



## Integration Standards and Public Administration Dimensions in Light of the Integration Perspective of Albania in the EU

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Received: 05 May 2022 / Accepted: 14 May 2023 / Published: 20 May 2023  
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Doi: 10.56345/ijrdv10n1s114

### Abstract

After the fall of the communist regime, one of the challenges and the highest priority for the external politics, is the European integration, that is also the aspiration of all Albanians. The European integration is not merely the implementation of various political, legislation, technical and institutional criteria, but rather a union of democratic, communal and integration values and ideals of the Albanian society into the European community, into the community of freedom and democratic values and norms, where these aspirations take credit. During this transitioning period, the Albania European integration has been constantly replete with political and institutional challenges and political processes that must be developed and progressed by the political parties and the Albanian society in general. Moreover, it is worth mentioning that during this transitioning period, Albania has carried over important problematics related to the development of sustainable political institutions, a functional public administration, a free election process with democratic standards, a sustainable financial system, as well as a sustainable social, cultural and intercommunity processes. Therefore, in this context, the present paper will analyse the Albanian perspective and challenges with the focus on the standards and nature of integration in the European Union. In order to comprehend the changes and development in light of this perspective, this paper will also consider the role and the importance of Public Administration integrating dimensions, aiming at understanding the evolution of Albania and its legislation in the European perspective. The analyses of its integration dynamics are to understand the improvement of Albania's image in the world in terms of these aspects, the change of the policy-making concept, the development of political institutions, as well as the evolution of Albanian legislation to align with that of the EU. Moreover, this analysis shall not simply render this paper actual and coherent with the most essential integration politics, legislation and institutional that relate directly with the Albanian European integration process, but it will rather demonstrate that Albania has yet a very long road ahead to become part of the European Union and the achievement reached so far have been positive and promissory.

**Keywords:** integration, perspective, standards, dimensions, Public Administration, Albania, European Union

## 1. Introduction

### 1.1 The post-communist Albania, a clear integration perspective in the European Union

Albanians entered the path of important political development following turbulent events that lead to the necessity to establish new political institutions and a consolidated democracy in general. For a country such as Albania, the transition period and the democratization of the country is esteemed to take up at least from 25-50 years in order to enter into a

normal political and institutional stage (Barbullushi 2015, 22). Despite the ups and downs experienced during this transitioning period, Albania, the political parties and the society in general, have demonstrated the capabilities, anyhow the normal difficulties, to develop a sustainable and authentic democratic system that will bring to the country a sustainable political and institutional development, and it shall make Albania an important factor for the region. On the other hand, during these 30 years Albania integration perspective has been clear, aiming the integration in all international and euro-Atlantic political structures with the main focus being on the integration process in the European Union, because all the policies and legislation voted in Albania, have a Europeanizing nature and tendency and the majority of political rhetoric regarding the Albanian policies is dominated by an integration nature rhetoric (Krasniqi 2009, 14).

If truth be told, the very first important international missions were deployed in the early years, precisely in 1992, and from that period until now, Albania is one of the countries with a considerable number of diplomatic, organizations and various international states representation. To mention, Italy, OSCE, Germany, European Union, United States of America, are important representation with great influence in Albania. No doubt that the financial, political and institutional support offered by Italy or the OSCE, have impacted the economic, institutional development and the organization of free and democratic elections (Zogaj 2009, 9). Whereas, the official accession of negotiations as an aspirant state to become member of the European Union, because currently Albania is a candidate state, has been focused in developing a political battle only in support of this achievement that in full honesty will be in full sense the historical word. The Endorsement of the Stabilization and Association Agreement in 2006, by and between Albania and the European Union Commission, is the first and foremost indicator of this journey packed with challenges and essential for the future of this country. Visa liberalization back in 2008, NATO membership in 2009 and granting the candidate country status to becoming member of the European Union is the third stage, out of 5 to becoming a full member, are essential events that have accompanied Albania in reference to the European Union during these years. Moreover, it is worth mentioning the fact that the European Union Commission provided Albania with 15 recommendations and 5 priorities, to be completed, as a precondition to aligning the Albanian legislation with that of the European Union (Biberaj 2011, 29).

