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Linking Public Administration and Law Studies within European Union

Mihaela V. Cărăuşan¹

Abstract: The year 1987 represented for us, scholars, the turning point for the Europeanization of high degree studies. The European Region Action Scheme for the Mobility of University Students (ERASMUS) is a European Union student exchange program which has proved its utility in the last two decade. The public administration and law studies are two of the fields of studies which have benefited from the ERASMUS Programme. In this respect we will try to learn the lesson of internationalization from the European contact through ERASMUS programme. The 'win win' for students is not just in the increase of knowledge in the area of administrative sciences and law, but also in the share of cultures. The ERASMUS gives students a better sense of what it means to be a European citizen. In addition, many employers highly value such a period abroad, which increases the students' employability and job prospects.

Keywords: internationalization of studies; European area of education; the free movement of students; global freedoms

1. Introduction

Through its policy, European Union wants to create a European area of freedom, security, justice, and now of education. In such an area, the citizen's control at the internal boarder is no longer needed because they are the fundamental right holders - the right to move freely and establish their residence were they want. Mobility of persons is one of those conditions necessary to promote and sustain a competitive system among the member states and also among them and the third countries.

The right to education was a national one and has become according to art. 14^2 of the European Union Fundamental Rights Charta, one of the rights protected by European Union. This right gives the possibility to everyone to find educational establishments around Europe. Along with this right the free movement of citizens is mentioned in the EU Fundamental Rights Charta – art. 45. At the beginning of the European project only the employers had the right of free movement, in time, this right has been extended to all EU citizens. Starting with the existence of the European Union citizenship which gives to its holder fundamental rights and duties, Directive 2004/38/EC establishes a unique judicial instrument for the free movement of EU citizens and their family members.

European law moves foreword to the third millennium law by giving to the EU citizen two of the fundamental rights – the freedom of movement and the right to education. We must recognize, now that the law cannot be conceived without the existence of "global freedoms", freedoms for all without

¹ Senior Lecturer, PhD, National School of Political Studies and Public Administration, Faculty of Public Administration., Romania, Address: 6 Povernei str., Sector 1, Bucharest, Romania, Tel.:+4021.318.08.97, fax: +4021.312.25.35, Corresponding author: mihaelacarausan@gmail.com.

 $^{^{2}}$ (1)Everyone has the right to education and to have access to vocational and continuing training. (2) This right includes the possibility to receive free compulsory education. (3) The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

discrimination. These are, without any doubt, linked to the exercise of active European citizenship based on democratic principles. (Cărăuşan, 2009)

Now we can speak about the internationalization of PA and law studies thanks to this 'open gate' programme. In our study we will try to emphasize the growth of the programme from students to staff and teaching activities as well as its influence in the internationalization process.

In our investigation, we will use a complex research strategy that combines both the quantitative and qualitative research methods. For a better view over the role played by the ERASMUS programme in the internationalization process of public administration and law studies, we will use documentary and content analyses and as tools of investigation – a written/web questioner and interviews (with employers and ERASMUS students/alumni). Moreover, in our research we intend to reach and to formulate how public administration and law studies should look in the future, in a globalised world – issues that decision makers in higher educational systems, should consider in developing strategies for potential students in administrative and law sciences, for future 'world students'.

Under the umbrella of the Lifelong Learning Programme, the ERASMUS has become a driver in the modernisation of higher education institutions and systems in Europe and, in particular, it has inspired the establishment of the Bologna Process. For all this, we consider it important to have research in this area without which we cannot speak about the internationalization of studies.

2. ERASMUS around Europe

Many studies¹ show that a period spent abroad not only enriches students' lives in the academic and professional fields, but can also improve language learning, intercultural skills, self-reliance and self-awareness. The ERASMUS programme is one of those which have opened the system of western studies to the eastern world; it helped us (from Eastern Europe) to improve the future public servants qualification and teaching activities.

The **Programme for Community Action in the Field of Lifelong Learning** (the Lifelong Learning Programme – **LLP**)² contributes through lifelong learning to the development of the EU as an advanced knowledge society, with sustainable economic development, more and better jobs and greater social cohesion. The programme aims to foster interchange, co-operation and mobility between education and training institutions and systems within the EU so that they may become a world quality reference by bringing European added value directly to individual citizens participating in its mobility. This programme continues the main actions launched under previous action programmes (in particular, it brings together the various actions financed under the SOCRATES Programme and the Leonardo da Vinci Programme).

