

# 12

## Rethinking the right to landscape in Norra Sorgenfri, Malmö

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### Introduction

Throughout the 20th century, *Sorgenfri industriområde* (Sorgenfri Industrial Estate) was an important site for Malmö's industrial economy. On this 45-hectare piece of land, which was initially on the outskirts of the city, mechanical calculators, sausage skins, soap, and much more were manufactured by a wide variety of differently sized firms. But by the early 21st century, most of these had disappeared, turning the industrial estate into a landscape of empty lots covered by shrubberies and birch trees, boarded-up warehouses, ruins, and some remaining small-scale industrial manufacturing. Instead of factory workers, the area was now populated by artists in search of cheap studio spaces, graffiti writers drawn to the area's many hidden walls, skateboarders building their own concrete obstacles, the unhoused, and sex workers. However, to passers-by, the area could seem deserted, empty. In her dissertation on urban wastelands as political spaces, von Schéele (2016) thus partly centred her analysis on what has more than any other come to symbolise this part of Malmö: a 1.7-hectare piece of derelict land colloquially referred to as 'the Empty lot' (*Ödetomten*) or 'the plains' (*Stäppen*) (Figure 12.1). This lot served as one of her illustrations as she critically probed the perception that "there needs to be gaps/holes/voids in the city, there needs to be undefined spots in order for new definitions to come into place. The development of a city demands 'unused' land in order to grow" (von Schéele, 2016: 106).

When von Schéele finished her dissertation, planners and politicians had indeed for more than a decade regarded this land to be a crucial resource for a city striving both to grow and to create a post-industrial urban identity (Jönsson & Holgersen, 2017; Holgersen, 2017). As Malmö municipality initiated work to redevelop the area in 2004, Sorgenfri Industriområde (rebranded *Norra Sorgenfri*) was to provide a platform for offering a "new inner city to the inhabitants of Malmö" (Malmö, 2006: 6, all translations by the author). In lieu of a mostly deindustrialised 'wasteland' (von Schéele, 2016), the vision was to create a neighbourhood where a combination of attractive



**Source:** Photo by the author.

**Figure 12.1** *Ödetomten*, 'The empty lot', 2019

public spaces and a vibrant cultural life should allow people from different parts of a socio-economically segregated city to meet (Malmö, 2006, 2008).

I begin this chapter by introducing visions for redeveloping this land to enable me to critically probe the notion of 'the right to landscape' (Egoz et al., 2011a). The story of Norra Sorgenfri is, in a sense, a classic story of brownfield redevelopment. Once industries left, artists and the unhoused entered. Once redevelopment work began, they were displaced. But the redevelopment process nonetheless provides an apt opportunity for asking questions crucial for a research agenda for the right to landscape, illuminating the intricate interplay of rights-based claims and legally defined rights that permeate planning processes and debates surrounding urban redevelopment. Centring on rights means that I will bracket questions concerning who is forced to leave and who instead enters, or concerning how rent gaps are closed (Smith, 1987), both central to studies of gentrification. Instead, I hone in on questions concerning how landscape as polity can be articulated and what that means for the kinds of rights held by particular actors (Olwig, 1996, 2002). The choice, then, is not whether this is a story about gentrification *or* the right to landscape. Rather, any story about gentrification allows questions to be asked about the political underpinnings of landscape production, and thus the right to landscape.

Within the redevelopment of Norra Sorgenfri, a plethora of rights and rights-based claims co-exist and clash. Exploring this case, therefore, offers a welcome possibility to engage with what rights can and perhaps should mean in research on landscape – and thus to shape a research agenda on the right to landscape attuned to different understandings of rights, the politics of rights-based claims, and what is at stake in planning when different rights prove irreconcilable.

