Star Reforms

In the Open Government Partnership

SECOND EDITION 2018

Open Government Partnership

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Introduction

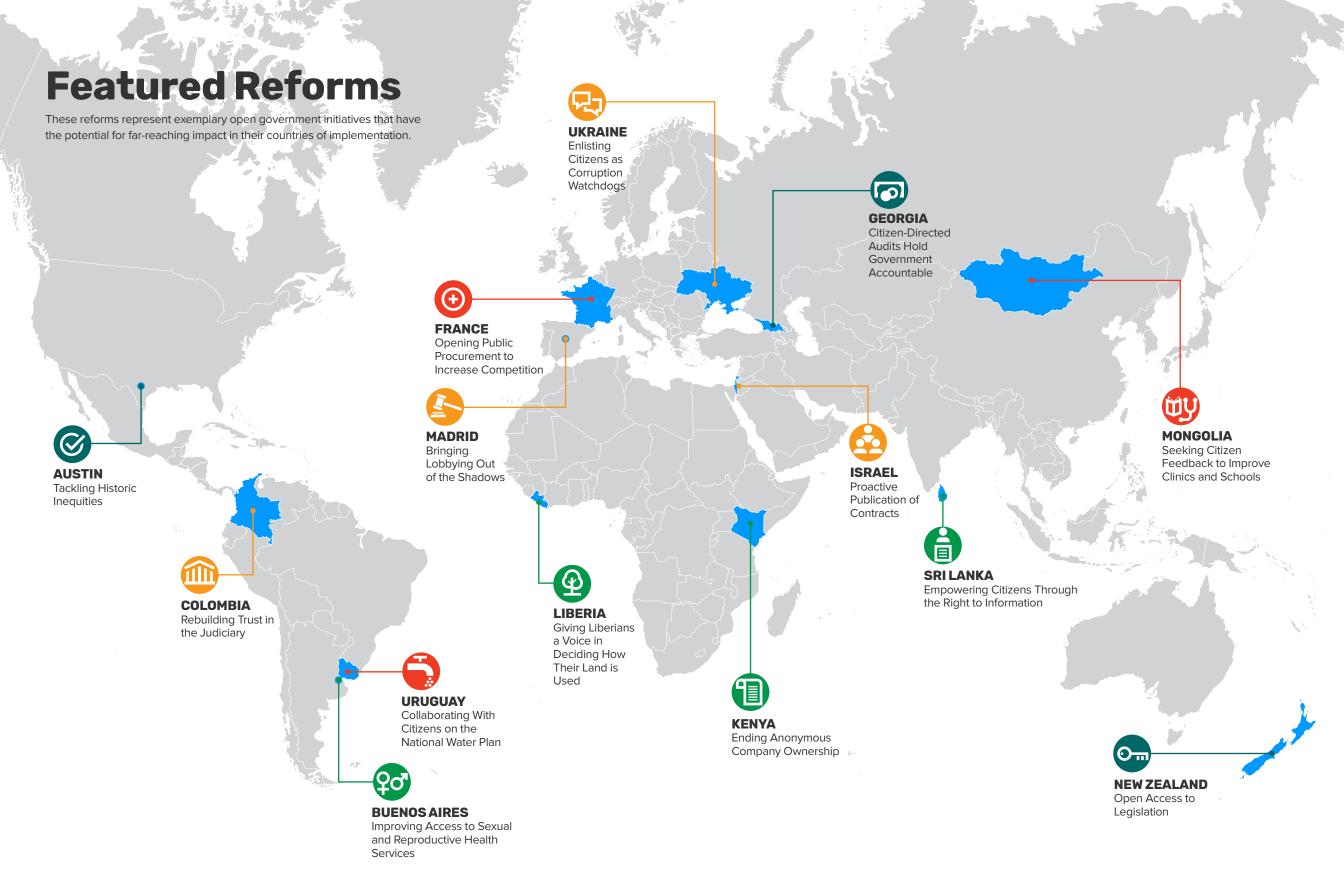
The Open Government Partnership is fundamentally about action. Every one of OGP's nearly 100 participating governments - local or national - has to work with civil society to produce an open government action plan with concrete policy reforms. However, OGP's model for action plans is not prescriptive: It does not specify standards for openness that its members must adopt. Nor does it specify target sectors. OGP's approach relies on bringing together government and civil society to define their own priorities for reform and collaborate on solutions.

As a voluntary partnership emphasizing collaboration, OGP puts its trust in the power of ideas. Governments are encouraged to adopt bold reforms that address urgent public policy challenges, learning from and inspiring each other along the way. This emphasis on big ideas drives the nearly 3,500 commitments in more than 190 action plans since OGP was founded in 2011.

