



Introduction to Construction Law & Dispute Resolution

One of the key objectives of ACL is to encourage and foster construction law expertise among practitioners in Africa through capacity building and training. To achieve this goal, ACL has established the ACL Training Academy. This initiative is a close partnership between ACL, the Centre of Construction Law & Dispute Resolution at King's College London and HKA, with each member of this partnership being a global industry leader in their respective field.



Course Details

Introduction to Construction Law & Dispute Resolution



8 Modules



11th September -
30th October 2024



3 Months / 8 Weeks



An Interactive Virtual
Training

Learning Objectives

The learning objectives of the ACL Academy's "Introduction to Construction Law and Dispute Resolution" course are to:

1. Provide participants with a comprehensive understanding of construction law principles and contract management.
2. Teach participants to identify and manage risks in construction projects.
3. Explain various dispute resolution mechanisms used in the construction industry.
4. Enhance skills in regulatory compliance and ethical considerations within the construction industry.
5. Offer opportunities for professional growth through networking with industry experts.
6. Analyze real-world case studies to apply theoretical knowledge to practical scenarios.



WHO CAN ATTEND

- Professionals responsible for overseeing construction projects and ensuring they are completed on time, within budget, and to the required quality standards.
- Individuals involved in the design, planning, and execution of construction projects, including civil, structural, mechanical, and electrical engineers.
- Advisors who provide expert advice on construction projects, including cost estimation, project management, and risk assessment.
- Legal professionals specializing in construction law, contract law, and dispute resolution.
- Individuals working in various roles within the construction industry, including contractors, developers, and government officials.
- Professionals responsible for managing and overseeing construction contracts to ensure compliance with terms and conditions.
- Design professionals involved in the planning and design of construction projects, ensuring they meet regulatory standards and client requirements.
- Experts in construction cost management, responsible for estimating, monitoring, and controlling costs throughout a project.
- Researchers and students interested in gaining a deeper understanding of construction law and dispute resolution.
- Senior management and executives overseeing construction projects or involved in strategic decision-making within construction firms.
- Individuals working in regulatory bodies or government agencies responsible for overseeing and enforcing construction industry standards and regulations.

Key Takeaways from the ACL Academy's Cohort 2024

Certificate of Attendance: Participants will receive a certificate upon successful completion of the course, issued by King's College London, ACL and HKA, recognizing their achievement and commitment to professional development.

Real-World Case Study Analysis: Engage in practical analysis of real-world case studies, gaining hands-on experience and insights applicable to construction law and dispute resolution.

Access to Course Materials: Participants will have access to course materials, recordings, presentations, and reference documents for ongoing use and review.

Discounts on ACL Membership: Enjoy discounts on joining the ACL membership network, offering continued learning and professional networking opportunities.

Free Access to Pre-Training Webinars: Gain complimentary access to all pre-training webinars, providing additional insights and preparation for the course.



MODULE 1: Application of FIDIC contracts (Part 1)

11/09/2024	1. Rob Wilkins (Pinsent Masons)	12:00 – 14:00 (BST & WAT)
	2. Ngo-Martins Okonmah (Aluko & Oyeboode)	13:00 – 15:00 (CAT & SAST)
		14:00 – 16:00 (EAT)

Content (Provisional):

- Introduction to the FIDIC Suite,
- Variation/ Change Control,
- Quality - Design Responsibility, specification, warranties, defect liability,
- Performance guarantees,
- Termination,
- Notices

Modules 2: Application of FIDIC contracts (Part 2)

18/09/2024	1. Tom Smith (Hogan Lovells)	12:00 – 14:00 (BST & WAT)
	2. David Kaggwa (Kaggwa & Kaggwa Advocates)	13:00 – 15:00 (CAT & SAST)
		14:00 – 16:00 (EAT)

Content (Provisional):

- The Payment Process,
- Time - Completion, extension of time, delay liquidated damages and time at large,
- Suspension and Termination,
- Africa Law Perspectives – Adopting FIDIC in African Infrastructure Projects

Modules 3: Claim

29/09/2024	1. Jarrod Gutsa (Vinson & Elkins)	12:00 – 14:00 (BST & WAT)
	2. Dawson Jenner (HKA)	13:00 – 15:00 (CAT & SAST)
		14:00 – 16:00 (EAT)

