



Devolved Power: A Critical Interrogation of the Place, Roles and Obligations of the Media at the Grassroots in Kenya

George Nyabuga*

Abstract

The promulgation of a new Constitution in August 2010 opened a new chapter in Kenya's political history. The constitution set in motion various actions, one of the most critical being the creation of county governments, effectively devolving power and attendant decision-making to the grassroots. Whilst the counties have faced myriad problems since the March 2013 general election, there is an overarching view that they have helped deliver political and economic goodies and development. The optimism is, however, dimming due to poor governance. Moreover, the media that is supposed to help advance transparency, accountability, constitutionalism and democracy seems emasculated due to various reasons including intolerance to press freedom, and the journalists' inability and/or unwillingness to hold county governments and their leadership to account. This article critically examines the media's coverage of the devolution process, and interrogates its capacity and efficacy in promoting accountability, constitutionalism and democracy at the county level in Kenya.

Keywords: media, devolution, county governments, accountability, democracy

Résumé

La promulgation d'une nouvelle constitution en août 2010 a ouvert un nouveau chapitre de l'histoire politique du Kenya. La constitution a mis en place diverses actions, l'une des plus importantes étant la création de gouvernements locaux de comtés, avec le transfert effectif aux collectivités du pouvoir et de la prise de décisions concomitante. Les comtés ont été confrontés

* Senior Lecturer, School of Journalism and Mass Communication, University of Nairobi, Kenya.
Email: gnyabuga@uonbi.ac.ke

à une myriade de problèmes depuis les élections générales de mars 2013, mais il est généralement reconnu qu'ils ont contribué à des réalisations politiques et économiques et au développement. L'optimisme s'est toutefois estompé en raison d'une mauvaise gouvernance. De plus, les médias censés aider à faire progresser la transparence, la reddition des comptes, le constitutionnalisme et la démocratie semblent émasculés, pour diverses raisons, notamment la tolérance à la liberté de la presse et l'incapacité et / ou le refus des journalistes de demander des comptes aux gouvernements des comtés et à leurs dirigeants. Cet article examine de manière critique la couverture médiatique du processus de décentralisation et s'interroge sur la capacité et l'efficacité des média en matière de promotion de la responsabilité, du constitutionnalisme et de la démocratie au niveau des comtés au Kenya.

Mots-clés : médias, décentralisation, gouvernements de comté, responsabilité, démocratie

Introduction

Debates over the media's roles and responsibilities are often couched in its and journalism's professional ideology that they serve the truth and public interest by acting as both watchdogs against official excesses, and spaces for construction, dissemination and sharing of important information. In fact, according to Louw (2005: 61), journalism and media are expected to play three critical roles in liberal democracies, namely: to be critical of politicians (adversarial); to champion citizen rights against the abuse of state power; and to provide a platform for debate. The foregoing arguments bestow the onus of checking political power on the media, which is often referred to as the fourth estate alongside the three other pillars of state – the executive, legislature and judiciary. This institutional status is based on the notion that the media is an important pillar of democracy. Indeed, as Lister *et al.* (2003) posits, as the fourth estate and as an institution of democracy, the media (ought to) scrutinises the operations of power. In essence, the media 'facilitates' the practice of democracy because the expression of popular will and public opinion is disseminated through the media (McNair 2006: 139). Besides, the notion of the media as the pillar of democracy rests on the idea that the actions of state are represented, debated and evaluated in that public space, or what is commonly known as the public sphere (Habermas 1974).

However, as evidence shows, the media in Kenya has often failed to safeguard genuine participatory democracy as it offers limited or little space for ordinary citizens to express popular will and public opinion. The reasons for this failure include such issues as increasing commercialisation as well as elite and political control of the media. In essence, while the media is keen

to be seen as guardians of public interest and watchdogs against county government and leadership excesses, it has thus far performed poorly. This is despite the fact that many people in Kenya, as evidence from this research shows, trust the media as a credible and reliable provider of information that citizens need to make sense of Kenya's devolved politics.

Thus, whilst there have been heated debates on whether the media really serves truth and public interest in Kenya's current political dispensation birthed by the Constitution of Kenya 2010.

To help make sense of its station at the county level, this article discusses the efficacy of the media in Kenya's devolved system of governance and whether it provides the space through which people can engage critically with the issues affecting them and their leadership. The paper starts by contextualising devolution in Kenya's political and democratic context.

Contextualising a New Promise in Kenya's Political and Democratic Life

The Constitution of Kenya 2010 birthed two levels of government – the national and county governments – which are distinct and interdependent. The constitution created 47 counties, namely: Mombasa, Kwale, Kilifi, Tana River, Lamu, Taita-Taveta, Garissa, Wajir, Mandera, Marsabit, Isiolo, Meru, Tharaka-Nithi, Embu, Kitui, Machakos, Makueni, Nyandarua, Nyeri, Kirinyaga, Murang'a, Kiambu, Turkana, West Pokot, Samburu, Trans Nzoia, Uasin Gishu, Elgeyo-Marakwet, Nandi, Baringo, Laikipia, Nakuru, Narok, Kajiado, Kericho, Bomet, Kakamega, Vihiga, Bungoma, Busia, Siaya, Kisumu, Homa Bay, Migori, Kisii, Nyamira, and Nairobi

As the constitution indicates, county governments are, *inter alia*, meant to promote democratic and accountable exercise of power, and foster national unity by recognising diversity; give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; recognise the right of communities to manage their own affairs and to further their development; facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya, Nairobi; and enhance checks and balances and the separation of powers.