In consideration of the political development over the years, and the level of the integration process and the international historical and political circumstances, we may say that Albania integration perspective is clear, for this is based on the facts that; Albania is part of the Balkan, located in the centre of Europe and the Albanians are one of the oldest nations in Europe, moreover Albania has played a very important role for the political stability in the region, with the objective, following an isolation period of more than 40 years, to implementing political and diplomatic relations with the European countries, Albania is a country that respects human rights and, on a continent level, is the country with the greatest religious tolerance ( Gjevori 2015, 33).

Therefore, all these indicators do sufficiently tell that our country, in addition to the political technical-institutional development, is inclined and holds a clear integration perspective for becoming member of the European Union and the Albanians are a society that observes with accuracy the diversities and changes and as such, it is considered a society that is well acquainted with communitarianism that accompanies the European Union. These are incontestable elements that do tell that the Albanian perspective is solely the European Union.

### *1.2 Integrating standards and nature in the European Union. The community values and principles underlying the process*

The foundation and the development of the European Union to the level and institutional structure at present, is based on the rules, laws and institutional principles that the international institutional founded and comply with (Dinan 2011, 70). The integration, developing and institutionalizing foundation of the European Union are definitely the treaties. In the past, the EU has gone through many ups and downs and was these precise crises that strengthen and solidified it to an international political structure. The EU expanded and was developed to give end to past separations and conflicts and the countries aiming at becoming member of the Union, should relinquish a portion of its sovereignty for membership in this international political and institutional organization (Jacque 2010, 44).

There are two main theories on the way how countries may become member of the European Union, one is the theory of intergovernmental in other words the collaborative countries, under which, the European Union may be considered as an intergovernmental structure and the state that become member, shall give their contribution for the institutional improvement and development. On the other hand, there is the theory of supranational, under which the European Union is a supranational authority and all states that want to become member must relinquish all elements and state authority, such as sovereignty, functionality, territoriality, etc. Both these views have been developed and improved

with different arguments during the development of the EU expansion process (Jacque 2010, 46).

The European Union, when it asks a country to become its member, apart from the technical and political elements, which we will mention below, pays great attention to community values and principles. Thus, the EU is a sovereign union of states in a supranational institutional authority that is based on communitarianism, diversity, Christianity, democracy and liberalism, respect for freedoms and human rights based on the ECHR, as well as the protection of privacy and the development of private initiative, etc. (Dinan 2011, 72)

On an institutional and political aspect, there are some criteria to be met by countries that want to become member of the European Union, approved by the EU institutions themselves, mainly from the European Union Commission, which is the institution that closely monitors the work and the integrative developments of the government. First, for a country to become a candidate country of the EU, it must meet five basic criteria, steps which are determined by the will and the political, institutional and legislative progress of the countries that are part of this process. The first step is to submit the document that made it an aspirant country to become member of the EU. The second step is the signing of the SAA, the third step is the announcement of the candidate country, the fourth step is the opening of negotiations for EU accession, and the last step is the country's full rights to the European Union (Gjevori 2015, 15).

On the other hand, based on the progress nature of the integration project of the countries, the EU determines during their integration path, the objectives, recommendations and priorities for the countries to focus on those aspects where they have the most deficiencies. Thus, for Albania, the establishment of 12 recommendations and 5 priorities is done so that Albania pays more attention to the implementation of the law, political cooperation, institutionalization, alignment of the country's legislation with that of the EU, etc. At present, the following steps will be focused on the work to complying with those steps and the political, legal and institutional elements, to facilitate the transition to the next step that is the accession of membership negotiations (Dinan 2011, 75).

What is noticeable, during this integration process, and understood from EU institutional nature, is the fact that this political organism is very dynamic, variable, and active and has a major role in world, regional and European policies. Already, the EU is an important and irreplaceable reality, being a compass for all the Balkans countries and Albania as well. On the other hand, to the European Union, the Balkans is one of the most important gateways to create a new integration tradition in this region.