Content (Provisional):

- Types of Claims,
- Successful Claims,
- Recovery of Cost & Loss,
- Delays, EOT & Liquidated Damages

MODULE 4: Risk Management

2/10/2024

1. Yolanda Walker (DWF)
2. Stefan Brill (HKA)

12:00 – 14:00 (BST & WAT)
13:00 – 15:00 (CAT & SAST)
14:00 – 16:00 (EAT)

Content (Provisional):

- What is Risk?
- The Negative Impact of Risk,
- Importance and Principles of Risk Management,
- Application of Effective Risk Management,
- An African Law Perspectives – Notices

MODULE 5: Delay & Disruption

9/10/2024

1. Michelle Porter Wright (A&O SHEARMAN)
2. Tim Harwin (HKA)

12:00 – 14:00 (BST & WAT)
13:00 – 15:00 (CAT & SAST)
14:00 – 16:00 (EAT)

Content (Provisional):

- Time Risk Management,
- Time (Delay)Analysis,
- Concurrent Delay,
- Cost and Value Analysis,
- Event Identification – Cause and effect,
- Africa Law Perspectives – Dealing with delay under South African law

MODULE 6: Evaluation of Quantum Issues

16/10/2024

1. Thomas King (Pinsent Masons)
2. Martin Campbell (HKA)
3. Igor Corelj (HKA)

12:00 – 14:00 (BST & WAT)
13:00 – 15:00 (CAT & SAST)
14:00 – 16:00 (EAT)

Content (Provisional):

- Quantum Evaluation Goals,
- Types of Evidence – common problems,
- Common Complaints,
- How to Improve Quantum Evaluation

MODULE 7: Dispute Resolution (Part 1)

23/10/2024	1. Prof. Renato Nazzini (Kings College London)	12:00 – 14:00 (BST & WAT)
	2. Aleksander Kalisz (King's College London)	13:00 – 15:00 (CAT & SAST)
	3. Virginie Colaiuta (LMS Legal LLP)	14:00 – 16:00 (EAT)

Content (Provisional):

- Pitfalls in drafting dispute resolution procedures,
- Adjudication,
- Mediation,
- DABs

MODULE 8: Dispute Resolution (Part 2)

30/10/2024	1. Prof. Renato Nazzini (Kings College London)	12:00 – 14:00 (BST & WAT)
	2. Aleksander Kalisz (King's College London)	13:00 – 15:00 (CAT & SAST)
	3. Virginie Colaiuta (LMS Legal LLP)	14:00 – 16:00 (EAT)

Content (Provisional):

- Pitfalls in drafting dispute resolution procedures,
- Adjudication,
- Mediation,
- DABs



TESTIMONIALS



Patience Akampurira
Senior Associate Kampala Associated Advocates (KAA), Kampala, Uganda.

“The overall content of the ACL Academy training was exceptional, rated 5 out of 5. The Dispute Resolution in Construction Claims session was particularly valuable due to its comprehensive and practical insights. The training content was rich, though extensive.” by Patience Akampurira Senior Associate Kampala Associated Advocates (KAA), Kampala, Uganda.




Otujide kuti
Partner,
Koyra & Kuti Solicitors Nigeria

“The ACL Training Academy 2023 was incredibly rewarding and significantly enhanced my knowledge of construction arbitration. Highly recommend this program for anyone looking to advance in this field!”




Anthonya Ochoi
Associate,
Olajide Oyewole LLP, Nigeria

“The ACL Academy 2023 course topics were incredibly insightful and helped me understand the importance of attention to detail in construction contracts. This training has been instrumental in my journey to becoming an expert. Kudos to the ACL team for an excellent organization!”




Adewale Sanni
Principal Attorney
Sanni M M A AND CO., Nigeria

“I highly recommend the ACL Training Academy. The faculty members are highly knowledgeable, and the course provided invaluable insights into construction law and dispute resolution.”





Robert G. Mwangi
Principal Associate,
O&A Advocates LLP, Kenya

“
The ACL Academy 2023 provided valuable and comprehensive insights into construction law, with each topic building seamlessly on the previous one. The organization and delivery were exceptional, and the professionalism was highly commendable!



Ahmad Kabir Muhammad
Managing Consultant,
Project procurement Consultants Ltd.