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Malmö municipality had the right to publish officially mandated visions for what the land should eventually become (Malmö, 2006). Moreover, the municipality is the only authority with the right to issue legally binding detailed development plans (*detaljplaner*). But in an area where 36 hectares of *kvartersmark* (i.e. land which is not streets or public spaces) was, when the first plan programme was published in 2008, subdivided between 27 different property owners, this right to determine what could legally materialise in the landscape could hardly guarantee any particular outcome, given how municipal ambitions potentially clashed with property owners' rights over decisions affecting their properties (Jönsson & Baeten, 2024; see also Blomley, 2004). One landowner had simultaneously allowed local skateboarders to reshape parts of his property, the western part of 'the Empty lot', into a DIY skate park (Interviews, 2020, 2022). Unhoused 'EU-migrants' were never given such blessings when they, in 2014, began transforming that same land into Sweden's biggest homeless settlement (Persdotter, 2018, 2019). But, as EU citizens, Article 45 of the Treaty on the Functioning of the European Union gave them a right to reside in Sweden while looking for employment, though this right did not translate into a more stable residency right. And when they were eventually displaced, 19 months after the encampment was established, the activist group *Allt åt alla* hung a banner in Malmö's municipal assembly declaring that the right to housing should be unconditional, "*Rätten till bostad ska vara villkorslös*" (see Persdotter, 2019: 127). At the 'Empty lot' other banners instead read, "Human rights for everyone!" and "*För Romers rättigheter*" (For Roma Rights).

As Persdotter (2019) traces, these residents were displaced following several twists and turns concerning how their presence should be understood and what rights they consequently carried. Initial attempts to treat the unhoused as illegal occupants stalled since evictees in such processes have a legal right to be notified. This was cumbersome for authorities when dealing with a partly transient population without any reasons to identify themselves to the police. When people consequently remained at Ödetomten, the police initially argued that the longevity of their stay itself might mean that they had "some kind of occupancy right" (Head of Malmö police, in Persson, 2015). Meanwhile, the business press, as well as regional liberal dailies, lamented that the encampment proved that property rights were not upheld in Malmö (Engzell-Larsson, 2015; Sydsvenskan, 2015). As residents were eventually displaced, this was only after they had been *rendered* displaceable by being, in Persdotter's (2019: 162) words, "legally reduced to litter". Rather than address the settlement as an illegal one, municipal authorities utilised nuisance regulation, which "by governing through categories of property and space rather than through categories of personhood – tend to deflect rights-based arguments and claims" (Persdotter, 2019: 163).

## Conceptualising the right to landscape

Questions concerning rights, and how these are struggled over, have long been central to scholarship on landscape, exemplified by Olwig's (1996, 2002) influential attempts to make sense of landscape as polity through the lens of customarily decided use rights. But an explicit notion of 'the right to landscape' was first coined in an edited

volume, *The Right to Landscape: Contesting Landscape and Human Rights* (Egoz et al., 2011a), while the discussion continued in another volume, *Defining Landscape Democracy: A Path to Spatial Justice* (Egoz et al., 2018), wherein some chapters reconnected to the earlier book's rights-based framing (e.g. Alomar, 2018; Egoz et al., 2018). The notion has thereafter influenced further scholarship on landscape, power, and justice (Menatti, 2017; Mels, 2016; Strecker, 2018a, 2018b). In combining two words – 'rights' and 'landscape' – of exceptional complexity, and with their own political and intellectual baggage, there is much to draw on here for a volume outlining a research agenda for landscape studies of planning, particularly through connecting and contrasting Egoz et al's (2011a, 2018) emphasis with other ways of approaching rights.

Already, the 2011 volume that introduced 'the right to landscape' showed that researchers found the concept applicable to a wide variety of cases, from playground planning in the USA (Herrington, 2011), to struggles over apple orchards in the occupied Golan Heights (O Cuinn, 2011), via memoryscapes in Rwanda and Cambodia (Davis & Bowring, 2011). Simultaneously, what scholars meant by a right to landscape varied with different disciplinary backgrounds, conceptual perspectives, and research traditions. However, this does not mean that the notion was meant to mean *anything*. Rather, Egoz, Makhzoumi, and Pungetti underscored that the value of emphasising 'landscape' lay in its potential as an anchoring point for more universal human rights.

