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Legal Consecration of the Urban Project Towards Implementing the New Urban Plan

Dr.Boutarfa Aouatef*

8 may 1945 University - Guelma (Algeria), boutarfa.aouatef@univ-guelma.dz

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***Corresponding author**

Abstract:

The legal consecration of an urban project refers to the process of legally framing the project to ensure the successful implementation of the new urban plan and the achievement of its objectives. The study emphasizes that the urban project serves as a strategy for governance, sustainability, and enhancement of the urban environment. The results conclude that legal consecration is essential, as it establishes a system based on the principle of participation. Additionally, it provides a flexible and adaptable framework that supports sustainable urban development and effectively advances sustainable development goals.

Keywords: Urban project; New urban plan; sustainable development; sustainable urban .

Introduction:

The Sustainable Urban Development Plan, outlined in the New Urban Agenda 2030 adopted at the Habitat III Conference in Quito in 2016(1), focuses on "adapting the legislative and institutional framework to create inclusive, safe, resilient, and sustainable cities"(2) . This new urban plan has been launched, marking the beginning of a shared vision for a more sustainable future. United Nations member states, including Algeria, have endorsed this urban agenda as a historic plan that sets a new global standard for urban development and sustainability, and provides guidelines to guide countries' efforts toward achieving sustainable development goals(3 .

The New Urban Agenda, also known as the "Quito Declaration on Sustainable Cities and Human Settlements for All," outlines specific directions for urban planning based on good planning and management practices. These foundations are intended to accelerate the achievement of sustainable development goals. The agenda provides new solutions to position cities as key actors in making steady progress toward these goals, particularly Goal 11, which aims to "make cities and human settlements inclusive, safe, resilient, and sustainable".

Given that the urban project serves as a framework for designing cities for their residents and as a guide for adapting cities to meet community needs, it upholds sustainable development goals and organizes the urban environment to enhance its use, performance, and economic, cultural, and social dynamics. It focuses on the quality of public spaces, architecture, and the natural environment, ensures efficient use of space while maintaining infrastructure and transportation networks, and thus requires legal formalization to ensure the successful implementation of the New Urban Agenda.

Based on this, the following Problematic can be posed:

Can the legal consecration of the urban project ensure the successful implementation of the new urban plan?

To address the posed Problematic, it is essential to use a descriptive approach to comprehensively understand the concept and levels of the urban project, as well as to highlight its importance in the development of the urban environment. Additionally, an analytical approach is required to examine the idea of the legal consecration of the urban project and its ability to ensure the successful implementation of the new urban plan. This includes focusing on the role of the urban project in achieving urban governance and sustainability, relying on the following Plan:

THE FIRST TOPIC: Urban Project: Concept and Levels

As the city has become a national policy, it has evolved into a contemporary and complex issue. The revitalization and enhancement of the urban living environment within its scope are no longer a luxury but a fundamental necessity for both decision-makers and citizens. This can only be achieved through the collective participation of all stakeholders in the city. This is the aim of the new urban plan of 2016, and what can be accomplished within the legal consecration of the urban project, which provides a structure for adapting the city to societal demands and serves as economic, social, and environmental support. Therefore, we will first address the concept of the urban project **(First requirement)** and then examine its levels **(second requirement)**.

First requirement: Concept of the Urban Project

The concept of the "urban project" emerged to highlight the insufficiency of traditional planning tools. In the context of change, it prompts us to question the effectiveness of our planning methods. The urban project plays a structural role within the city or one of its areas, having a long-term impact that brings dynamism and leads to structural change. The term "urban project" has been used since the 1970s to challenge functional urban planning in an evolving social and economic context. The concept encompasses various situations and aspirations, with consensus on the idea that there is ambiguity surrounding the concept of the urban project due to the dual nature of the terms "project" and "urban." The urban project clarifies the diverse timescales and scopes of interventions within the urban realm [(4)], We will first present the key definitions attributed to the urban project **(section one)**, and then proceed to illustrate its significance **(section two)**.