“
The ACL Training Academy's introduction course was exceptionally well delivered. It provided a comprehensive foundation in construction law and dispute resolution, greatly enhancing my expertise.



REGISTER HERE

or visit

www.africaconstructionlaw.org/acl-training-academy

Email all enquiries to:

aclacademy@africaconstructionlaw.org

FACILITATORS



Ngo-Martins Okonmah

Partner at Aluko and
Oyebode/ Founder
and Chair of Africa
Construction Law

Ngo-Martins is a partner in the top-ranking Dispute Resolution practice at Nigeria's largest and leading full-service firm Aluko & Oyebode. He currently oversees the firm's construction and engineering practice with focus on oil & gas, power and infrastructure sectors. He is a key member of the firm's arbitration team. He holds an MSc. Construction Law and Dispute Resolution from the prestigious King's College London and has built specific expertise in construction law and arbitration. He has prior work experience with global construction law firm Pinsent Masons London and leading set of construction barristers' chambers Keating Chambers London as a foreign qualified lawyer handling project claims and construction related disputes.

He has expertise in major standard forms of construction and engineering contract including the JCT, FIDIC, and bespoke forms involving funder led EPC and EPCM. He advises clients (project owners and contractors) on a range of issues on project development and the resolution of disputes arising during projects, including dispute boards, adjudication, expert determination, and arbitration.

He has acted as arbitrator and arbitration counsel in both domestic and international arbitration pursuant to the ICC Rules, with seats in Switzerland, London, Miami Florida, and Nigeria. Ngo-Martins' practice has a strong international focus, having worked on projects in the Caribbean and Africa.

In 2019, Ngo-Martins was shortlisted for the Nigerian Rising Star Award 2019 (40 under 40 category) by Esq Nigerian Legal Awards and recognized as one of the 2020 Africa Rising Star by Africa Arbitration. He is published in several journals, including IBA-Construction Law International.

Ngo-Martins regularly presents in conferences and seminars. He is a member of the construction law technical sub-committee of the Lagos Chambers of Commerce International Arbitration Centre; member of the Dispute Resolution Board Federation UK; member of the Chartered Institute of Arbitrators UK (Nigerian branch) and a Director at the Africa Arbitration Academy.



Prof. Renato Nazzini

Partner LMS Legal LLP
& Director, Centre for
Construction Law,
King's College, London,
United Kingdom

Renato is a partner at LMS Legal LLP, London and Professor of Law at King's College London, where he is also the Director of the Centre of Construction Law and Dispute Resolution.

An experienced arbitrator and counsel in international arbitration, he has a wide industry knowledge, from construction, oil and gas and infrastructure to IT and digital, from pharmaceuticals to consumer goods. A dually qualified English Solicitor and Italian Advocate, he understands and navigates the different approaches across common law and civil law jurisdictions and is able to resolve effectively and pragmatically complex substantive and procedural problems. Aware of the multi-cultural dimension of many international disputes, he has worked across Europe, Africa, Asia and America as counsel, arbitrator (both as president of the tribunal and co-arbitrator) and expert witness.

He is a member of the ICC Arbitration and ADR Commission, Italy, a member of the ICC Task Force on Dealing with Corruption Issues in International Arbitration and a Fellow of the Chartered Institute of Arbitrators. Renato has also substantial experience in EU law, regulation and competition law, having served for seven years as a lawyer and then Deputy Director of the Legal and Policy Department at the UK competition authority and as a member of the ICC Task Force on Arbitrating Competition Law Issues. In his academic capacity, Renato published six books and more than eighty articles and book chapters on international arbitration or competition law and is General Co-editor or member of the editorial board of four leading international journals. He has been Visiting Professor at the University of Turin, the University of Zurich, and FGV of San Paulo, Brazil.

He holds two PhDs, one from the University of London and another from the University of Milan.



Tim Harwin

Partner and Delay
Expert at HKA

Tim Harwin is a Civil Engineer with 20 years of construction industry experience.

He has testified and been cross examined as an expert witness in arbitration proceedings and specialises in the analysis of delay, disruption and programming on construction, mechanical and infrastructure projects; and the preparation of expert reports for adjudication, arbitration and litigation.