The potential of landscape in progressing human rights lies in its conceptualisation as the integration of tangible spatio-physical elements and resources and intangible socio-economic and cultural values. Landscape therefore contextualises the universal by anchoring the concept of human rights in spatial and socio-cultural specificities, thus serving as an inclusive framework for negotiating the rights of local communities and the marginalised, just as it serves as a medium for securing physical and spiritual wellbeing. (Egoz et al., 2011c: 17)

In this chapter, I acknowledge the merits of thinking with landscape, but I strive to shape a research agenda that grapples with the conceptual and political limitations inherent in basing analyses on human rights. Twenty-two years ago, Henderson (2003: 196) called for scholars on landscape to "engage in a more sustained conversation with the disciplines of moral and political philosophy concerning the enumeration of basic human rights and the modes of their defense". This remains just as important for research today. While the heavy emphasis on case studies in scholarship on the right to landscape laudably grounds politico-theoretical discussions in material, lived realities, there is a need to move beyond describing illustrative cases of struggles over landscapes to better probe what a right to landscape should mean. Or maybe more to the point, and as Olwig (2011) underscores in one of the *Right to Landscape* anthology's more conceptual chapters, understandings of landscape and understandings of relevant rights are inescapably entangled. Hence, probing scholarship conceptualising rights in relation to landscapes is important because different perspectives on what landscapes and rights are open different routes, conceptually *and* politically (Henderson, 2003; Mitchell, 2011; Olwig, 1996).

### Three starting points in pondering rights

The struggle over the standing of unhoused EU citizens vis-à-vis that of developers and state authorities in Norra Sorgenfri aptly exemplifies the different uses of ‘right’ at play as various actors strove to shape their landscape. Further research on the right to landscape could fruitfully pay more attention to such conflicts in order to scrutinise how different rights are pushed to the forefront or disappear within particular political processes (Mitchell, 2003, 2011), exploring both the question of how rights are to be understood, and how various groups assert claims as rights – from the right to housing or the right to water to the right to bear arms.

Discussions on rights often take their starting points in texts such as the 1789 Declaration of the Rights of Man and of the Citizen or the 1948 UN Universal Declaration of Human Rights. Central to both these documents was that rights should be inalienable. Rights would, in other words, be naturally *held*. By being born human, human beings have particular rights. The Universal Declaration of Human Rights is also the explicit starting departure for Egoz, Makzhoumi, and Pungetti’s 2011 edited volume, where they state that “‘the Right to Landscape’ is conceived as the place where the expansive definition of landscape, with its tangible and intangible dimensions, overlaps with the rights that support both life and human dignity, as defined by the UDHR” (Egoz et al., 2011b: ii). However, to Arendt (1971), in her influential critique of human rights, the abstract universality inherent to such declarations became their limitation. When needed, no authority stepped in to protect these rights. It is against this background that she underlined “a right to have rights” and “a right to belong to some kind of organized community” (Arendt, 1971: 296–297).

A second starting point instead acknowledges the fundamental role of state authorities in deciding which rights matter. Particular rights carry weight *if* they are enforced. The right to housing, derived from article 25 in the 1948 Universal Declaration of Human Rights, would, for example, belong to the rights that often remain unenforced. Conversely, the heavily debated right to bear arms in the USA, derived from the second amendment of the US Constitution, is more directly tied to a state enforcing this right. The question of rights’ strength is thus not a normative question concerning which rights one *wants to be* strong, but a question of how rights-based claims are buttressed. The right to housing was weak in defending the position of the unhoused in Norra Sorgenfri because no political authority chose, or was forced, to make it matter.

A third starting point centres on precisely such continuous struggles over which rights are made to matter (Gray, 2017; Mitchell, 2003 2011). Rights are won or ‘taken’ (Taylor, 2018). To return to Arendt (1971), the right to have rights was something which we “become aware of [...] only when millions of people emerged who had lost and could not regain these rights”. This might sound like a declaration of defeat. But instead of mourning lost rights, Maxwell, in her discussion on Arendt, affirms political possibilities:

Arendt offers an alternative way to conceive of what it means ‘to have’ rights: not to own them as a possession, but in the way we might ‘have’ a meeting or a dinner party, or a conference, or a convention. Here, “to have” rights means to participate in staging, creating, and sustaining (through protest, legislation, collective action, or institution building) a common political world where the ability to legitimately claim and demand rights become a possibility for everyone. (Maxwell, 2018: 48)

In this passage, Maxwell productively shifts emphasis from rights as the basis for political possibilities to rights themselves as political achievements (see also Gündogdu, 2014). Moreover, the appeal to authority is removed. A party can be had without anybody’s permission. The unhoused in Norra Sorgenfri did not wait for property owners or state authorities to grant them the right to make parts of the area their temporary home.