### *1.3 Albanian image evolution analyses through the integration process in the European Union*

The fall of communism regime in Albania occurred behindhand, a regime that governed for more than 45 years in this small country, that had no state-forming, no democratic and economic traditions. The development of closed and socialist policies isolated and further damaged the europeanizing and developing aspirations of our nation. The important political developments that brought about the fall of the communist regimes in Central, Eastern and South-eastern Europe undoubtedly also involved Albania, although compared to other countries, in our country happened relatively later. Although the overthrow of the communist regime in Albania happened peacefully, meaning there were no shootings to the protestor, as was the case in other countries, the transition toward the democratic developments and the process of political pluralism brought with it a series of problems from the most diverse ones that were primarily related to the lack of political culture and political tradition of constructing political dialogue and stable institutions (Kreshani 2021, 55).

Therefore, in consideration of the political, social, integrative, economic and cultural nature of development processes in Albania, the political parties and the Albanians in general, during these years, demonstrated a chaotic developing model, influenced by the absence of political culture, sustainable political institutions, etc. Hence, in consideration of the general social, political and economic development nature, the mass migration of the Albanians and the establishment of financial business relations, were many of the elements that directly influenced to the image of Western societies towards the Albanians and Albania in general (Baroni 2017, 36). Some of the most important elements that influence this opinion were:

The creation of criminal groups that dealt with the trafficking of human beings, narcotics, weapons, expensive works, works of art, etc. Characteristic of these groups was their creation and internationalization, violence and secrecy of actions.

For a long period, Albania was the most important source not only of transit but also for producing and supplying Italy and all of Europe.

Albania for a long time has given the impression of a country where the political class and politics as a whole are very conflicted, polarized and corrupt and which is not at all at the appropriate level to govern a country that is aspiring to be integrated into EU.

Whereas the Albanians, hold an image that we are dealing with a country that has totally corrupt institutions, political class, system of justice and the establishment of production relations and these relations are built on the basis of corruption. Corruption is a key important element that has actually accompanied the political development in Albania, which is a product of the previous regime.

Albania is deficient of political institutions that will monitor and control the territory and borders and this phenomenon brings about the failure of law enforcement institutions to attack organized crime.

The image that Albania has in the European countries is of a country whose citizens attempt to forcefully enter the European Union borders (Arapi 2020, 43).

It is precisely for the aforementioned elements that for a long time, shaped the opinion of the European societies for the Albanians, that we are a source of organized crime and corruption, that we are a country where the number of murders and crime is at high levels that we are a country with a very high rate of corruption, as well as with highly polarized and uncooperative political developments, etc. (Arapi 2020, 45).

Precisely, the integration process of Albania in the EU, the completion of the recommendations and criteria imposed by the EU, did influence the image of European countries on Albania to change radically, from the stability of the political and institutional system, the improvement of legislation, the improvement of our country's relations with its neighbours, the performance of Albanian society at all social levels such as the case of football fans in the French European contest, the economic exchanges and tourism, etc., that made them realize that Albania is now a stable country and that Albanian society is as emancipated as all other European societies and contributes to the development of values on a continental level.

#### 1.4 The importance of proper Public Administration Department functioning and the integration process.

In a democratic, developed and modern state, the development of public policies and the creation of inter-institutional political lines cannot be considered if the Department of Public Administration (DPA), which is included in the institutional dimension of the integration process, does not function or exist. This Department represents a broad line of public institutions at all levels with the aim of implementing and bringing the citizen closer to the legislation approved by the Parliament and the Government.<sup>1</sup>

What is public administration? The explanation has two definitions. In its objective sense, the term defines the set of activities performed that respond to the needs of a general interest of the population (public order, public services market, etc.); this meaning is related to the public function (administrative function). In the subjective sense, it is a set of subjects that implement the above function. So, public administrations are governmental institutional units that regulate the functioning of the society. It implements public policies undertaken by the government thereby increasing social cohesion and trust between the state and citizens. In other words, the Public Administration includes all the bodies that exercise the state will directly or indirectly with the aim of providing direct services or regulating the important relations of the political life of our country, which affects the general interests of the Albanians.<sup>2</sup>

Therefore, within the European integration of Albania, the role and importance of the Public Administration Department is essential to understanding the whole process, this is due to the very fact that it is all the institutions of the department that will be needed to implement and implement European Union directives at a technical level. Pursuant to its mission, the Public Administration Department performs the following main functions:

- Manages the civil service in all institutions of the central administration;
  - Leads and implements the functional and structural reform in the public administration institutions;
  - Drafts and implements the salary related reforms;
  - Coordinates the reform for the implementation of Information Technologies ('IT') in the e-government field.<sup>3</sup>
- On the other hand, the Public Administration Department provides a number of public services:
- Develops the civil service admission procedure;
  - Determines the reference salary for those benefitting from supplementary pensions;
  - Organizing the internships;
  - Provide information on the progress of the reform implementation in the public administration in general.<sup>4</sup>

Moreover, with the important legal changes approved back in 2007, this Department was granted extensive

<sup>1</sup> "Administrata Publike," n.d. <https://shtetiweb.org>.