Tim is recognised in Who's Who Legal as an Arbitration Expert Witness, and has been engaged on projects in Africa, Australia, Asia, Europe and the Middle East and has recently prepared expert reports for disputes arising on production and processing facilities, building, road, rail, bridge, power stations, solar projects, oil pipelines, water treatment plants, LNG and mining facilities, infrastructure projects and industrial facility upgrades.

Tim provides his clients with clear and independent advice based on his strong project delivery experience on large building, civil and infrastructure projects and his commercial experience working with governments, contractors, manufacturers, developers, energy, mining, oil and gas companies.



Rob Wilkins

Partner at Pinsent
Masons

Rob is a partner based in Pinsent Masons' London office, specialising in the management and resolution of complex, high value disputes arising on major international infrastructure and energy projects. He has over twenty years' experience of conducting all forms of dispute resolution, particularly arbitration, representing clients in UNCITRAL, ICC and LCIA arbitrations. Rob also conducts investor-state arbitrations and led the teams that secured recent successes for a north African state on two high value investment treaty arbitrations concerning major civils engineering projects that were affected by the Arab Spring. Rob also acts as project counsel and spent two years seconded to the operator of a major oil export facility in Sudan.

Rob's practice has a particular focus on Africa, being described in one directory as 'an absolute guru of Africa-related arbitrations'. Rob leads the firm's North Africa Group and sits on the firm's Africa Steering Group. He regularly lectures and appears on panels at international arbitration and Africa related seminars. He is a Fellow of the Chartered Institute of Arbitrators and is proud to sit on the Advisory Board of Africa Construction Law.



Stefan Brill

Partner, HKA

Stefan Brill is a legal professional with a career spanning over 20 years, commanding a wealth of experience within the international construction and engineering domains. His proficiency encompasses an array of disciplines including claims and contract management, dispute resolution, and strategic advisory consultancy.

His niche lies in power generation, and Stefan has been instrumental throughout the lifecycle of projects—spanning pre-construction, design, procurement, construction, commissioning, and final handover phases.

Stefan's portfolio spans numerous continents, encompassing notable mega-projects across the globe. His counsel is sought-after by project owners, contractors, and contract administrators alike, underpinned by practical insight.

Marrying his deep comprehension of quantum and delay-related intricacies with his legal background, Stefan is able to illuminate the intricate nexus of cost, time, and contractual facets of construction projects and claims.

He is dedicated to applying his extensive experience to help navigate the complex world of construction and engineering, offering practical solutions and guidance every step of the way.

Stefan holds a 'Licenciado en Derecho' (BSc MSc Law) degree from the Universitat Pompeu Fabra in Barcelona, Spain, and is a member of the Barcelona Bar Association (Ilustre Colegio de Abogados de Barcelona).



Yolanda Walker

Partner, DWF Law LLP,
London, United
Kingdom/Director,
Africa Construction
Law

Yolanda is a partner in DWF's Construction & Infrastructure team. Yolanda is a specialist construction and engineering lawyer, providing project advice in relation to buildings and large-scale infrastructure projects in the UK and internationally, particularly in Africa.

Yolanda advises clients on the operation of contracts and the resolution of disputes through negotiation, adjudication, mediation, arbitration and litigation and has experience of working with clients throughout the lifecycle of a project to assist in the management of risk, the avoidance of disputes and to help achieve the best result commercially. Yolanda has expertise in all major standard forms of contract, including JCT, NEC and FIDIC. Yolanda has advised owners and contractors and employers on a variety of civil engineering and infrastructure projects. These have included buildings, road projects, tunnels, LNG plants, mining plants and pipelines. Yolanda regularly presents to various institutions at seminars and training workshops internationally and the UK.

Yolanda is a director of Africa Construction Law, a pan-African thought-leadership initiative operating across Africa and in the diaspora to promote construction law and practice in Africa.

Yolanda is recognised by Who's Who Legal and has been ranked as a "Future Leader in Construction" in 2020, 2021 and 2022. She is also a committee member of the Commercial Litigators Forum in London.



Tom Smith

Partner, Hogan
Lovells, London,
United Kingdom

As a partner in the International Arbitration team in London, Tom advises clients on contentious issues arising out of their operations across the world. Tom has particular expertise in the resolution of disputes associated with complex engineering and infrastructure projects, and brings experience and knowledge of arbitration, mediation and court proceedings in the Commercial Court and the Technology and Construction Court.