Such an emphasis on struggles over rights lies at the heart also of Rancière’s (2004) attempts to rethink the Rights of Man as a political opening. In a slightly cryptic passage, he asserts that “the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not” (Rancière, 2004: 302). Instead of the de-politicising closure involved in determining which rights belong to which subjects, Rancière’s aim is to emphasise the possibility of political subjectification. “The Rights of Man are the rights of the demos, conceived as the generic name of the political subjects who enact – in specific scenes of dissensus – the paradoxical qualification of this supplement. This process disappears when you assign those rights to one and the same subject” (Rancière, 2004: 305). The crucial question, then, is not who today holds what rights, but rather how those without rights strive to become accounted for, thus holding ‘the rights that they have not’ within a fundamentally reshaped societal order (see Driscoll Derickson, 2015, for an accessible discussion).

Seeing rights as struggled over and eventually won or ‘taken’ (Taylor, 2018) entails a simultaneous analytical and political shift that scholars seeking to explore the right to landscape could fruitfully probe in order to capture just what might be at stake in speaking of a right to landscape. As the Norra Sorgenfri case illustrates, and as Persdotter’s (2019) account exemplifies, rights are not simple starting points for analyses of political processes. At the heart of political conflicts lie questions concerning which rights should prevail. Exactly who held what rights to the Norra Sorgenfri landscape, or the right to landscape Norra Sorgenfri, was never set in stone. This was precisely what ‘EU migrants’, activists, property owners, and state authorities struggled over and with.

## The right to landscape and the right to the city

An emphasis on rights as political achievements is carried forward in Lefebvre’s famous notion of the right to the city (Lefebvre, 1996). There might seem to be self-evident connections between discussions on rights to landscape and earlier work on the right to the city. Though the city as a bounded entity and landscape as a concept

potentially denoting ‘everything’ (Mitchell, 2008) are two rather different entry points geographically, both the right to the city and the right to landscape relate rights to their spatial underpinning. Yet scholarship on the right to landscape has surprisingly rarely engaged with literature on the right to the city (but see Doherty, 2011). This is unfortunate. To be clear, I am not arguing for supplanting one way of speaking about space (landscape) with another (the city). As I will return to in this chapter’s final section, there are good reasons to prioritise ‘landscape’ over ‘city’ in future research. But compared to research on the right to landscape, the literature on the right to the city contains a more nuanced discussion on rights.

While the right to landscape remains primarily anchored to rights as defined by the UN Declaration of Human Rights, the literature on the right to the city can and does speak of many different kinds of rights, resulting in what some scholars regard as a frustrating lack of clarity (Attoh, 2011; Gray, 2017). Moreover, as the ‘right to the city’ notion has travelled, it has also been translated to fit different political and philosophical projects (de Souza, 2010; Gray, 2017), ranging from UN policy (UN Habitat, 2010), to critical urban theory and scholarship on urban injustice (Brenner et al., 2012; Mitchell, 2003). Introducing the right to the city could therefore never solve the question of how rights are to be understood. As Attoh (2011: 669, 674) remarks, “apart from a number of very broad and peripheral remarks, rights within the literature on the right to the city remains a black box”, while “Lefebvre’s notion of rights was sketchy at best”. Lefebvre’s concern, in short, was more to map political possibilities than to define analytical concepts. We should thus not expect literature on the right to the city to provide any final answer on how to define, or think about, rights. But (again) what this literature does, and what is beneficial for future research on the right to landscape, is that it allows foregrounding different understandings of rights and the struggle over rights.

For Lefebvre (1996) the right to the city meant the right to retake a city lost and to move beyond the present city as an “impooverished manifestation” (Purcell, 2014: 149) of a potentially richer urban world. “The city historically constructed is no longer lived and no longer understood practically. It is only an object of cultural consumption for tourists, for a estheticism, avid for spectacles and the picturesque” (Lefebvre, 1996: 148). The task, then, was to “reach out towards a new humanism, a new praxis, another man, that of urban society [...] creating with the new city, a new life in the city” (p. 150). In this, “the *right to the city* cannot be conceived of as a simple visiting right or as a return to traditional cities. It can only be formulated as a transformed and renewed *right to urban life*” (p. 158). For further research on the right to landscape, this translates into an emphasis on the right not only to access particular goods (say, public space, or housing) but a right to transform landscapes in order to create a more just world; a right to both imagine and realise new ways of living. Furthermore, while Lefebvre’s right to urban life required the “resources of science and art”, “only the working class can become the agent, the social carrier or support of this realization” (Lefebvre, 1996: 158). The right to the city, in this initial iteration, was never a philosophical thought experiment or an attempt to get state authorities to recognise citizens’ rights in a liberal-democratic fashion (Gray, 2017). It was instead a right to be

actively claimed by the working class or ‘taken’ from those perceived as having stolen the present city.