This guide showcases a selection of twelve commitments from OGP action plans that the OGP Independent Reporting Mechanism (IRM) awarded "star" status in its latest cycle of reports (for more information on how the IRM awards stars, refer to the Annex).¹ These twelve star commitments were picked because they have shown evidence of early results, representing major steps forward in relevant policy areas and transforming "business as usual."²

Our goal is to share continually new commitments that are awarded star status in IRM reports. Star commitments should encourage a race to the top among OGP members by highlighting ambitious and innovative approaches to tackling major public policy challenges. Two "notable" commitments are also featured in this publication. These reforms narrowly missed achieving star status, but both represent major steps forward for government openness and changed the status quo in their respective countries. They serve as examples of reforms that surpassed initial expectations to achieve notable success. By drawing attention to these ideas, we hope government and civil society reformers will adopt and adapt them in future action plans to push the frontiers of open government in their countries.









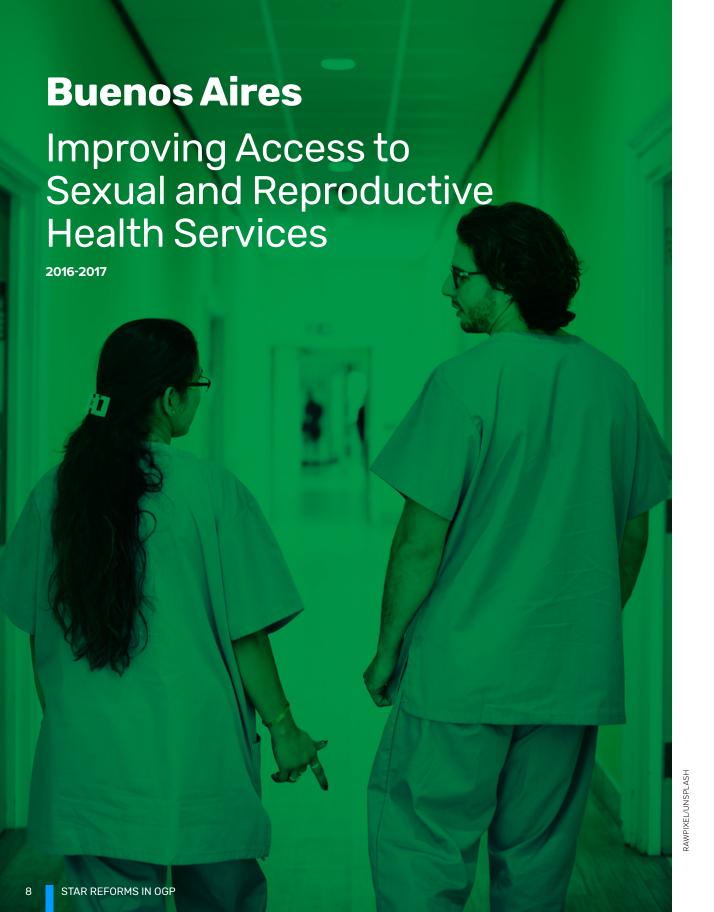
Austin continues to bear the burden of historically unjust policies that imposed racial segregation with lasting consequences on equal access to services and economic and social opportunity. In the 1930s, the Koch and Fowler city plan intentionally isolated minority residents to neighborhoods east of the downtown area. Inequality and lack of economic mobility continue to be stubborn problems as low-income communities experience persistent poverty, poor access to services, and increased infant and maternal mortality rates. For example, children from the lowest income households have less than a 7 percent chance of moving into the highest income group by age 30.³ Recognizing that without concerted action the problem will only worsen in the future, the city of Austin is taking steps to reckon with its legacy of racial segregation.

Equity Assessment Tool Puts Citizens at the Center of Budgeting

Austin aims to address historic disparities by putting equity considerations at the heart of policy decisions while giving citizens a voice in policy-making. By providing equity training and an equity score for departmental budgets and programs, the equity assessment tool allows the government and public to measure the expected benefits of city initiatives on traditionally disadvantaged communities across Austin. While the creation and evaluation of city budgeting might typically happen behind closed doors, with this commitment, the city brought together 25 city departments and 43 civil society organizations on the Equity Action Team (EAT). Together, the EAT discussed, developed, and tested the equity assessment tool which sought input from leaders and residents of historically disadvantaged communities along the way. This marked the first time these communities worked with city departments to tackle inequality in the city. Eight city departments, including the Economic Development, Public Health, and Public Works departments have already used the tool to analyze their proposed 2018 budgets.

Why it Matters

With the city of Austin piloting this approach in eight departments in 2017, scaling its use across other city departments is well within reach. This would bring equity considerations to the center of budget decisions about all public services. Expanded use of the tool could potentially reallocate city resources to address historic disparities and encourage greater openness and civic engagement in the way Austin plans resources and makes decisions.