The promulgation of the constitution in August 2010 thus gave Kenyans great optimism. The optimism was grounded on the notion that the constitution would enhance political responsibility and accountability, transparency, respect for human rights and rule of law, and promote development at the grassroots. What's more, the transfer of power from the central government to the counties marked the end of an almost five decade political *modus operandi* in which the 'big man' sitting in the

capital Nairobi was the custodian of the national cake that he dished to the grassroots based on no rational criteria than personal choices and whims.

The promise of a new dawn in Kenya thus gave Kenyans hope that change was on the cards, and that challenges like poor political and fiscal governance and leadership, corruption and infringement on human rights would be things of the past. The media, as a watchdog, was thus considered a key actor in the development of a cleaner government and state mainly because it could guard against the abuse of power and mismanagement of national resources. However, years down the line, people have increasingly become disillusioned with various institutions, including the media, for their inability to check county government excesses, and abuse of power, high-level corruption, misrule and other political maladies.

Since the advent of devolution and attendant creation of the county governments, the EACC has published information relating to the levels of “developed” corruption and accused executives at the grassroots of either misusing and/or stealing resources meant for development activities. For example, the EACC in 2015 indicated that a third of Kenya’s state budget – the equivalent of about \$6 billion (Sh608 billion) – is lost to corruption every year. Although some of that money is lost at the national government level, the EACC indicated that corruption had become devolved to the counties where funds were lost through bribery, theft in revenue, procurement irregularities, nepotism, shoddy road and bridge construction, forgery of documents and conflict of interest in awarding of tenders and recruitment of staff. The chairman of the EACC Philip Kinisu said in the report that ‘corruption has resulted in County underdevelopment, poor service delivery at the counties, poor road construction, budget deficits, denial of public participation in project selection and budgeting process, unfair recruitment process, hampering service delivery as public funds are embezzled, widened gap between the rich and the poor and enormous loss of Government funds’ (EACC 2015: II). In 2018, the EACC ranked some county governments, particularly Murang’a, as some of the most corrupt institutions alongside the police department.

As this paper argues, although the constitution and its creation of devolution opened wider avenues for greater engagement between the governors and the governed, a lot has changed since the March 4, 2013 general election. As evidence from the counties suggest, the democratic space, and the freedom of the media have been impacted by recalcitrant political actors including governors, members of county assemblies and officials keen on maintaining the status quo by limiting civic space which would have allowed people to organise, participate and communicate freely and thus influence the political and social structures around them.

Public Participation and Consolidation of Democracy

Communication, and the means through which mass communication is achieved, is one of the most fundamental aspects of transparent and accountable politics and democracy (cf. Almond and Powell 1966; Rush and Althoff 1971; Rush 1992; Ranney 1996; Wolfsfeld and Philippe 2003). The foregoing truism is based on the fact that every citizen, political leader, office bearer and other political actors rely on information to participate and contribute in the political system (Almond and Powell 1966; Dowse and Hughes 1972; Heywood 1997; Wolfsfeld and Philippe 2003). Thus, communication and information are considered the vital sinews in the body politic. Indeed, as a communications-intensive mode of governance characterised continual discussion, analysis, debate, and study, democracy is built on the notion of an informed citizenry.

Given its great reach and impact, effective utilisation of the media often leads to an informed citizenry capable of not only engaging the leadership in meaningful discourse but holding them to account on the basis that information gives them the knowledge upon which their 'rational' arguments and opinions are based. Concomitantly, by providing information, the media helps set and build agenda, mobilise the public (and public opinion) for various causes, and provide the platform for the articulation, aggregation and formation of public opinion. Accordingly, the mass media have gradually become an essential element in the process of democratic politics by providing an arena and channel for wide debate, for making candidates known for office widely known and for distributing diverse information and opinion (cf. Hartley 1992; McQuail 2005). This resonates with the concept of public sphere to represent the space that mediates between society and the state 'in which the public organises itself as the bearer of public opinion ...' (Habermas 1974: 50). Normatively, the media, according to transformed public sphere arguments, ought to provide the 'space in which people can discuss civic issues on their merits without distortion by pressures of state or market institutions' (Blumler & Gurevitch 2005: 116). Simply put, the public sphere represents an open and autonomous forum for public debate and political engagement, and the media in Kenya has often been considered an important space through which people can make their views known (Nyabuga 2012).