For a volume seeking to define a research agenda not only for landscape studies, but landscape studies *of planning*, this leaves the thorny question of how planning fits into all of this. Throughout his life, Lefebvre’s work remained rooted in a critique of both capitalism *and* state power, animated by his antipathy towards state-centric and authoritarian tendencies within France’s post-war left (Gray, 2017; Lefebvre, 2009; Purcell, 2014). As Purcell underscores (2014) the right to the city should therefore be read as an anti-state project asserting the right to self-management, *autogestion*, occurring as a group “master[s] its own conditions of existence” (Lefebvre, 2009: 135). “The right to the city is necessarily also a claim for *autogestion*, and vice versa” (Purcell, 2014: 150). Or, as Dikeç (2002: 96) elaborates, combining Rancière and Lefebvre in his writings on French urban policy, the “right to the city implies not only a right to urban space, but to a political space as well, with the participation of all city residents”.

In this sense, those that could reshape Norra Sorgenfri cannot be said to enact a right to the city. Unhoused ‘EU migrants’ could only temporarily chisel out a space within an urban landscape where they were otherwise shunned, and skateboarders could only shape their landscape until the property was finally ripe for redevelopment. This never became their landscape, or their city. Property rights would eventually become the rights that truly mattered, but property owners can hardly be proposed as worthy carriers of the right to the city. A Lefebvrian right to the city *is* hard to reconcile with established planning, seeing how *autogestion* puts the production of space beyond the control of the state authorities usually responsible for planning. Indeed, Sevilla-Buitrago (2022) emphasises the role of planning historically in actively *destroying* self-managed spaces and the social relations these enable.

Does the choice between emphasising the right to landscape or the right to the city as notions guiding research therefore boil down to a choice between a belief in, or a renouncement of, liberal democracy and the kind of planning this entails – a choice between human rights-based reforms or *autogestion*? This is one of those questions where further research is needed. I have merely begun exploring a connection between the notions. Despite Lefebvre’s antipathy to the state, movements have sought to push a right to the city agenda emphasising self-management and democratic production of space through collaborating with the state (Krieger et al., 2021). Moreover, even Lefebvre himself “moved fluidly between avant-garde circles and state administration”, making his work, and the work of other French intellectuals, “often both critical of and instrumental to government planning and its consequences on the ground” (Cupers, 2014). Or, as Olsson and Bessusi (2023: 38) have recently advocated, one could, alongside the right to landscape or the right to the city, imagine a ‘right to planning’, “conceptualised as the right to access and form the space-shaping social field of planning where a struggle for the right to the city in a Lefebvrian sense, not in a liberal sense based on notions of citizenship founded on social contract or property [...], takes place”. What these scholars argue would then be that planning will not guarantee any right, but that planning as a “space-shaping social field” remains

an important battleground. This is indeed important to research, whether framed as exploring a right to the city or a right to landscape.

## Continuing a dialogue

Thinking about ‘landscape’ and ‘rights’ necessitates engaging with two notoriously polysemic words, where choices between how rights and landscape are defined matter conceptually and politically. It is precisely for this reason that a research agenda can fruitfully reconnect to Henderson’s (2003: 197) call for a sustained conversation with moral and political philosophy, aware that these literatures are “daunting, dense, and full of disagreement”. Attention to such tensions is precisely what hitherto has been lacking in most scholarship on the right to landscape.