<sup>2</sup> *Ibid.*

<sup>3</sup> "Reforma strategjike e Administrates Publike 2015-2022," n.d. <https://www.dap.gov.al>.

<sup>4</sup> *Ibid.*

functions in the interaction, coordination and development of policies between institutions at all political levels in Albania. The Public Administration Department should continue to have the role of a standard central management unit (mainly dealing with: drafting civil service legislation (primary and secondary), approving guidelines and standards for civil service management, preparing and proposing policies of personnel, negotiations with unions of civil servants on behalf of the government, internal supervision of personnel management in the ministerial system, planning, organization and management of the general training system for the entire civil service, maintaining a register-database of subordinate employees civil servants and advising institutions in matters of civil service management, etc.). But in order to complement and play a constructive role in this direction, this Department should have stronger legal powers in order to request and exchange information with ministries, participate in internal institutional committees on mobility, discipline and systematization of civil servants affected by the restructuring process, to have a central role in personnel planning, etc.<sup>5</sup>

In this way, the strengthening, legislative and institutional development of DPA in Albania, within the integration processes, is an important moment in terms of the institutional dimension because Albania will now have a legal and institutional framework according to all EU directives.

Therefore, the reform and development of the Public Administration, towards a new dimension and scope, with the new law on Public Administration, gives the latter the most important and central position of the integration process of Albania, the possibility that with the legal capacities, its institutional, to be able to align and adapt the legislation of Albania with that of the EU. Even so, the DPA has as its function not only the orientation but also the legislative and institutional connection between all political and law enforcement levels in Albania.<sup>6</sup>

### 1.5 The integration dimensions of the Public Administration in the light of European Commission 2022 Albania report

The dimensions with regard to the developments that have occurred in Albania over the course of a year, the degree of improvement and development in terms of adapting the legislation, constitute absolutely one of the most important developments in this dimension.<sup>7</sup>

The dimension surrounding the developments that have taken place in a country aspiring to become part of the EU is evaluated through the annual progress report, which makes a general analysis and evaluation of all elements that can be considered important and decisive in the integration steps.<sup>8</sup> In this way, the latest EU progress report regarding the DPA integration dimensions deserves special attention and meriting evaluation. The main points in which the European Commission report was focused, were as follows:

Strategic framework for public administration reform<sup>9</sup>

Throughout 2021, the government continued to monitor the implementation of the 2015-2022 public administration reform strategy. Despite the COVID-19 crisis, the Albanian institutions made substantial efforts to maintain a good implementation of the public administration reform strategy. Progress has been achieved in results-oriented monitoring, including performance analysis. However, the implementation of the public administration reforms requires a continued political steer.

## 2. Policy Development and Coordination

The legal basis and the institutional set-up for coherent policy making system are partially in place. The quality of performance and the regularity of the integrated policy management groups mechanism vary across sectors. Albania should strengthen its efforts to improve evidence-based policy making by increasing the administrative capacities of line ministries in policy planning, monitoring, and data collection. The three pillars of the integrated planning system must become fully functional and the user training for civil servants must continue, in particular on data quality and indicators. The National Strategy for Development and Integration, which is the top reference document for the planning system, expired in 2020. The new strategy, covering the period up to 2028, needs to be drafted and adopted. The authorities need to improve coherence between policy planning and budgeting by making full use of the Integrated Planning System

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> "Administrata Publike," n.d. <https://shtetiweb.org>.

<sup>8</sup> "Albania 2022 Report." European Commission, Brussels, October 12, 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

<sup>9</sup> *Ibid.*

Information System. The newly created state Agency for Strategic Programming and Aid Coordination has the mandate to enhance coordination. However, the roles and responsibilities of the Agency and the Department for Policies and Good Governance in the Prime Minister's Office need to be clarified.