The LLP has run since 2007 and consists of: **four programmes** focusing on *school education* (Comenius), *higher education* (Erasmus), *vocational training* (Leonardo da Vinci) and *adult learning* (Grundtvig) respectively; **a Transversal Programme** targeted on cross-sectoral areas (policy cooperation and innovation in lifelong learning, languages, development of innovative ICT, dissemination and exploitation of results); $\Box \Box$ and a programme to support teaching, research and reflection on European integration and key European institutions and associations (**Jean Monnet Programme**).

The LLP is open to practically everybody who is involved in education or training: pupils, students, trainees and adult learners; teachers, trainers and other staff involved in any aspect of lifelong learning (LLL); people in the labour market; institutions or organisations providing learning opportunities in any area of education or training; the persons and bodies responsible for systems and policies

¹ See in this sense the OECD and EU policy papers and the studies presented at the international conference: International mobility of the highly skilled.

² Established by Decision No.1720/2006/EC of the European Parliament and of the Council of 15 November 2006 published in the Official Journal of the European Union No. L327 of 24 November 2006.

concerning any specific aspect of LLL at local, regional and national level; enterprises, social partners and their organisations at all levels, including trade organisations, professional organisations and chambers of commerce and industry; bodies providing guidance, counselling and information services relating to any aspect of LLL; associations working in the field of LLL, including students', trainees', pupils', teachers', parents' and adult learners' associations; research centres and bodies concerned with education and training issues and not-for-profit organisations, voluntary bodies, nongovernmental organisations.

The European Commission is responsible for the overall programme implementation; its Directorate-General for Education and Culture coordinates the different activities. The Commission is assisted in this task by the LLP Committee which comprises representatives of the Member States and other participating countries and is chaired by the Commission. And the 'decentralised actions' are under the management of the national agencies in the 33 participating countries and the 'centralised' actions, such as networks, multilateral projects and the award of the ERASMUS University Charter, are managed by the EU's Education, Audiovisual and Culture Executive Agency.

The National Agencies play a key role in the practical implementation of the programme, as they are responsible for publicising the programme at national level, contributing to the dissemination and exploitation of results, and in particular for the management of the whole project life-cycle of the decentralised programme actions at national level. The increase/decrease of the students' mobility under the LLP programme and also the increase of the number of universities which signed the Erasmus University Charter depends on the national agency responsivity.

In our study we will pay attention to higher education programmes, those which are influencing the training in public administration and law studies. And out of this, to the mobility of the students around Europe.

ERASMUS is the EU's education and training programme for mobility and cooperation in higher education across Europe. Its different actions not only address students wishing to study and work abroad, but also to higher education teachers and enterprise staff intending to teach abroad and to higher education staff seeking training abroad. In addition, ERASMUS supports higher education institutions to work together through intensive programmes, networks and multilateral projects as well as to reach out the world of business.

The mobility is the period of time spent in another participating country in order to undertake study, work experience, other learning, teaching or training activity or related administrative activity, supported as appropriate by preparatory or refresher courses in the host language or working language.¹

Few, if any, programmes launched by the European Union have had a similar Europe-wide reach as the ERASMUS Programme. The vast majority of European universities (more than 4,000 higher education institutions in 33 countries participate) take part in ERASMUS. More than 2,2 million students have participated since it started in 1987, as well as 250,000 higher education teachers and other staff since 1997 (this type of exchange was further expanded in 2007).

The main aim of the programme is to create a 'European Higher Education Area' and foster innovation throughout Europe. So, ERASMUS has become a driver in the modernisation of higher education institutions and systems in Europe and, in particular, has inspired the establishment of the Bologna Process.

Higher education institutions which want to participate in ERASMUS activities must have an ERASMUS University Charter. The Charter aims to guarantee the quality of the programme by setting certain fundamental principles.