First section: Definition of the Urban Project

Authors have not reached a consensus on a unified definition of the urban project, and attempts to link this definition to an existing system are often contradictory. Many authors associate the urban project with urban design, while others emphasize a distinction between these two approaches(5) , Some view the urban project as lying at an intermediate level between planning and architecture (6), or between the planner and the traditional project(7) . The methodology of the "urban project" emerged in the 1970s in response to the crisis of functional urban planning, which coincided with changes in the legal conditions governing urban development. This included strengthening decentralization and transferring planning powers to local authorities, which began competing to develop their cities to improve living conditions and attract investments, especially amid the challenges of globalization and global openness. Consequently, interventions no longer focus solely on achieving urban development but have evolved into urban projects aimed at enhancing cities across economic, social, spatial, and environmental dimensions(8) .

Another perspective holds that the term "urban project" refers to a highly specific concept, serving as an alternative to traditional planning within a transformed social and economic context. Its emergence is seen as part of a remarkable process that has entirely redefined the concepts used in urban planning (9). It represents a shift from conventional thinking to a new approach to urban planning that is less rigid and more open to transformations and discussions(10) , The urban project operates distinctively at a transformative moment between traditional urban thought and a newer, more flexible, and open approach. It involves a spectrum of possibilities that can be divided between general perspectives (social, economic, cultural) and spatial choices (urban network organization, public spaces, urban appearance, and quality constructions). It is defined as a set of actions placed in time and legislated by political authority. All these connotations emphasize that the urban project achieves the strategic goals of planning and the general objectives of ideology and public policy, at least in the field of urban development(11) .

In 2011, the International Development Agency defined the urban project from a different perspective: the urban project is both a collaborative process and a regional initiative. It involves identifying and implementing planning measures in a specific urban area in partnership with all relevant civil and institutional

stakeholders, integrating various regional and long-term scopes, with the aim of achieving sustainable urban development.(12)

The difference in defining an urban project arises from its comprehensiveness, encompassing various fields such as spatial, urban, social, economic, political, and cultural dimensions. It serves as a means to integrate diverse skills and relies on numerous techniques. It has strategic dimensions and orientations, with the primary goal of urban modernization and advancement(13) .

Thus, we can say that an urban project serves as a framework for designing the city in favor of its residents. It also acts as a guide for adapting the city to the needs of the community, promoting sustainable development goals. It organizes the urban environment to enhance its use, performance, and economic, cultural, and social dynamics. The project focuses on the quality of public spaces, architecture, landscapes, and the natural environment, while also emphasizing heritage preservation. It considers the economic use of space while ensuring the functionality of infrastructure, transportation networks, and distribution systems.

Second section: Importance of Urban Project

Reflecting on the various definitions of the urban project, we come to realize its significance. Whether considered as a concept, method, modern planning approach, or any of the distinct names it has been given, its importance stems from being a comprehensive approach, or rather a strategy, for advancing urban planning thought and modernizing the urban environment through its use.

As a new strategy, we propose incorporating urban projects into urban planning legislation to support regulatory tools for urban development. This requires the creation of a shared future vision that integrates regions, cities, and urban areas. This vision should encompass three dimensions: the economic dimension to ensure development, the social dimension to address solidarity issues, and the formation of a unique urban identity for each area while activating civil society participation in crafting these forward-looking urban planning visions. Additionally, it should consider the spatial dimension related to the political direction of the Algerian state, aiming to establish a new urban model that is advanced, dynamic, flexible, and integrated in both its urban and architectural aspects(14) .

The importance of an urban project lies in its potential to be a political initiative, reflecting the views of elected officials and local politicians, as well as their vision for the present and future of the city (15), It can also be a technical and practical urban project, involving various stakeholders interested in the city in its preparation and development. Additionally, an urban project may focus on restoring and rehabilitating existing built environments to the greatest extent possible, both spatially and economically, to avoid wastage of land and resources.

This is crucial for integrating these elements within the framework of urban planning, sustainable urban development, and regional development, while also achieving the objectives of the new urban policy(16) .

Its importance is further highlighted by its ability to establish a shared, consultative vision based on intensive rational negotiation among different stakeholders involved in the development and modernization of the city within a framework of democracy and transparency. An urban project also plays a tangible role in shaping a city that reflects the community and its prevailing conditions. It contributes to organizing and improving functional relationships between funding sources and the roles of various stakeholders, thereby demonstrating the value of citizenship. Additionally, it underscores the role of higher and local authorities (decision-makers) and highlights urban aspirations through urban modernization processes(17) .