Tom is experienced in advising clients in relation to projects based in Europe, Africa and Asia in the conventional and nuclear power, offshore wind, oil and gas, commercial space flight, defence, and transport industries. He has also acted in a number of commercial disputes in the pharmaceutical and telecommunications sectors. In 2015 Tom returned from a three-year overseas secondment to a major Japanese heavy industries company, during which he advised them on all aspects of their business.

Tom has experience of conducting arbitrations under the ICC, LCIA, LMAA and UNCITRAL rules, and has acted in cases brought before the Commercial Court and the Technology and Construction Court in London, the Courts of several European jurisdictions and before the High Court of St Vincent and the Grenadines.



Igor Corelj

Director & Quantum
Expert, HKA, DUBAI,
UAE

Igor Corelj is a Structural Engineer and a Chartered Quantity Surveyor with over 16 years of experience in the international construction industry. He has acted as a quantum Expert on eight occasions and has assisted on more than 20 complex engineering and construction arbitration matters, including power and oil & gas projects in several African countries.

Igor's experience includes on-site contracting experience, commercial management of large infrastructure projects at head office level and consultancy services at all stages and aspects of the project lifecycle. By combining detailed technical knowledge, international commercial management experience and awareness of legal issues, Igor can articulate clear and methodical explanations of the key issues relating to the quantification and valuation of various claims.

Igor has been recognized in WWL directories and the most recent testimonials applauded him as "quite simply a true expert" who receives praise for his "ability to process vast amount of data" and present it in a concise manner.



Virginie Colaiuta

Partner at LMS
LEGAL LLP

Virginie Colaiuta is a Visiting Fellow at The Dickson Poon School of Law and a member of the Centre of Construction Law and Dispute Resolution at King's College London.

She also regularly lectures for the Master of Business Engineering of the University of Stuttgart in Germany.

Virginie is a partner of the London office of the boutique law firm LMS Legal LLP and acts as counsel, advocate and arbitrator in international arbitration proceedings deriving from construction and energy projects, also based on bilateral or multilateral investment treaties. She is admitted to practise as a Solicitor in England & Wales, as an Attorney at Law in New York (USA) and as Avocat à la Cour in France. She also practised in Italy for a few years and has obtained a law degree from the University of Rome La Sapienza.

Since January 2022, Virginie has been acting as the Vice Co-Chair of the International Construction Projects Committee of the International Bar Association ("IBA"). She can be contacted at virginie.colaiuta@lmslex.com



Michelle Porter-Wright

Counsel at Allen &
Overy/ Director, Africa
Construction Law

Michelle is counsel in Allen & Overy's global disputes practice group. She advises owners, contractors and consultants in the administration of contracts and the resolution of disputes on major infrastructure projects.

She focuses her practice on the resolution of complex disputes, both through adjudication and arbitration. She has experience in the civil, mechanical, electrical and process engineering disciplines across EPC, EPCM, remeasurable, turnkey, and consultancy agreements, both standard form and bespoke. Her practice has a strong international focus, having worked on projects in Chile, Australia, Russia, Mozambique, Zambia, Zimbabwe, the UK and Nigeria.

Michelle has a masters degree in Construction Law and Dispute Resolution from King's College, University of London. She is published in several peer reviewed academic journals, including the South African Law Journal and the Stellenbosch Law Review.

Michelle is one of Africa's top 50 young arbitration lawyers, as awarded by the Association of Young Arbitrators for 2020. She has been ranked both by Chambers Global and the Legal 500 during 2016, 2017 and 2019 for her work in South Africa's construction sector. She is a 2020 Acritas Legal Star, awarded annually to client nominated, stand out lawyers across the globe.



Jarrold Gutsa

Senior Associate at
Vinson & Elkins

Jarrold Gutsa is a senior associate in Vinson & Elkins' London office and a member of its International Construction Disputes group. The group won International Arbitration Team of the Year for 2022 in the Legal Business Awards. The team is ranked by Legal 500 UK as a Tier 1 firm for Contentious Construction. Jarrold is noted as a key lawyer in the team and his clients have said: "Jarrold Gutsa is one of the best and brightest, driven by a desire to win and calm under pressure. He's a natural leader."

Jarrold advises on issues arising out of large-scale construction and engineering projects. He has experience in all forms of dispute resolution including: arbitration, expert determination, mediation, adjudication and litigation.