¹ Lifelong Learning Programme (LLP), Guide 2011, Part I: General provisions, http://ec.europa.eu/education/llp/doc/call11/part1_en.pdf

The ERASMUS University Charter (EUC) provides the general framework for all the European cooperation activities, which a higher education institution may carry out within the ERASMUS programme. Awarded by the European Commission following a call for proposals, the Charter sets out the fundamental principles and the minimum requirements to which the higher education institution should comply when implementing its ERASMUS activities. In addition, EUC holders may apply for the ECTS/DS label through a specific call for proposals.

3. The Professionalization of Public Administration and the Judiciary

The modern professions are complex, social institutions which select people of varied skills, often from several social strata, and organise them into different levels of operation and diverse interest groups. Each level and groups may be sensitive to contingencies not shared by the profession as a whole. (Smith, p. 410) Our complex modern state has multiple relations and the problems occurring in different areas of sensitivity of the professions, are highlighted during periods of professional change. Professionals have the special privilege of freedom of control from outsiders. (Cărăuşan, 2010)

Human resources development aims to increase the professional capacity of employees to continue their growth and advancement in the system and to develop, to enhance their ability as a successful employee in compliance with their duties and greater responsibilities. The ultimate objective of human resource management reform is not only to increase the quality and performance but also to increase efficiency, productivity, to save resources and to serve public interests. (Cărăuşan, 2010)

There is a close correlation between the economic situation, employment labour and political decisions to increase or decrease employment labour in the public sector, public sector employment conditions and recruitment policies. (Cărăuşan, 2010)

Changes in HRM in the public sector must be supported by the state reform, namely by the creation of a career system designed to attract in terms of pay and by providing guarantees in terms of planning and building a career. These two reforming actions can acquire reputation for public system and the existence of a real professional mobility. For example, to give a possible solution to improve the quality of public services, the employee should be recruited from the first 10% of graduates each year, but it should also provide opportunities to build attractive careers. We have to think and promote the today student as the future civil servant and the future magistrate. For that, we have to train them in a European environment, to make them aware that the national system is not anymore sufficient in a globalised era.

Recruitment is a process for ensuring a sufficient number of qualified candidates from which they select those that best fit to undertake the functions required within the system. The study period done abroad, in other European country, does not matter for public authorities when they organise a recruitment contest. But in the private sector we will not find the same situation; for them, if a student studied abroad it means courage and maturity.

The creation of training organizations submitted to public authorities, supports the development of its key source – its human resources. To train means to invest in people, to enable them, to operate more efficiently and to support them so that they may be free to use their best native skills (Weiss, 1999, pp. 429-430). It is obvious that only achieving theoretical standards is no longer sufficient.

That is why the European universities are now promoting more and more the mobility of students and its employees in other countries. The students' mobility are for studying or internships/placements, and for employees are the teacher assignments and staff training. To rejuvenate the public system, we have to pay more attention to the training system of the young future civil servants or magistrates and that means to pay more attention to their skills, to their practical European skills. A national civil servant or judge/magistrate of an EU member state cannot be conceived without European experience, experience which is hard to have at such a young age. For that, we see in the Erasmus programme a possibility to gather such an experience. As far as the situation created by the crises and by the labour market is concerned, we must admit that young people entering the labour force for the first time cannot find a job commensurate with their educational qualifications.

Some specific skills or cluster of skills have become the 'hard core' which provides each profession with a distinctive focus. Such skills are not always uniformly distributed throughout the profession. We saw that professional qualification in the public system involves several factors which are interconnected in the same process, such as politics, motivation and quality of life.

It becomes important, therefore, in professional analysis, to know who possesses the nuclear skills and who does not, since the latter representatives may feel, or even be, limited in the full exercise of their professional competence. (Smith, p. 414) We wonder if an Erasmus student has more skills than a 'national' student. We are not going to analyse such a situation but it will be a matter of research for a future paper.

4. The Erasmus Role in the Internationalisation of Public Administration and the Judiciary

ERASMUS offers university-level students the chance to go to another European country to study and do work placements (traineeships). Periods abroad contribute to qualifications at home and help students get to know different cultures and languages as well as gain vital experience. Periods abroad – both for studies and for placements – can last from three to 12 months each, for a combined total of 24 months.

More than 2 million students have experienced what it means to do an ERASMUS term in one of more than 4,000 higher education institutions in 33 participating countries. These include all the EU Member States as well as Iceland, Liechtenstein, Norway, Turkey, Croatia and the Former Yugoslav Republic of Macedonia.