Despite the growth of contraceptive use in metropolitan areas of Argentina, there has been a slight uptick of HIV diagnoses among its youth. There is a stark gap in health services for those that live outside the Buenos Aires city center. As a result, most Argentinians with HIV who live in the 24 districts outside the city of Buenos Aires end up traveling to the city center to seek treatment.⁴ Though existing law guarantees access to sexual and reproductive health services for all Buenos Aires residents, the quality and availability of these services are inconsistent across the city.⁵

Public Feedback on Georeferenced Health Centers

To help close this gap, Buenos Aires is using online tools to engage citizens on the issue of public health. The #DÓNDE digital platform, collaboratively developed by the government of Buenos Aires and the Huésped Foundation, publishes important information on the availability of sexual and reproductive health services in Buenos Aires. It allows citizens to rate their service delivery experience at the centers and lodge complaints in an effort to improve the quality of service delivery. This new digital solution aims to reduce the obstacles faced by many Buenos Aires residents when accessing vital health services.

Why it Matters

The City of Buenos Aires is using innovative approaches to give vulnerable citizens - youth and adolescents in particular - tools to access the vital health services they need. Citizens can now access georeferenced information on condom delivery points, HIV testing, vaccinations, infectious disease centers, and various sexual and reproductive health services via the #DÓNDE platform. Giving citizens a voice in evaluating the services they receive shines a spotlight on poor performers, highlights violations of women's rights in accessing these services, and incentivizes health centers to provide higher quality service.

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Democracies depend on the courts to check the government's power when it passes laws or takes action that violates citizens' rights. When the court becomes corrupt, it no longer serves this role, operating as an arm of the government and losing public trust. Until recently, Colombians had little faith in the Colombian judiciary, including the Council of State - the country's highest administrative court - despite prior attempts at judicial reform. In 2015, when the Prosecutor's Office arrested 11 members of the judiciary for allowing a controversial businessman accused of murder to go free, corruption in the courts became too egregious to ignore.

Keeping the Courts Honest

That's beginning to change since the government undertook reforms to improve transparency and accountability in the Council of State. For the first time, the court began publishing its agendas and past decisions online, allowing citizens and civil society to scrutinize the court's actions for potential corruption. The reform marks a new era of openness and brings the court closer to the citizens it serves in an unprecedented way. The court also published information about procedures to improve citizens' understanding of complex court functions.

Why it Matters

This commitment signifies an exceptional change in judicial sector transparency. Colombia continues to implement different elements of this commitment and open the Council of State in other ways. For example, Colombia aims to create mechanisms for judicial accountability and publish information on potential conflicts of interest of judges and court personnel. In the long term, these changes can reduce corruption in the institutions of justice and allow them to regain the public trust.

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In France, local governments account for more than half of all public procurement spending. However, competition for these contracts is limited. Information gaps often keep local contractors from bidding on and winning valuable government contracts. Despite the existence of a national monitoring center for public procurement data, not all municipalities publish information about government spending on goods and services. This lack of complete, reliable, and current information prevents local bidders from learning about procurement processes, open calls, and the contracts the government ultimately awards.

Open Data Levels the Playing Field

In 2015, France committed to opening up public procurement through the inclusion of an open data clause in contracts awarded by the government. The goal was to demystify public procurement by increasing the transparency of calls for tender and clearly publishing information on buyers and awarded contracts. So far, France has made substantial progress: a 2016 law requires that all municipalities must provide free access to data regarding public contracts by October 1, 2018. To advance France's public procurement reforms further, the law also requires information on the buyer and the details of the contract be kept up to date during the contract's implementation, which will remain publicly available for five years after the execution of the contract.

Why it Matters

This commitment has dramatically improved the level and quality of information on public contracts in France. Before these reforms, France had no legal requirement to publish information on public calls for tender and when this information was published, it was not done systematically. Now, with legal mandates to publish data on public contracts for all, a bigger pool of bidders have the opportunity to apply for government contracts. Bidders in remote areas - especially smaller firms - now have the information to successfully compete for public contracts. While this commitment represents a win for transparency and is good for business, it also delivers better quality services for citizens and value for money for governments through increased competition.

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Georgia's Supreme Audit Office (SAO) performs strongly in its mandate of auditing the public sector, monitoring party financing, and providing recommendations to the Parliament, receiving a perfect score in budget oversight according to the 2015 Open Budget Survey.⁶ However, until 2016, the public had limited opportunities to participate in – and a poor understanding of – the audit process. The same survey gave Georgia a failing grade on the extent of public participation in budget oversight. Likewise, two-thirds of Georgians said the government failed to effectively inform them about public spending.