Second requirement: Levels of the Urban Project

The urban project relies on both spatial and temporal dimensions. Accordingly, the issue of urban project levels is raised due to its importance. Consideration begins with the level at which the urban project is to be implemented—whether it is at the regional, city, urban area, or building level. In all cases, the level is predetermined, taking into account the urban space and the community it serves within a future-oriented vision. This vision acknowledges that cities grow, mindsets evolve, resources improve, and needs become clearer. **« Merlin and Choay»** distinguish three levels of the urban project: the political urban project, the operational urban project, and the architectural urban project(18).

First section: Political Urban Project

The political urban project is a vision for the city as a whole; it presents collective images of the future where the project must enable "access to decision-makers and garner support from local residents or municipalities for affirming collective identity and a shared vision for the common future." The aim of the urban project is to mobilize all stakeholders around a prospective vision(19) . Such projects, which meet the objectives of strategic planning, require the identification of the city's potentials and constraints, key issues, and the organization of consultation and partnership processes to deliver a consensus-based project. They reflect thoughtful consideration of means and actors in urban development, with interventions in the city designed in a targeted manner through specific projects. The master plan for the Lyon area in France represents this new direction and will serve as a model for many cities. It provided an opportunity to enhance Lyon's dynamics by emphasizing the positive image of urban areas(20) . Consultation

processes are crucial aspects of the urban project approach, placing the city in a competitive dynamic, particularly concerning business locations. It is not only about consulting economic, cultural, and social stakeholders but also about integrating them into the project development process(21) .

second section: Operational & Architectural Urban Project

In addition to the first level of the urban project, which we previously clarified as the "political urban project," there are two other levels " the operational urban project" and " the architectural urban project", which we will present as follows:

Firstly: Operational Urban Project

The Operational Urban Project is represented through urban processes on a specific scale, typically lasting at least ten years, and is generally multifunctional. It involves multiple private and public stakeholders and requires comprehensive design and management(22) . It encompasses complex urban processes, where a single entity oversees the comprehensive management of the project, integrating various projects into a cohesive program and plan(23) . These urban processes, which blend different logics, have contributed to the development of approaches related to public-private partnerships(24) .

Such projects are distinguished by their connection to the city, their ability to transform specific areas, and their involvement in a broader vision. They play a structural role and hold a new position that serves as a support point, lever, and structural pillar for driving, stimulating, and organizing human development. Urban planning processes are detailed based on actions and/or projects with the potential for execution, which can significantly impact the city or a large sector. These are known as "flagship projects," defined as processes that affect urbanization or the image of a neighborhood or city. Examples include creating facilities with specific urban functions (e.g., stations, hospitals, museums, convention centers, entertainment complexes) and enhancing urban dynamics through and around them (growth, change, and restructuring). A flagship project can act as a lever or catalyst for development(25) .

Secondly: Architectural Urban Project

The architectural urban project centers around a building or a group of buildings. It represents a more integrated approach to architectural and urban planning, both in terms of its goals and its implementation process. This approach is closely linked with the surrounding urban form, serving as a means of mediation between the city and architecture. It focuses on the shape of the city and the integration of the new project into its environment, taking into account existing

urban forms. It goes beyond the strict domain of specialists to address economic, cultural, and social aspects(26) .

THE SECOND TOPIC :Urban Project: A Strategy for Urban Governance and Sustainability

The urban project, with its various levels, represents the optimal strategy for managing urban spaces and a modern approach to city governance. It involves engaging different urban stakeholders in the development process occurring within or across city regions, coordinating among various urban planning sectors. As a sustainable architectural approach, it addresses social, economic, environmental, and regional challenges, making the urban project an effective and efficient tool for planning and management. It plays a crucial role in the sustainability and revitalization of cities, fostering vibrancy and dynamism within them. Therefore, we will first discuss the urban project as a mechanism for urban governance (**First requirement**), and then examine it as a tool for sustainable urban development (**second requirement**).