ERASMUS student mobility is open to all students studying in a participating country and enrolled in at least the second year in their home institution. So, any students can participate in the programme without discrimination, the programme also provides attention to those students which are having special needs. The home institution of the students applies for ERASMUS mobility grants to its national agency while the interested student has to turn to the international office and/or ERASMUS office of his or her home higher education institution.

The students' mobility for studies enable students to benefit educationally, linguistically and culturally from the experience of learning in other European countries and to contribute to the development of a pool of well-qualified, open-minded and internationally experienced young people as future professionals.

Erasmus reached the one million mobility target in 2002. The two million target was reached at the end of academic year 2008/2009. The 2 million student was Romanian - Laura Popa, University of Nottingham, master degree. The aim set out in the Decision of the European Parliament and of the Council for the Lifelong Learning Programme is to reach at least three million student mobility under the Erasmus programme and its predecessor programmes by 2012¹.

In the academic year 2008/2009², 198,523 students went to another European country to study or train. The largest number of outgoing Erasmus students was from France, or 28,283, (14.1% share), followed by Germany with 27,894 outgoing students (14%), and then Spain with 27,405 (13.8%) The total flows of outgoing student mobility reached in the academic year 2008/2009 was of 2,065 million out of which 317,581 in Germany, followed closely by France with 316,996 and by Spain with

¹ Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning, Article 21a.

² Lifelong Learning Programme, The Erasmus Programme 2008/2009, a statistical overview, December 2010, http://ec.europa.eu/education/erasmus/doc/stat/report0809.pdf

288,239. Since the beginning of the mobility programme we can observe a straight increase in the number of mobility from 3.244 students to almost 200,000 students per academic year.

In the number of incoming Erasmus students for studies and placements, in 2008/09, all participating countries experienced an annual growth as compared to the previous year. Malta (31.6%) had the highest annual growth, followed by Cyprus (25.5%) and Greece (24.3%). Finland, the Netherlands and Germany, on the other hand, experienced the lowest growth rates between academic years.

Overall, incoming mobility has increased by 80% in the 31 participating countries since 2000/01. The number of incoming students has increased steadily in every participating country since 2000/01, except in the UK. There, the increase in incoming student numbers during this period is only 8.9% taking into consideration their restrictive policy in signing Bilateral Agreements (a.n.).

As in previous years, Spain remained the most popular destination for European students during the academic year 2008/09 with 33,172 incoming students (16.7% share), followed by France with 24,614 incoming students (12.4%) and then Germany with 21,931 students (11%). Romania, Latvia and Bulgaria sent about three times more students abroad than they received.

In the academic year 2008/09, approximately 60.74% of Erasmus students were female. This percentage is somewhat higher than the proportion of female students of the total student population in the 31 participating countries in 2008 which was $53.94\%^{1}$. The average age of Erasmus students in 2008/09 was 23.5 years at the beginning of the year 2008.

The number of Erasmus students as a proportion of the whole student population in the participating countries in the academic year 2008/09 was on average 0.91%,² up from an average of 0.85% in the previous year. Some of the very small countries, i.e. Luxembourg and Liechtenstein, have much higher mobility rates.

Taking into account the average study duration at a higher education institution of approximately 4-5 years, it can be estimated that around 4% of European students will participate in the Erasmus programme at some stage during their studies.

Apart from the very small countries, Luxembourg and Liechtenstein which have only one higher education institution each, Austria was the best performing country in terms of outgoing Erasmus student mobility as a proportion of the total student population (1.73%), followed by the Malta (1.59%) and then The Czech Republic and Spain (1.54%). Out of the 31 participating countries, 21 matched or were above the average. This entails that 10 countries were below the average of 0.91%. The lowest average participation rate was in Turkey (0.31%), Romania (0.35%), and the UK (0.46%).

Another method to determine the relative position of a country would be to compare Erasmus students to the number of graduates at Bachelor and Master level or equivalent. According to Eurostat data, higher education graduates in 2008 accounted for over 4.56 million in the 31 participating countries. If the total number of graduates is compared with the number of Erasmus students in the academic year 2008/09, then Erasmus students were about 4.44 % of all graduates, a slightly higher proportion than in the previous year (up from 4.23%).