Enlisting Citizens in the Fight for Accountability

The SAO is enlisting citizens in the fight for accountability and enabling greater transparency of budget data. The SAO built an online platform for budget information which hosts an array of information - public debt, major infrastructure projects, municipal budgets, and audits - all visualized for ease of use. But its real power is its potential to get people involved. A "citizen" tab invites users to identify shortcomings in public service delivery, report cases of corruption, and prioritize government agencies for the SAO to audit

Why it Matters

The site has proved popular with the public. It initially tallied one thousand hits per day with help from media coverage and support from civil society. In the first six months of operation, the site received 23 submissions, including reported corruption cases and suggestions to improve public service delivery, a substantial increase from previous efforts. Looking ahead, the site has the potential to tackle deeper, more entrenched issues in the country's finances. To make this a reality, the SAO could amplify its work through a large-scale outreach campaign. With a higher profile, the platform stands to have an even more powerful impact.

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Kenya ranks among the most secretive places in the world for financial flows in and out of the country. According to the Global Finance Integrity Report, these illicit activities cost the Kenyan government a staggering \$3.9 billion U.S. dollars between 2002 and 2010.6 In a bid to fight money laundering, tax evasion, and illicit transactions, the country committed to championing legislation that requires all companies to publish the names and addresses of their real, or "beneficial" owners.

Implementing the Open Beneficial Ownership Registry

The Companies (Amendment) Act No. 28, which came into force in August 2017, is paving the way for an open beneficial ownership register that will make it easier to uncover who really profits from company earnings, and harder to set up anonymous shell companies to hide dirty money. Regulations to operationalize this law were published in August 2018. All businesses incorporated in Kenya must file a document with the government disclosing the identity of individuals who ultimately own or control the company. Kenya is one of the first in Africa, and one of about two dozen countries worldwide, to develop a public register of companies.

Why it Matters

When fully implemented, the new law and public register will be a powerful tool for investigators, public watchdogs and journalists to expose conflicts of interest and wrongdoing, which will provide a much-needed foothold in the fight against corruption. The government is also partnering with civil society organizations to share information that will help broaden the coverage of companies. For example, InfoNET Africa, an ICT-based NGO, will share information from its own beneficial ownership register with the Kenyan government and the government will include this data in its own register.

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Few countries across Europe have laws or regulations that specifically govern lobbying activity. According to a 2015 Transparency International report, only 7 of the 19 European countries surveyed had lobbying regulations. Among the countries without regulations is Spain, where corruption has become a more prominent issue. Scandals have plagued Spain with many powerful politicians and business leaders accused of corruption. Amid these scandals, Spanish citizens have grown increasingly wary of their public officials. According to polls, corruption is the biggest priority for Spanish citizens after unemployment. However, with limited access to public officials and information about their activities, citizens in Madrid had few channels for monitoring the conduct of officials.

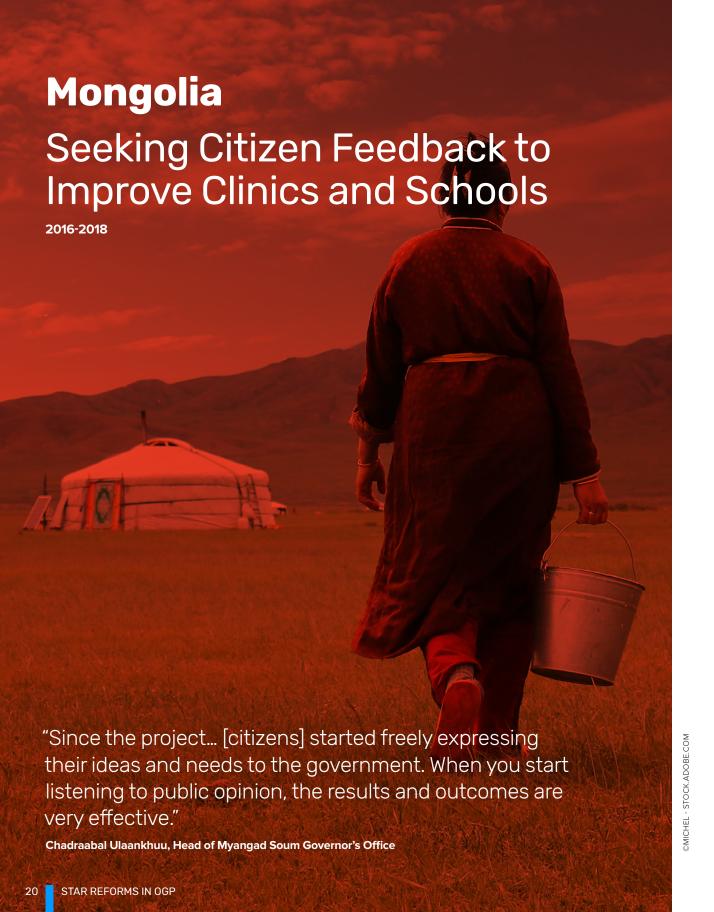
Building a Public Lobbying Registry

To give citizens a window into who influences government decisions, Madrid launched a mandatory registry requiring lobbyists to disclose any meetings with public officials of the Madrid City Council. The registry - which became legally mandated by the 2016 Transparency Ordinance of the City of Madrid - is publicly available through an online platform. On the site, citizens can subscribe to receive alerts, view official calendars, and request meetings with their representatives. Within its first six months, more than two hundred lobbyists registered on the site.