First requirement: Urban Project a Mechanism for Urban Governance

In response to the state's failure to ensure social cohesion and adapt to globalization, the concept of urban governance emerged to address instability and isolation between political forces and citizens. This necessitated the rebuilding of social unity and the restoration of harmony in urban areas by establishing a well-managed system that accurately reflects citizens' key priorities by focusing discussions on the needs of the poor. Urban governance incorporates political, social, and economic priorities within a broader social consensus that allows for listening to the voices of the most disadvantaged, (27) Additionally, the development of sustainable cities requires a new form of urban governance(28) to effectively address all urban issues. Therefore, the urban project embodies governance more than traditional planning tools because it is based on the principle of participation **(First section)** and because it is a flexible and adaptable system **(second section)**.

First section: Urban Project a System Based on the Principle of Participation

The urban project is sometimes classified as a process specific to urban planning and a very particular vision, representing a choice within traditional planning. It is known as an open and flexible planning practice that brings stakeholders together around a particular territory. The emergence of this concept, "participation in an effective plan for revisiting ideas related to three specific

dimensions of urban planning concepts," indicates that the urban project is evolving towards a distinctive concept and approach, acting as a transitional moment between traditional urban thinking and a newer, less rigid, and more open approach to transformations and discussions. The urban project is positioned as a fundamental element in terms of information and dialogue among urban management actors. Through the urban project, changes are made to how urban reality is anticipated and the form of intervention. Urban policy has highlighted the need for managing integrated planning policies, which include a strategic evaluation of urban changes and their impact on the environment. (29)

The urban project involves both public actors, who are responsible for defining the urban project in consultation with residents, associations, and all city stakeholders, and private actors (owners, contractors, and developers), who contribute to the implementation of the urban project through related development and construction activities. It aims to intensify and enhance the diversity of urban functions and social mixing within habitats, support the development of economic activities, preserve and restore natural and cultural heritage, maintain areas dedicated to agricultural and forestry activities, protect biodiversity, and promote architectural quality, among other objectives. These are the challenges that local and regional authorities must now address in urban development. (30)

In recent years, participatory experiences in urban management, which initially began at the local level, have multiplied worldwide. These experiences have led to the development of work based on diverse specialized perspectives, often analyzed through their "outcomes." It also appears that different fields of specialization have had limited success in freeing "citizen participation from its procedural constraints." The tangible and effective "result" of this participation for urban project stakeholders (institutions, professionals, residents) seems to be a direct benefit and added value.

The literature on participatory democracy experiences often emphasizes their perceived failures and the inability of users and residents to meet what is "expected" of them. It is crucial to understand what has changed in this exchange regarding the urban project and what makes these changes possible. In this context, **"Bourque"** and "**Thuderoz"** argue that "the process determines the outcome" by modifying the evolving framework of action, which in turn influences the "result."(31) The urban project represents a shift from technical development based on planning and programming to a negotiated, participatory approach involving all components of society, including decision-makers, planners, and civil society, within a framework of transparency and democracy(32) However, elected officials often downplay the importance of implementing

coordinated projects that consider the expectations of all stakeholders from the early stages across various levels of the region-current and future residents, associations, property owners, and authorities responsible for land and social issues. As a result, communication is frequently undervalued.(33)

Second section: Urban Project a Flexible and Adaptable System

The urban project is not static; it evolves in response to the challenges it may encounter. This flexibility has benefits, including accommodating social expectations, integrating other stakeholders into the design, and even allowing residents to take ownership of project components. It focuses on the gradual development of the project's meaning, recognizing that planning must embrace fluctuations, creativity, and uncertainty. However, to ensure that this operational approach does not conflict with urban planning, the project must be more than traditional planning; it should be formal, clear, sustainable, fully accepted, and suitable for all stakeholders. Strategies should be more procedural, focusing on problem-solving methods and action plans rather than specific options.(34) The urban project proposes a new understanding of the relationship between knowledge and action, moving away from a hierarchical dynamic to a continuous back-and-forth interaction. In the comprehensive model or urban planning plan, the project is considered fixed—either it is implemented as planned or deviations occur. However, the potential gap between the project and its implementation is not initially considered.(35)

The urban project is considered an adaptable system rather than a finalized, closed entity. It represents the most open approach to transformation, breaking through the confines of sectorial logic. It is open to negotiation and discussion, as well as to time and risks. Additionally, it is a method of working and an approach that emphasizes listening, dialogue, and the creation of bonds of trust, transparency, solidarity, and democracy. It involves engaging citizens for collective rather than just general interest. The most innovative urban projects, by increasing services, are interactive and open to transformations and discussions. They encourage investment, negotiation, consultation, and partnership rather than isolated initiatives.

