 1883)

Rather than analyzing whether Israeli government acts could have been illegal and therefore could have contributed to its legitimacy crisis, the Reut Report instead recommends solutions to prevent, control, and limit criticism by targeting the human rights activists who gave it voice. With such advocacy, the Reut Report implicitly acknowledges the hopelessness of refuting the charge that Israeli leaders directed their forces to act outside the law. Instead, the Reut Institute chillingly seeks to retain for Israeli government officials the freedom to act militarily without restriction on targeting civilian populations.

Comparison with Apartheid South Africa

For the report's authors, attempts by activists to draw parallels between the actions of the Israeli government and apartheid South Africa are particularly troubling. In this connection, the report discusses "the ideological foundation for comparing Israel with apartheid South Africa":

Israel's delegitimizers claim that both cases involve a foreign minority – in both cases white, rich, and powerful – that took control of land belonging to local indigenous populations, dispossessed them of their property, and exploited them as labor while employing brute force. In recent years, the Delegitimization Network has significantly succeeded in branding Israel as an apartheid state by deploying related terminology and using similar means to wage a global campaign against it." (par. 96)

Thus, the Reut Institute clearly articulates the case for the comparison. But the report does not attempt to distinguish Israeli government behavior from apartheid South Africa's. By contrast, respected Israeli historians, including Benny Morris, who, in Righteous Victims, and Ilan Pappe, who, in The Ethnic Cleansing of Palestine, each confirm the violent ethnic cleansing and dispossession of the indigenous population.

Highlighting the seriousness of the situation for the Israeli government, the report points to South Africa and the USSR, countries with powerful conventional and unconventional military forces, that were "brought down by delegitimization," (par. 19, 82, and 120).

However, the Reut report omits mention of an ironic fact that although South Africa's apartheid system was "brought down," South Africa remained in existence and has fully regained its legitimacy post-apartheid. One could conclude from this fact that those who participated in the worldwide movement to end South African apartheid actually did much to legitimize South Arica while those who supported the racist apartheid regime were actually the true "delegitimizers."

With the South African model in mind, one could well argue that it is such supporters of the Israeli government as the Reut Institute who are its foremost delegitimizers, while the human rights activists who hold Israeli political and military leaders accountable to ensure that the Israeli government solidly conforms to international law who are its true legitimizers.

Recommendations likely to further erode Israel's legitimacy

The report's recommendations are likely to further contribute to the erosion of Israel's legitimacy. Calls to "attack," "sabotage," create "a 'price-tag' for attacking Israel," and mount "a counter-offensive" against non-violent human rights advocates (par. 124) are unlikely to effectively stop the criticism or bolster Israel's international legitimacy, and they open both the Israeli government and those of its supporters who accept the call to implement such tactics to further severe criticism.

As demonstrated by U.S. civil rights and anti-war activists in the 1960s, the Reut Institute's recommendation to "attack" and "sabotage" those who speak out for human rights is likely to be counterproductive. While state and federal governments used similar tactics in the 1960s and early 1970s to counter civil rights and anti-Vietnam War movements, campaigners were able to respond with broadly supported free speech movements and mass defense campaigns. As in the aftermath of the shootings by the National Guard at Kent State and Jackson State in 1970, these mass campaigns were often effective, not only at countering undemocratic government tactics but also at winning even more support for the activists' underlying demands.

However, as demonstrated by the South African example, there is a more straightforward solution for the legitimacy crisis than the one presented by the report. Namely, the Israeli government will gain legitimacy by meeting the requirements of the law. Under this approach, the Israeli government will gain legitimacy by going further than the Reut report's recommendation, and actually ending the occupation and providing equal rights for all living under Israeli government rule, as well as by implementing the right of Palestinian refugees to return to their homes and villages and observing international law strictures against launching military attacks.

In the meantime, human rights workers who have been sharply critical of the Israeli government can take satisfaction from the fact that the highly respected Reut Institute has given its stamp of approval to many of their criticisms, even if it is also calling on the Israeli government to take illicit action against them.