Why it Matters

Before this, lobbying in Madrid was in a legal grey area. Now, the public has a direct window into the previously murky world of lobbying. Its interactive features - such as the ability of citizens to request meetings with public officials and access their schedules - provide new avenues for citizens to participate in and monitor their government. In this way, the registry is an important step towards building a more inclusive local government. With its success in Spain's largest city, this initiative serves as a promising model for other governments to promote greater transparency and increase accountability through citizen monitoring. It also sends an important signal to other European governments about the importance of public lobby registers, setting a new standard of transparency in public decision-making.

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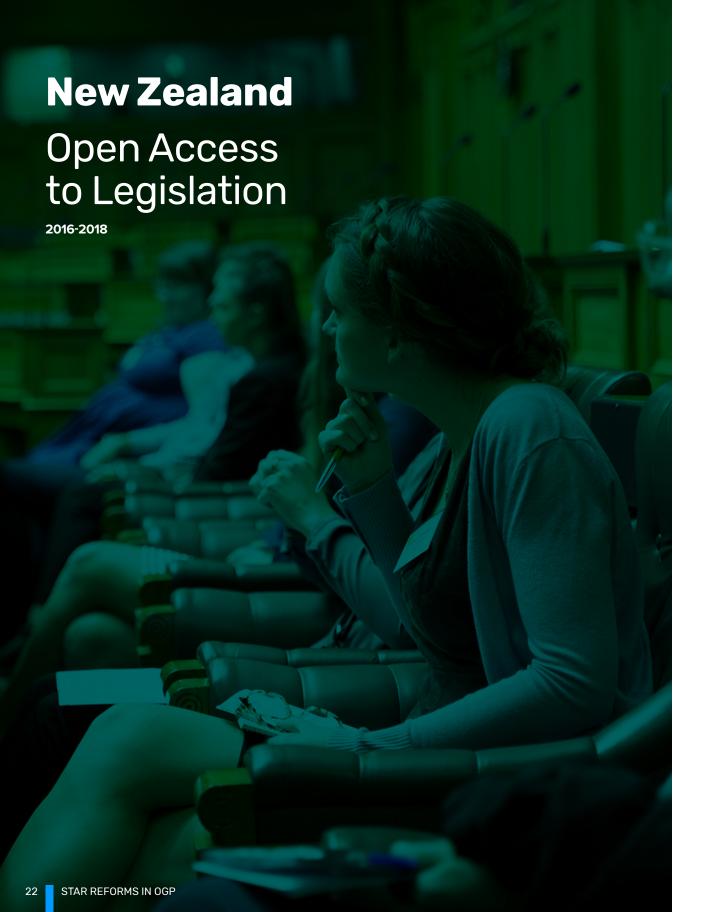
Despite efforts to improve health and education in Mongolia in recent years, challenges persist. The World Health Organization has identified poor access to healthcare for rural Mongolians as a major gap in Mongolia's healthcare system. Rural Mongolian schools lack internet access and experienced teachers. Mongolians that use these services everyday know firsthand where improvements are sorely needed, but have traditionally been shut out of shaping them. Citizens also lack information on how much government money is allocated for these vital health and education services, and have no role in prioritizing where resources are needed most.

Enlisting Citizens to Report on the Quality of Public Services

Mongolia is trying to improve health and education services through social accountability by having citizens report on the services they receive and then working with the government and local partners to make changes. Focusing on ten provinces with high rates of poverty, the Mongolian government sought citizen feedback on the quality of care in health clinics and school performance - an unprecedented step for the bureaucracy that traditionally shunned collaboration. The government partnered with local nonprofits to train citizens, educators, health workers, businesses and public officials, teaching them how to enlist citizens to report on public services. They also learned how to collaborate to improve services by identifying needs and incorporating them into budgets and local development plans. As a result, rural Mongolians were empowered to shape how public services ought to be delivered to meet the needs of the community.

Why it Matters

Local citizens can often see problems in healthcare, education and other vital services that are invisible to governments, especially in rural areas. Asking citizens to provide feedback and training them to audit public services could help local governments more directly identify and address issues facing communities. A social accountability approach to improving services is already bearing results. For example, in Selenge province, CSOs, local government, and health specialists came together to prioritize effective methods of combating tuberculosis. This led to home visits in nearly every district, mobile diagnostics, and public information campaigns on good health practices. Rural Mongolians are beginning to see that the power of their own ideas, influence, and voices can achieve concrete results in improving health and education in their communities.