The complex characteristics of cities and urban expansion present opportunities for sustainable development, while simultaneously having the potential to amplify damage and risks. The physical and spatial attributes of urban spaces, their susceptibility to economic and social damages, along with environmental challenges, are all underlying factors contributing to the emergence of risks in the intricate urban context. Therefore, the urban project aims to develop strategic policies to address these risks and advance towards

secure, equitable, and resilient urban development. It serves as a flexible tool within the framework of sustainable development, considering various dimensions including social, economic, and cultural aspects. The urban project, in all its dimensions, represents an integrated approach rather than a sectoral one. (36)

Second requirement: Urban Project a Mechanism for Sustainable Urban Development

The rapid and unplanned urban expansion, which lacks sustainable planning, places cities and urban areas under significant pressures, including the consumption of agricultural land on the city peripheries and the declassification of vast tracts of forested land. This poses a threat to biodiversity and disrupts ecological systems. These issues have presented major challenges and necessitate the Legal consecration of the urban project. On one hand, this serves as a tangible embodiment of sustainable development goals **(First section)**, and on the other hand, it supports the sustainable development of cities **(Second section)**.

First section: Urban Project a Tangible Realization of Sustainable Development Goals

The Sustainable Development Plan for 2030 has designated Goal 11 of the Sustainable Development Goals for resilience, under the title "Sustainable Cities and Communities." This goal aims to make cities and human settlements inclusive, safe, resilient, and sustainable, providing all individuals with essential services, transportation systems, housing, green public spaces, clean energy, and water. At the same time, it seeks to reduce environmental impacts and resource usage. Consequently, many cities worldwide have developed national resilience strategies and implemented appropriate measures designed to enhance their ability to address social, economic, and environmental challenges. Algeria is among the countries committed to the 2030 Agenda for Sustainable Development on a voluntary basis and looks forward to collaborating with like-minded partners to build a sustainable and resilient future for both the present and future generations.(37)

Since the Johannesburg Summit in 2002, Algeria has intensified its efforts in environmental protection and sustainable development, enhancing its contribution to the collective endeavor to implement various treaties and agreements adopted by the international community. This has given significant prominence to social and environmental aspects in its choice of societal model In 2015, UN member states adopted the 2030 Sustainable Development Agenda(38) , and Arab countries, including Algeria, began aligning their national plans and

strategies with the seventeen Sustainable Development Goals(39)Specifically, this includes the commitment to realizing sustainable communities as an urban goal within the 2030 Sustainable Development Agenda.

To address the immense challenges posed by natural, social, economic, technological, environmental, and climate-related risks, many Arab countries have made notable efforts towards achieving urban resilience and sustainable development, albeit at a slower pace compared to other nations. This commitment is in line with the United Nations' New Urban Agenda, acknowledging the connection between urbanization and sustainable development. In this context of sustainable development, the urban project values partnerships between the public and private sectors, as well as between social and spatial domains(40) . It aims to embed the goals of sustainable urban development into the local reality, where responses to global issues (such as global warming, ecosystem loss, and landscape degradation) must be reflected at the local level and also contribute to the well-being of those who are required to host urban projects (the residents).(41)

At the heart of urban change and addressing the impacts of globalization and technology, sustainable urban development begins with integrating and preserving sustainability in urban planning to enhance urban quality of life, ensure social cohesion, and protect the environment. This situation has led to the consideration of new interventions for future cities. The urban project, as a process of change with short-, medium-, and long-term impacts on the city, and as an organizational form for developing new urban products, embodies concepts of sustainability, efficiency, significance, democracy, and appropriateness. Pinson defines it as a concept of balancing short-term and long-term goals, rather than an urgent approach (seizing immediate opportunities without depleting current resources and preserving them for future needs: "sustainable development").(42)

Second section: Urban Project a Sustainable Development of Cities

The urban project is considered an executive developmental tool for urban planning. It is an approach aimed at reshaping the various fabrics of the city, representing a new way of thinking about urban renewal. This approach responds to the desire to improve the city's image by developing new working methods and urban practices to intervene in its fabric, with the goal of enhancing the quality of urban space and integrating sustainable development concepts. The urban project is a new methodology that invites us to reconstruct the city with a modern architectural style that supports sustainable urban development. It seeks to create a space that integrates various political, economic, social, and cultural interactions. In a world open to globalization, advanced technologies, and

information and communication techniques, the urban project has been introduced as a process of sustainable urban development based on participation and negotiation. It has the potential to transition the city towards modernization while considering the specific contexts and characteristics of each city or urban area.