Already in the introduction to the 2011 edited volume on the *Right to Landscape* (Egoz et al., 2011c), it was obvious that the editors were animated by an interest in uncovering some of the different, and potentially conflicting, meanings of the word landscape. But apart from a four-line disclaimer that human rights discourse “is not free from political tensions” (Egoz et al., 2011c: 5) little was said about the equally complex word ‘rights’ (but see Olwig, 2011; Mitchell, 2011). This is unfortunate. Asserting a ‘right’ is, as Olwig (2011) reminds us, not necessarily all right and good. One can, indeed one is bound to, support some rights and oppose others. Rights, both because they are inescapably tied to what and who is valued and because they can – particularly if state-enforced – determine what can be done in and to particular landscapes, come into conflict (Mitchell, 2011). Further acknowledging this should be paramount for research answering Egoz et al.’s (2011c: 2) call that their edited volume should form the first step for “ongoing dialogue on the right to landscape”. In continuing such a dialogue, Norra Sorgenfri provides a good case to think with. As Malmö sought to create the preconditions for reshaping post-industrial remains, planners had to negotiate with all of those who held property rights *and* address those unhoused who strove to exercise a right to landscape, turning a heavily polluted and seemingly uninhabitable ‘anti-landscape’ into a landscape “within which new futures are sculpted, somehow” (Mitchell, 2021: 151). In so doing, they could initially rely on their rights to reside as EU citizens, their rights to be notified before evictions, and authorities’ tentative suggestion that they *might* have some kind of occupancy right. But when evicted, they were stripped of all such rights, now (in Persdotter’s, 2019, apt phrase) “legally reduced to litter”. This reduction was what both residents of the settlement and allied activists fought against by invoking a rights-based language. And while I remain critical of the heavy emphasis on human rights in the right to landscape literature, I do not want to disregard how invoking human rights can be a useful strategy for such activists. To claim that human rights should be for everyone, as one of the banners displayed by anti-eviction activists and Roma houseless read, should not be read as a movement naïvely incorporating hegemonic language, but rather as a movement striving to find a language that *might* work in a particular situation.

Furthermore, despite my critique, good reasons remain to think with the right to landscape notion. Above all, a focus on landscape can illuminate some of what is already at stake in the right to the city but that risks being obscured by that framing's reference to a particular object, 'the city'. In his influential reading, Harvey (2008: 23) saw the right to the city as "a right to change ourselves by changing the city". Lefebvre similarly emphasised that the right to the city should signify "a transformed and renewed *right to urban life*" (Lefebvre, 1996: 158). In order to be meaningful as a project of subject formation, one must thus add the qualifier that the right to the city must not mean the right *to* the city but instead the right to engage in a continuous project to remake ourselves. Landscape as a verb avoids any such potential confusion. The right to landscape is the right to *landscape* the landscape.

But equally important, in being rooted in landscape – a concept whose importance lies in denoting *everything* we see and do not see when we go outside (Mitchell, 2008) – the right to landscape steers clear of 'methodological cityism' (Angelo & Wachsmuth, 2015). The literature on planetary urbanisation (Brenner, 2012), heavily reliant on Lefebvre's work, as well as Lefebvre's emphasis on urban society, underscores the fundamental need of analytically moving beyond the confines of the city (Sevilla-Buitrago, 2022). But again, doing so forces us to add a qualifier, that the right to the city should really be read as the right to remake *all* kinds of spaces, urban, suburban, or rural.

And lastly, the right to landscape can fruitfully shed light on the necessary material transformations required to change ourselves or, indeed, to achieve anything (Mitchell, 2021; Jönsson, 2016). Such an emphasis on materiality can be, and is indeed often, included in an understanding of what the city is. But it is inescapable to landscape. To landscape, as an activity, *is* to materially remake the land. In this, I fully agree with Egoz et al. (2011c: 17) that the potential of landscape as a concept lies in how it anchors questions of nominally universal rights "in spatial and socio-cultural specificities". This traffic between the material and the ideal, the general and the particular, is worth clinging to. By spurring scholarship on the right to landscape to more in-depth engagement with rights as a simultaneously philosophical, political, and legal question, I hope that such scholarship can play an important role in future research on landscape and planning.

## Acknowledgement

This research was funded by Formas (Swedish Government Research Council for Sustainable Development) under Grant 2018: 0074. I would like to thank Mattias Qviström, Don Mitchell and Johan Pries for reading and commenting on previous versions of this manuscript, as well as others contributing to this anthology for their constructive comments.

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