The administration needs to further strengthen its capacity in inclusive and evidence-based policy and legislative development. Progress was achieved in increasing the use and quality of regulatory impact assessments for legislative proposals and trainings on these issues were delivered across the administration. The government needs to continue its efforts to improve regulatory impact assessments.

On public consultation, the electronic web-portal is operational, and the regulatory framework has been improved. The usage of the electronic register continued, but the share of legal acts undergoing public consultation and usage of the electronic register decreased in 2021 to 65.8% from 79.6% in the previous year.

### **3. Public Service and Human Resources Management**

Progress on merit-based recruitment, promotion and dismissal needs to be consolidated by applying consistent standards across the public administration.

Greater legal compliance is needed in recruitment procedures. The merit principle needs to be complied with both for senior and entry level positions. Across the public administration, job descriptions are not yet fully in line with the categories set out in the civil service law.

In 2021, the number of dismissals of civil servants decreased to 346 from 619 in 2020 and the authorities explained that these were in compliance with the civil service law. The backlog in implementing court decisions confirming dismissal of civil servants as unlawful has been further reduced during the reporting period. A system to monitor and follow up the final court decisions has been created and is managed by the Department of Public Administration.

The human resources management information system continues to be filled with the necessary data, although at a slow pace. It does not yet cover the entire public sector, does not include completely up-to-date data on civil servants and it still needs to be extended to the local level. The data it contains on civil servants needs to be up-to-date. The government has managed to put in place measures to create a coordination mechanism between central and local level to monitor and evaluate human resource management.

The remuneration system is based on a job classification system that needs to be revised including with a broad public consultation. The lack of a salary policy based on clear criteria for pay supplements and salary increases weakens the fairness and coherence of the system. The automation of the payroll system through the human resources management information system needs to be extended to the whole public sector.

The Albanian School of Public Administration continued to adapt its training programmes for professional development in line with the COVID-19 measures. Compared to the previous year, it increased the thematic scope and the number of trained public servants. However, the lack of infrastructure hinders its capacity to deliver online courses. A training cycle on quality management has not yet been set up. The administrative skills of local-level civil servants need to be improved.

### **4. Accountability of the Administration**

The legal framework for the organisation of the central administration does not provide a comprehensive and coherent framework to ensure that supervisory and subordinated bodies are held accountable. Agencies such as the State Agency for Strategic Programming and Assistance Coordination, the Agency for Media and Information and the Co-Governance Agency need to be better structured and assigned clear roles. The law on the organisation and functioning of the state administration does not set a clear typology and criteria for the creation of subordinated bodies. Additionally, policy-making institutions do not always monitor policy implementation by their subordinated agencies and these agencies do not always report on their performance.

Legal changes are needed to improve how policy-making functions are defined, including setting requirements for planning and performance reporting by subordinated bodies and supervisory ministries. State administration workflow and decision-making processes should be more transparent. The legal framework for ensuring managerial accountability needs to be improved.

European Commission concludes that Albania remains moderately prepared in the area of public administration reform. It made limited progress in delivering on last year's recommendations. Capacities for public consultations and

regulatory impact assessments were strengthened, preparations for the salary reform started, and the automated payroll system was expanded. Implementation of the 2015- 2022 public administration reform and the 2014-2022 public financial management reform strategies continued. However, bodies subordinate to ministries (agencies) continued to be created without a comprehensive steering framework, systematic attention to oversight or clear reporting lines. Provisions on merit-based recruitment in the civil service law remain to be fully implemented, especially for senior level positions. Albania has rolled out a comprehensive platform for digital services – a rapid shift towards 100% online services took effect on 1 May 2022. However, it needs to ensure equitable access for citizens with limited digital skills.

The Commission's 2021 recommendations remain mostly valid. In the coming year, Albania should, in particular:

- increase the capacities for policy planning and monitoring and ensure that the central administration's supervisory and subordinated bodies are well-structured and assigned clear roles;
- prepare new public administration and public financial management strategies in line with relevant sectoral strategies, while at the same time review the effectiveness of the current monitoring structures;
- effectively implement the provisions on merit-based recruitment in the civil service law at all levels, especially at senior level; reform the salary system for civil servants and further expand the automation of the payroll system.