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Free Palestine Subcommittee. He participated in the NLG delegation to Gaza in February, 2009.

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Notes

[1] See "Protecting Israel's Lawlessness with Spying and Smear Campaign," by Naomi Klein; "Reut Institute Maps Israel's Intelligence War Against Enemies," by Richard Silverstein; "Israel's new strategy: 'sabotage' and 'attack' the global justice movement," by Ali Abunimah and his post of the original, uncensored version of the Reut Report; "Israel's losing battle against the new world power," by Cecilie Surasky and "Think tank tells Israeli government to declare war on peace groups," also by Cecilie Surasky.

[2] "Reut is a non-partisan non-profit policy team that supplies its services pro-bono solely to the Government of Israel. . . They are described as 'very influential and highly respected' by Ido Aharoni, spokesman to Israeli Foreign Minister Tzipi Livni, who noted that virtually every key ministry in the government has utilized Reut's services." http://en.wikipedia.org/wiki/Reut_Institute

[3] Illustrative of the risks is the fact that more than 140 media outlets carried the story about the Israeli government's May 16, 2010 decision to deny entry to MIT Professor Noam Chomsky for a scheduled lecture at Bir Zeit University in Ramallah. An editorial in the Israeli newspaper Haaretz noted that "Israel looks like a bully who has been insulted by a superior intellect and is now trying to fight it, arrest it and expel it." A news article in the New York Times, by Ethan Bronner on May 17, 2010 quoted an article in the Israeli newspaper Yediot Aharonot by legal commentator Boaz Okun: "Put together, [barring Chomsky and other recent follies] may mark the end of Israel as a law-abiding and freedom-loving state, or at least place a large question mark over this notion." A news article in the Boston Globe described an email to the Globe from Chomsky: "Chomsky said he believed he was being singled out for his criticism of Israel, as well as his plans to speak at a Palestinian university. 'They are carrying out an action of a kind that I've never heard of before, except in totalitarian states,'' he said." As the Israeli peace group Gush Shalom put it in their weekly ad in Haaretz on May 21, 2010, "Those Who prevented Noam Chomsky From entering The country –Aided and abetted The worldwide campaign To boycott the Israeli universities." With the wide reporting of the Israeli government's own academic boycott against the world's leading public intellectual, the Israeli government and its supporters may have trouble credibly arguing against boycott as a form of non-violent resistance to occupation, discrimination, aggression, targeting civilians, siege and collective punishment of Gaza, and unwillingness to allow refugees to return to their homes because of their ethnicity.

[4] The so-called "delegitimizers" stand on solid ground: the idea that Israel, or any country, has a "right to exist" contradicts long-held democratic values. For example, the US Constitution does not recognize any rights for the government, including the right to exist.

Under the constitution government branches are granted or vested only with powers; rights are secured exclusively for the people, and these rights restrict the powers of the government. The constitution implements the idea articulated by Jefferson in the Declaration of Independence in 1776 that people are endowed with inalienable rights, that governments are created to secure these rights, and that "governments derive their powers from the consent of the governed." In furtherance of this view, the declaration provides that "when a long train of abuses, and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security."

The Reut Report, and much of Israeli propaganda, turns western democracy on its head, promoting the contrary view that it is the government that has a "right to exist" and that millions of people living under the rule of a brutal government can be required to accept that "right."

[5] In addition, article 6 of the Charter of the International Military Tribunal established in 1945 by the United States, France, UK, and USSR defined crimes against humanity to include "deportation and any other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds." Of course, in calling for refugees' right of return, human rights advocates provide only a partial remedy for the illegal ethnic cleansing of Palestine. In addition, those responsible for, and those who participated in, the illegal ethnic cleansing operations should be held accountable.

[6] The Israeli government's own Ministry of Foreign Affairs website shows that the Israeli government had already stopped Hamas rocket fire with a June 19, 2008 ceasefire. That ceasefire remained successful until Israel violated it with a lethal attack on Hamas members in Gaza on November 4, as more fully described in an article by the present author, "Israeli Government Contradicts its own Self-defense Claim."

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