In addition to his disputes experience, Jarrold also frequently supports clients in risk identification and management and provides project advice to clients across the globe. Jarrold has significant experience in complex construction disputes including:

- Acting for the EPCM contractor in a London-seated ICC arbitration relating to the construction of a petrochemical facility in the Middle East
- Advising an EPC contractor in relation to various disputes, including time, variation and defect claims, arising from the design and construction of an offshore gas processing platform
- Advising an EPC Contractor in respect of claims arising out of an oil refinery in the middle east
- Advising an EPC Contractor in respect of claims arising on an FPSO.



Martin Campbell

Associate Director,
HKA

Martin Campbell is an Associate Director with HKA. He is a Chartered Quantity Surveyor with 14 years experience whilst working in the UK, Asia, and the Middle East. Martin's experience has been gained through working on a wide range of global projects across several industry sectors. He is a Member of the Royal Institute of Chartered Surveyors, as well as the Chartered Institute of Arbitrators and holds an LLM in Construction Law from the University of Strathclyde, Glasgow.

Martin is currently involved in multiple international arbitrations, providing quantum expert services on significant infrastructure and power generation disputes in Asia and the Middle East.



Dawson Jenner

Associate Director,
HKA

Dawson Jenner is an Associate Director with HKA. He is a claims consultant with 13 years experience working in the Africa and Canada. Dawson's experience has been gained through working on a wide range of global projects across several industry sectors. He is a Fellow of the Chartered Institute of Arbitrators and holds an LLM in Construction Law from Aberdeen's Robert Gordon University as well as a MSc from the University of Salford.



David Kaggwa

Senior Partner,
Kaggwa & Kaggwa
Advocates

David Kaggwa is an International Arbitrator and Construction lawyer with over 18 years' experience in representing clients in resolving complex disputes involving major Infrastructure and Construction projects.

David is the Chairman of the Chartered Institute of Arbitrators – Uganda, a Senior Partner at Kaggwa & Kaggwa Advocates, a law firm specializing in International Construction Law and International Arbitration.

David has acted as Counsel and Arbitrator in several construction related arbitral disputes brought under the major arbitration rules including; the United Nations Commission on International Trade Law (UNCITRAL Rules), International Chamber of Commerce (ICC), London Court of International Arbitration (LCIA) and the Chartered Institute of Arbitrators (CI Arb). David has delivered Arbitral awards which have all been enforced by the Court.

David is a Fellow of the Chartered Institute of Arbitrators (FCI Arb), a Fellow of the Institute of Construction Claims Practitioners (FICCP), a Member of the London Court of International Arbitration (LCIA), member of the Society of Construction Law (UK) and a member of the Society of Construction Law for Africa.

David Kaggwa holds a Master of Laws Degree in Construction Law and Arbitration from Aberdeen Scotland, a Bachelor of Laws Degree from Makerere University and a Post Graduate Diploma in Legal Practice and is an Advocate of the Courts of Judicature of Uganda



Thomas King

Partner at Pinsent
Masons

Thomas is a Partner at Pinsent Masons based in Johannesburg. He has 14 years' experience in advising developers and contractors in arbitrations, Court proceedings, dispute adjudication boards and other ADR proceedings arising out of major energy and infrastructure projects in Africa, Europe and Asia, including most recently South Africa's largest conventional and renewable energy facilities.

He sits on the AFSA International Committee, was shortlisted as a "future leader (non partner)" in Who's Who Legal Arbitration 2022, and publishes regularly on topical issues affecting arbitration and dispute board proceedings.



Aleksander Godhe

Research Associate,
King's College London

He has practical experience with High Court commercial litigation and international arbitration matters under the DIAC, LCIA, ICC, SCC, VIAC, ICSID and Polish-German Chamber of Commerce arbitration rules. Aleksander also teaches dispute resolution, contract and tort law on the MSc in Construction Law & Dispute Resolution at King's College London and on the Africa Construction Law Training Academy. Aleksander acts as an Independent Consultant in international arbitrations and is a Co-Founder of the Young Investment Treaty Forum at the British Institute of International and Comparative Law. He is also a Member of the Chartered Institute of Arbitrators (MCI Arb), Fellow of the Higher Education Academy (FHEA) and a member of The Society of Construction Law and The Society of Legal Scholars.



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