In 2016, there was no single place where New Zealanders could view all of their government's legislation. At that time, all Acts of Parliament, Legislative Instruments and secondary legislation (regulations) drafted by Parliament were published on the New Zealand Legislature's website, earning New Zealand a near perfect score for legislative openness by Global Open Data Barometer. Despite this, regulations drafted by government departments and agencies were not systematically published in a single place or in an open format.

Expanding the Scope of Legislative Transparency

With the knowledge that better access to information has the power to increase citizens' trust in their government, New Zealand is expanding the scope of "legislation.govt.nz". The updated website will serve as a one-stop shop for citizens to access Acts of Parliament, Legislative Instruments, and regulations in an open format. The new service also standardizes the process and format for legislation and regulation publication across all 33 government agencies for the first time.

Why it Matters

Legislation.govt.nz's expanded service improves the ability of citizens and businesses in New Zealand to access and understand their rights and obligations. While the commitment does not incorporate a mechanism for direct feedback, unfettered access to the nation's laws in an open format stands to increase citizens' trust in their government and have a stake in its work. For example, with increased knowledge of laws and regulations, citizens might be more likely to voice their disagreement when they find a law or regulation unfair. So far, representatives of both civil society and government have endorsed the user-friendly open data format in which legislation is published.

"Transparency is a key antidote to corruption...
Transparency International New Zealand heralds the commitment of our Parliamentary Counsel Office to publish all legislation and codes of practice."

Transparency International





An enforceable right to information has empowered citizens to actively monitor and demand responsive government. Over the past two decades, there have been several initiatives aimed at promoting the right to information in Sri Lanka, yet the country remained one of few in South Asia without legislation guaranteeing this right. In 2015, the 19th amendment to the Sri Lankan constitution finally codified a fundamental right to information.¹² This paved the way for the next step - enacting and implementing right to information legislation in 2016, the aim of this commitment.

Ensuring Implementation and Uptake of the law

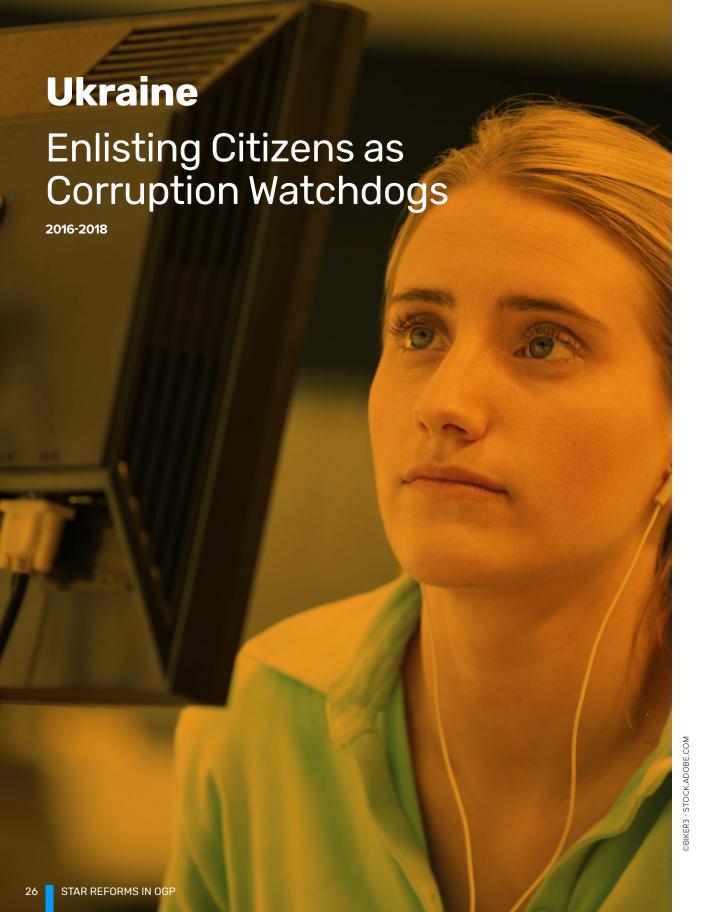
Sri Lanka is taking a multi-pronged approach to implementing its 2016 Right to Information law. Newly trained Information Officers and the country's Right to Information Commission are acting to ensure that citizens are able to lodge requests for information and that the government fulfills those requests. To facilitate the law's uptake, the government is amending existing law that contradicts the right to information. Sri Lanka also plans to increase citizens' knowledge of their new right by holding public awareness campaigns, targeting social welfare recipients and women in particular. The government plans to broadcast a weekly television program on the state network that discusses key RTI cases, activists and their accomplishments, and current debates surrounding the new legislation. The goal of the campaign is to strengthen the link between an enforceable right to information and empowering citizens to exercise it.