As we have observed, many countries experienced a significant imbalance between incoming and outgoing students, particularly Turkey and Romania. Austria, Estonia and Belgium, however, had the best balance between incoming and outgoing students. Studying the ten Central and Eastern European countries (CEE) in Erasmus student mobility between the academic years 2003/04 - 2008/09 we can observe the gap between the numbers of incoming and outgoing students in these countries has narrowed in this five year period. Whereas both numbers of outgoing and incoming students in these countries has increased during this period, the percentage growth in incoming numbers was much higher than the growth in outgoing numbers.

 $^{^{1}}$ Eurostat 2008 data. Out of a total student population of 21,802,899 in the EUR31, women are 11,761,494 and males are 10,041,405.

² Here, the number of Erasmus students is divided by the total student population number in each country. The total

EUR31 student population according to Eurostat 2008 data was around 21.8 million students.

The lack of knowledge about the possibility offered by the Erasmus programme unfortunately affected the mentioned countries. Beside this, the economic-financial crises did not give them the financial support to sustain their period abroad. As we already know, the Erasmus programme was not created to be supported financially entirely by the European Commission; the selected students also have to find sources for co-financing its grant. Most of the time universities are co-financing the grant, but the expenses are not covered and so they have to find other institutions (public, private or NGOs) to grant them financial support.

'Social sciences, business and law' were the most popular subject areas followed by 'humanities and arts' and 'engineering, manufacturing and construction'; 'science, mathematics and computing', 'medical sciences', 'education/teacher training' and 'services' were underrepresented subject areas relative to their share of the European student population.

Studying with Erasmus in the academic year 2008/09 was most popular among students in the 'social sciences, business and law' areas (a 41.6% share), followed by 'humanities and arts' (23.3%) and then by 'engineering, manufacturing and construction'(14.3%); 'services', 'agricultural and veterinary sciences' and 'education' were the subject areas from which students participated the least in Erasmus.

Subject areas seem very stable when it comes to student mobility for studies. During the period 2000/01 to 2007/08 there was an increase in number of Erasmus students studying 'social sciences, business and law' but a decrease in those studying within 'humanities and arts'¹. Public administration studies are in the area of social sciences and the majority of faculties in this field of study, are associated or are a department under law, political sciences and business faculties.

For many European students, the Erasmus Programme is their first time living and studying abroad. Therefore, it has become a cultural phenomenon and is very popular among European students. The Programme fosters not only learning and understanding of the host country, but also a sense of community among students from different countries. That is why this experience is considered both a time for learning as well as a chance to socialize.

Erasmus in the students' curriculum vitae is seen as being a very positive thing because that one word explains the whole experience of studying abroad. Hence, those who partake in the Programme are often considered more employable than those who do not.

Thinking the construction of the European identity we can strongly affirm that the Erasmus students are the ambassadors of a pan-European identity. The political scientist Stefan Wolff, for example, has argued that 'Give it 15, 20 or 25 years, and Europe will be run by leaders with a completely different socialization from those of today', referring to the so-called 'Erasmus generation'. (Bennhold, 2005)

5. Learn from the Outcomes of the ERASMUS Programme

The Erasmus we have to recognise influenced the labour market, especially because the students are seeking it having in mind their future career. Lowell (2007), for example, shows an increase in the emigration rate of university graduates from about 4 percent in 1980 to about 7 percent in 2000 in developed countries. The increased demand for skilled labour and the importance of highly skilled individuals for innovation has induced many countries to implement policies geared to attracting skilled migrants from abroad (OECD, 2002). Understanding the determinants of migration is a key to formulating such policies.