Therefore, in consideration of this report of the European Union Commission, it is clearly observed that a series of evaluations had to do with the criterions of integration and more specifically with the functioning of the Public Administration, with the role and importance of the legal scope of DAP and the innovations it brings.

In this way, above all the integrative dimensions, evaluating all the principles and values on which the European Union stands, as well as taking into account the recommendations and priorities that the EU itself has left to Albania as "homework", the emphasis in the last progress report, was in the Public Administration of Albania, giving it the most important and central position in the integration process of Albania.

## 5. Conclusions

Albania is a country with very fragile political scenarios and which at no time guarantee the creation of a stable and reliable climate upon which you can begin to trust that the political class has already entered into a dialogue on which the stones will be placed to determine the political future of the country or the end of a long and tiring journey such as the European integration process, sustainable economic development, the eradication of corruption practices, the creation of a peaceful and cooperative political climate, etc.

Although the last European Commission report was generally positive in its evaluation, emphasizing and noting the achievements of the political class in Albania, especially in terms of combating criminality, organized crime and trafficking, in the direction of improving the legal framework that regulates the Public Administration, it was clearly established that Albania still has a lot of work to do, especially in terms of fulfilling some criteria that still keep the European aspiration of Albanians at a distance and that in order to fulfil these conditions, a wider political consensus, political will and engagement of civil society and the political spectrum in general has been requested.

The Public Administration, as we have pointed out hereinabove, has seen great progress and in this way, some interventions are needed, especially in the legal framework of the new civil service law, the regulation of aspects of recruitment, the payment and dismissal system of civil servants, which must be adjusted and reviewed, also the reconceptualization of the role and political functions of the DPA within the PA, is another element that must be considered.

In summary, during the theoretical consideration of this work, the following dimensions emerged:

The European integration process of Albania has positively influenced the improvement of Albania's image in the world, through its most important elements, political, social, institutional, legal, economic, etc.;

Albanian European integration process, is the only political alternative of Albania after 30 years of democracy, a European nation but left forgotten by the outdated policies and ideologies;

There were many elements that influenced the creation and perception of a negative image of Albanians and Albania, among them two were the most important, drug and human trafficking originating in Albania and corruption at very high levels;

Albania must pass important political, legal and institutional tests and align its legislation with that of the EU;

The historical, political, social, economic and cultural context do greatly influence the image of Albania by European countries and societies;

As part of this transition picture, Albania should become part of joint actions with those of other EU countries to overcome the gap of challenges which seem to be more complicated and deep with the expansion and deepening of the

current financial crisis that has included EU countries.

The institutional dimension where emphasis is placed on the role and importance of the operation of the DPA according to the principles of the European Union, the creation of a more complete legal framework which better defines its role and legal importance within the AP.

The legal dimension where emphasis is placed on the impact of the new law on civil service in increasing the effectiveness of the work of the Public Administration in Albania, as one of the primary and most important requirements of the European Union for the PA and its operation.

The political dimension has to do with the analysis of the reports of the Commission of the European Union in relation to the concrete results of Albania in terms of fulfilling the political criteria where an important place is occupied by the Public Administration and its operation according to a similar legal framework with that of the EU.

The integrative dimension has to do with the role and importance of the Public Administration in Albania in the path of Albania's European integration.

Therefore, since we are dealing with an integration process, which has its ups and downs and is constantly changing, the definition of some recommendations, as below, is valid to highlight the fact that Albania still needs a lot of work to be part of the European community:

Albania should involve a greater and serious political commitment in terms of improving political, legal and institutional standards for the European integration of the country;

Albania should do more in terms of improving and aligning Albanian legislation with that of the EU;

Albania needs a new approach in the context of shaping the image and all the elements that directly affect it;

Albania must undertake radical reforms in all the most important economic sectors and must be more concrete, better prepared and more progressive in its programs so that the final step of integration is as close as possible.

In conclusion, Albania, learning from the mistakes of the past, as well as correcting the mistakes of the present, is capable of having a qualified Public Administration, with the necessary standards and human resources, with the necessary legislation and adapted to that of the EU, very soon will be part of the big European family, which is the biggest dream of Albanians.

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