Why it Matters

Constitutional rights, no matter how fundamental, are only as meaningful as citizens' ability to exercise them. Through this commitment, the government has made notable progress in establishing a system that citizens can use to lodge information requests. By creating the RTI Commission and training its officers, the government is taking important steps towards ensuring that RTI requests are honored. The new legislation obligates the government to provide citizens with unprecedented access to government-held information. As a result, Sri Lankans will now have the ability to scrutinize their government more closely and will be better-equipped to participate in decision-making and exercise active citizenship beyond elections.

"The first two years have seen great progress in the use of RTI as a tool against corruption and inefficiency."

Sankhitha Gunaratne, Transparency International Sri Lanka





Ukraine has historically struggled with entrenched corruption, where powerful oligarchs had captured the public procurement processes. To overhaul this corrupt system, the ProZorro e-procurement platform was launched, making it possible for government bodies to conduct procurement deals electronically and transparently, and for citizens to have open access to these contracts. This e-procurement system is estimated to have saved the government over 1 billion USD over two years. However, the government couldn't monitor all suspicious activity alone - civil society needed to help as watchdogs for procurement corruption.

Citizen Engagement in Procurement Monitoring

To amplify the voice of citizens in the procurement process Ukraine launched DoZorro, a tool for identifying corruption risks, in its third OGP action plan. DoZorro builds on the ProZorro platform by offering a channel for citizens to submit feedback and report procurement violations across the procurement cycle. Ukraine will also publish procurement data in the Open Contracting Data Standard, and will link this with public data of beneficial owners and the State Treasury. Lastly, a monitoring group made up of representatives from across Ukrainian society will monitor public procurement for suspicious activity and decide on steps needed to fix the problem.

Why it Matters

Since its launch in November 2016, the Dozorro platform has generated more than 133,000 visitors and recorded 14,000 feedback reports, including 5,000 cases of suspicious activity reported by civil society. Around 50 percent of these cases have been resolved so far, including over 1,200 cases where tenders were changed as a result of feedback. The platform is also strengthening accountability. Twenty-two criminal charges and seventy-nine sanctions have been issued and the newly formed monitoring group has a mandate to develop new policies to improve enforcement. Ukraine serves as a model country for open contracting reform today thanks to the impact of the ProZorro and DoZorro platforms.

"Within less than two years, the team of DOZORRO managed to overhaul the approach to procurement monitoring, building a truly stable ecosystem which will only continue to develop further"

Transparency International Ukraine





Access to drinking water and basic sanitation for all citizens has been a long-standing goal of the Uruguayan government. Lack of coordination between privately-owned water and sanitation services resulted in service gaps that hurt Uruguay's most vulnerable citizens. In 2004, Uruguayans approved a constitutional reform that established access to drinking water and sanitation as a fundamental right and placed the distribution of those services directly in the hands of the state. This momentous change laid the groundwork for the initial development of the first National Water Plan of Uruguay in 2010, involving a commitment to give citizens a bigger say in the management of their own water resources.

Creating Space for Dialogue and Policy Proposals With Citizens

The government launched a dialogue with citizens on the National Water Plan in 2016 to ensure that Uruguayans had a voice in the plan's development. Nearly 2,000 citizens, academics, and government representatives contributed ideas on how the plan should be rolled out. A special panel called Deci Agua made up of 15 citizens representing differing ages, occupations and regions reflected on the proposals. Over the course of six months, citizens discussed policy areas for inclusion in the National Water Plan such as environmental sustainability, spatial planning, and drought and flood risk management. Through these collaborative discussions the government gained a better sense of citizen priorities on a variety of policy areas from agriculture to transport and energy.

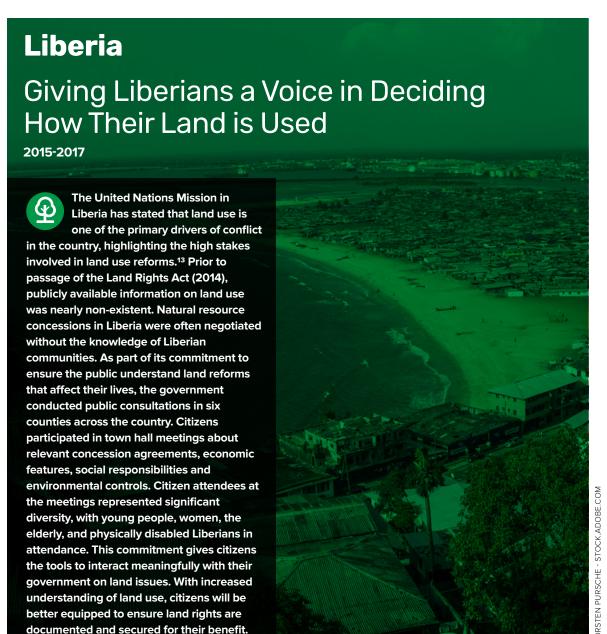
Why it Matters

Following the intensive consultations, the government approved the citizen-generated plan. The participation of citizens, civil society, academia, and government agencies resulted in a plan that was more environmentally, socially and politically sustainable, laying the foundation for its success long into the future. With the plan in place, its implementation is an important step towards an integrated, collaborative approach to water management. Citizen consultations will be carried out through the Basin Commissions and Regional Water Committees, to further expand elements of citizen participation throughout Uruguay's system of water management.