In particular, it has been hypothesized that student mobility may act as a 'stepping stone' for later labour migration (Guellec & Cervantes, 2001). Numerous countries, including the United States, Japan, and the United Kingdom, attempt to attract highly skilled mobile workers through policies relating to student mobility programs (Guellec & Cervantes, 2001).It is well recognised, and demonstrated, the fact that some develop countries brain drain the poor ones, and the students are

¹ Other subjects comprise "General programmes", "Agricultural sciences", "Personal services" and unspecified areas of study.

manoeuvred in this sense. Despite the widespread belief in the link between studying abroad and international labour market mobility, empirical evidence is very limited. Establishing a causal link between studying abroad and labour market mobility later in life is a challenging task because students who decide to study abroad are in many ways different from students who undertake all of their education in their home country. (Parey and Waldinger, 2008)

Parey and Waldinger demonstrated that studying abroad increases a person's probability of working abroad by about 15.20%. This result suggests a strong causal link between international labour market mobility and previous international mobility. Qualitative evidence suggests that besides career concerns soft factors such as interest in foreign cultures or living with a foreign partner are important determinants for the decision to work abroad, and we suggest that the effect of studying abroad may work through these channels. The period of study done abroad is affecting the set of skills that a student acquires during his/her studies. In our research we have applied a questionnaire at the European Administration field of study, 2nd year (the year among which we promote the ERASMUS programme), academic year 2010/2011. The results obtained reveal the fact that most of the students consider that the following skills are important for their career: the capacity to understand different cultures and customs of other countries and the ability to work in an international context. So, out of 60 students 21 of them considers that they already have the first skill, and in the same time more than 32 of them consider that this is an important requirement in the labour market. Also, as it concerns the latter skill more than 23 of them choose a middle high value (5 on a scale from 1 to 7) as the best representation of their self assessment. The vast majority of them (44 students) consider that the ability to work in an international context is high valued by the labour market, and they are trying to reach it during their study period and expect to the university to help them in improving it.

We can think of the effect of studying abroad as affecting the set of skills the student acquires during his/her studies. We can shed some light on this question by investigating whether individuals who have studied abroad return to work in the same country or they decide to work in a foreign country. There are a number of reasons why mobile graduates may be more likely to work abroad in the countries where they studied abroad before. During their study period abroad they may have obtained skills that are of particular relevance in that labour market, e.g. language skills, knowledge about the local labour market, or personal contacts which facilitate a match. On the other hand, it is possible that studying abroad affects the probability of working abroad equally for different work destinations. This would be the case, for example, if studying abroad widens the horizon of the student generally and leads him/her to search for a job internationally, independent of where he/she studied before. Especially, studying abroad could operate as a stepping stone to increase the set of feasible destinations. This question is also highly relevant from a policy perspective: The ability of the ERASMUS scheme or other student mobility programs to achieve an integrated European labour market depends on the assumption that students who went abroad to study in Europe are internationally mobile after graduation, but remain in Europe. (Parey and Waldinger, 2008)

6. Conclusions

The ERASMUS programme brought a shine light in the internationalisation of the public administration and law studies. ERASMUS is not just for the benefit of the students, also the universities have learned from the students' experience. And, furthermore the university staff was included in the programme to foster the main idea of the harmonisation of the European studies. The Bologna process, as a result of the implementation of the ERASMUS programme, helped us to have a much more wide view on the importance of the public administration and law studies. We have been able, for example, to see how a national student 'blossom' in a European civil servant through the ERASMUS.

Simona Cojocaru, a former ERASMUS student in public administration, when she went to Portugal said: '... I will go ERASMUS... It is my "hello", my "goodbye", my only thought.' Back in Bucharest she concluded: 'If you have my chance of going ERASMUS, don't hesitate, not even one second...it

is worth everything... I just have in my mind the great moments... I forgot how hard it was to leave from home...It was more than I could ever imagine... so..."GO ERASMUS"...my only advice...and to be subjective..."go to Portugal"... When this experience ends, you are different, people look differently at you. Maybe you even have more chances than other do... It's like you have another status than the "normal" students do. It helps you to define your personality, your expectations from life and also from yourself. It gives you hope and it makes you wish to improve yourself and your life.'

With Simona's thoughts in mind we will try to summarize what ERASMUS student get after a study period in foreign country. Taking into consideration that the national educational systems are concentrated in offering theoretical and practical knowledge about the national public area, in some cases in comparative European context, the ERASMUS experience brings to our students different knowledge about a different system which offer different civil services to a different society.

From the CEE countries perspective ERASMUS opened the western European educational system to them and give them the possibility to analyze in a comparative context the public systems. ERASMUS also started the harmonization process among public administration and law studies, and more helped them to have a European approach.

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