Intervention in the city today occurs within the context of reurbanization. It involves "rebuilding the city upon itself," rather than expanding onto rural land, which means that the focus has shifted from organizing, directing, and monitoring growth in the city's outskirts to finding initiatives that stimulate the development of central areas and slow down the expansion of cities at the expense of peripheral land. This is known as "urban planning renewal," characterized by its spatial scope, which requires public authorities to intervene to reclaim spaces and renew development goals and methods(43) .

The issue of recycling urban spaces resulting from the disappearance of certain sectors, which has led to the closure of many factories and workshops, has given rise to the phenomenon of vacant land occupied by abandoned industrial structures. While these spaces represent opportunities to rethink a city or a part of it, they also pose significant burdens on cities, along with various challenges such as contaminated soil, deteriorating buildings, loss of financial resources in local communities, and rising redevelopment costs in an era where certain values have become essential: the environment, landscapes, quality of life, heritage, and sustainable development. Additionally, the problem with these sites extends across different levels—from neighborhoods and urban areas to the city, region, and even national levels. Thus, the incorporation of the urban project into urban planning law as a flexible developmental planning mechanism reflects its use in the context of city development, modernization, and sustainability.

Conclusion

At the end of this article, we conclude that legal consecration of the urban project allows for the implementation of the New Urban Agenda within legal and regulatory frameworks essential for achieving its goals, which align with the Sustainable Development Goals (economic, social, and environmental).

The urban project represents an integrated approach and an open mechanism for reconciling various viewpoints, timelines, negotiations, and risks, it is characterized by development and flexibility, enabling the adjustment and refinement of outcomes. Based on interconnected developmental projects and urban mobility, it aims to reclaim open spaces for users and enhance the quality of life, its goal is to develop or construct a social, spatial, and economic area that is sustainable and effective, overall, the legal consecration of the urban project enhances the realization of the strategic vision for new urban planning by establishing clear rules, providing effective tools for management and

implementation, and ensuring the participation of all in the development process. Through this study, we have arrived at the following results:

1. The urban project can serve as the optimal legal framework for implementing the new urban plan and achieving sustainable development goals.

2. The urban project acts as a mechanism to enhance the principle of participation due to its ability to reconcile diverse opinions.

3. The urban project provides a means for managing urban development risks due to its evolving and flexible nature.

4. The urban project represents one of the key solutions to bridging the gap between urban legal regulations and Algeria's international commitments to implementing the 2016 New Urban Agenda.

5. It has become essential for the legislator to focus on the legal consecration of the urban project as a mechanism for urban environmental governance and sustainability.

Since the Legal consecration of the urban project involves the establishment and modification of laws and regulations related to urban planning and the development of the urban environment to successfully implement the New Urban Agenda, we propose the following recommendations:

1. Legal consecration of the urban project should include the establishment of laws and regulations that define land uses, building patterns, environmental standards, transportation, and infrastructure, this specification helps to achieve the objectives of the New Urban Agenda in an organized manner.

2. Legal consecration of the urban project should also include mechanisms to address problems that may arise during project implementation, this enhances transparency and ensures that issues are addressed effectively.

3. Legal consecration of the urban project should ensure that all stakeholders, including developers, investors, and the local community, adhere to the terms and conditions set forth in the urban plan. This alignment contributes to achieving a comprehensive and sustainable development vision.

4. Legal consecration of the urban project should provide a clear legal framework that facilitates the attraction of private and public investments, financial institutions and investors prefer to operate in stable and clear legal environments, which helps in financing urban development projects.

5. Legal consecration of the urban project should include provisions that encourage the use of new technologies and sustainable construction methods, this supports the development of more innovative and environmentally friendly urban projects.

6. Legal consecration of the urban project should define the authorities responsible for monitoring and evaluating project implementation to ensure alignment with the established plans and adherence to quality standards.

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