With the plan in place, its implementation is an important step towards an integrated, collaborative approach to water management.

Notable Commitments

Some highly impactful commitments fall just short of receiving star designation by OGP's Independent Reporting Mechanism. This often is because the language of the commitment does not clearly articulate its intended social, economic, political, or environmental impact. With a few design tweaks and a focus on implementation to ensure completion, these could become star commitments. The commitments highlighted below changed the status quo towards more openness to an extent that far surpassed initial expectations. These serve as inspiration for future potential star commitments, and illustrate how even non-star reforms can have impact.



Israel **Proactive Publication** of Contracts 2015-2017 In an attempt to increase transparency in the use of public resources, the Israeli government created a standard of proactive online publication of contracts between state agencies and private contractors. Before the enactment of this reform, government contracts could only be viewed by the public through the filing of Freedom of Information requests, often creating unnecessary legal battles over each contract. Through this commitment, a wide range of valuable information was made available for the first time to the public and for use by anti-corruption watchdogs. Use of the newly published information is in its initial stages, but the act of surfacing all contracts publicly is a big step, which is likely to generate more caution among government agencies.

Annex: Star Commitment Methodology

OGP's Independent Reporting Mechanism (IRM) is a key means by which all OGP stakeholders can track progress on open government commitments in participating countries. ¹⁴ Star commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- The commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

For more details on the star commitments, refer to the data from the reports that the IRM publishes regularly in open format. To read more about the star commitment criteria, refer to the IRM Procedures Manual: https://www.opengovpartnership.org/documents/irm-procedures-manual.

CITATIONS

- 1 Commitments were chosen from the three most recent action plan cohorts which have been assessed by the IRM: 2015-17, 2016-2018, and 2016-17 (local action plans on a one-year cycle).
- 2 IRM assesses commitments at the end of their two year cycles for evidence of early results, referred to in IRM Reports as Did it Open Government? (DIOG) assessments. The reforms in this report from Liberia, Colombia, Buenos Aires, France, Madrid, and Israel all received "Major" or "Outstanding" DIOG scores.
- 3 https://www.mystatesman.com/interactive/business/income-segregation/
- 4 For a complete analysis on the subject, consult: http://www.msal.gob.ar/images/stories/bes/graficos/0000000918cnt-2016-11-30_boletin-vih-sida-2016.pdf (Access date, August 21, 2017)
- 5 Law on Sexual and Reproductive Health in the City of Buenos Aires 418/2000: http://bit.ly/sexualreproductiveact418 (Access date, July 10, 2017)
- $7\,See \,the \,IBP \,website \,for \,further \,details: \,https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=ge$
- $7\ See full report: https://www.gfintegrity.org/wp-content/uploads/2018/10/GFI-Kenya-Potential-Revenue-Losses-Associated-with-Trade-Misinvoicing.pdf$
- $8\ https://www.transparency.org/news/pressrelease/europes_unregulated_lobbying_opens_door_to_corruption$
- 9 https://www.politico.eu/article/spain-pp-ruling-party-rocked-by-major-corruption-case-mariano-rajoy/
- 10 See Mongolia-WHO Country Cooperation Strategy 2017-2021, http://iris.wpro.who.int/bitstream/handle/10665.1/13684/WPRO-2017-DPM-005-eng.pdf
- 11 United Nations Development Programme in Mongolia, "Mongolia Human Development Report 2016," pg. 54, http://hdr.undp.org/sites/default/files/mongolia_human_devlopment_report_2016_english_full_report_2016_06_28.pdf.
- $12\ http://devodb.staging.wpengine.com/country-detail/?_year=2016\&indicator=ODB\&detail=NZL$
- 13 Sri Lanka Const., Nineteenth Amendment, 15 May 2015, http://slembassyusa.org/downloads/19th_Amendment_E.pdf
- 14 https://unmil.unmissions.org/unmil-dsrsg-calls-quick-passage-liberia-land-rights-act
- 15 The International Experts Panel tightened this criterion in 2015. For more information visit: http://www.opengovpartnership.org/

CREDITS

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November 2018.



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