However, the foregoing arguments are sometimes incongruous with reality. Although the communication environment and media landscape in Kenya have changed significantly in recent years due to the diffusion of media especially to the grassroots, most "traditional" media, particularly newspapers, commercial radio and television stations, are often inaccessible

to the majority, and the quality of use of new media remains relatively low (Nyabuga 2015). The elite still control the media. Commercialisation and the profit motive are key drivers and determinants of media content (Nyabuga 2015). Even 'public' and 'community' media like the Kenya Broadcasting Corporation (KBC) seem not have escaped tentacles of commerce which privileges profitability and ratings. In effect, the increasing corporatisation of media somewhat invalidates claims about a transformed or transforming public sphere. This seems to support the Habermas's view that corporate ownership of news media undermines the public sphere. Thus, the domination of the media by a few constructs an elitist present-day public sphere in which the elite exclude the majority poor.

Political Participation

Classical political thinkers like David Hume, John Locke, Jean-Jacques Rousseau and John Stuart Mill believe that participation lies at the heart of political and democratic processes. Their positions are rooted in the belief that the ultimate authority in any state rests with the people and that their participation in the political process is required to fulfil the 'social contract' drawn by both the citizenry and elected government.

Democracy is dependent upon effective participation particularly in a public sphere where debate is free and public opinion formation is encouraged. The failure of democracy (and growth of autocracy) is premised on citizen preclusion from decision-making processes mainly by those seeking to maintain their positions in power or those promoting minimalist democratic approaches in which their positions are sanctioned by minimal acts of citizen participation.

However, as evidence shows, democracy cannot thrive in an environment of minimal participation, disenfranchisement and marginalisation. In other words, democracy is built on popular and widespread participation and inclusion. In fact, participation and inclusion are the hallmarks of a legitimate, open, fair and effective electoral, democratic and political processes (Pateman 1970). What's more, information is vital to democratic and transparent political process, and deliberative and participatory democracy (Bimber 1999; Browning 1996; Bryan, Tsagarousianou and Tambini 1998; Buckler and Dolowitz 2005; Coleman, 2001; Grossman 1996; Loader 2007; Owen, 2006; Street, 2001; Stromer-Galley and Jamieson 2001; Wilhelm 2000). There is little doubt that democracy demands a well-informed populace who are more likely to actively contribute and participate in the political process (cf. Barber 1984; Berelson, Lazarsfeld and McPhee 1954; Gutmann 1987; Gutmann and Thompson 1996; Milner 2003; Nisbet and Scheufele 2004;

Norris 2001; Pateman 1970). In *Voting: A Study of Opinion Formation in a Presidential Campaign*, Berelson, Lazarsfeld and McPhee (1954: 308) for instance argue that the ‘democratic citizen is expected to be well-informed about political affairs. He is supposed to know what the issues are, what their history is, what the relevant facts are, what alternatives are proposed, what the party stands for, what the likely consequences are’. This view is reinforced by Norris’s (2001: 221) argument that political knowledge helps people make sense of the complexities of the political process and has over time proved to be one of the ‘predictors of conventional forms of [political] participation such as electoral turnout, and party membership’.

It is thus through political communication and the media that people not only access information but also the leadership or the governors. Such engagements and relationships can hardly be achieved without information, and the media facilitates, and widens opportunities for political participation which brings ‘more people into active involvement in public life’ (Norris 2001: 59-60). In addition, by providing information and enhancing scrutiny of grassroots political activities and decisions, the media facilitates and encourages citizen participation in county governance as the constitutions stipulates.

Methodology

This study was broadly concerned with gaining and presenting ‘objective’ and ‘truthful’ descriptions, explanations, and interpretations on the modes of the media as public spaces on issues surrounding devolution in Kenya.

A survey was conducted to generate primary data from nine counties in Kenya. This mainly involved the administration of a questionnaire to various actors in the counties, namely: Nairobi, Nyamira, Migori, Kilifi, Kericho, Bungoma, Mombasa, Nyeri and Kiambu.

Although some of the questions were closed, most were “open-ended”, requesting respondents to give their views, or reasons for their answers. Open-ended questions allowed informants to express themselves freely, providing rich information that would otherwise not have been possible with closed questions.

In total 283 randomly selected people, among them 136 ‘ordinary’ citizens, 49 journalists, 77 civil society workers and 21 country officials were interviewed. Accordingly, this study was able to gather a rich mixture of information from the various groups considered key to the understanding of media’s role in governance issues given they are important players in the way devolution works or how various actors at the devolved level operate.

Efficacy of Media in Promoting Democracy at the Grassroots

As indicated above, the media plays a critical role in political systems in Kenya's national and county governments, offering channels and platforms through which the complementary parts interact. Karl Deutsch (1953: 87) has, for example, argued that the 'processes of communication are the basis of coherence of societies, cultures, and even of the personalities of individuals'. In effect, communication offered via the media is critical to engagements between both leaders and the governed and is undoubtedly critical to the consolidation of democracy and associated values.

Although there are mixed feelings on the place and performance of the media at the grassroots, there is an overarching view that they are critical players in Kenya's political and democratic systems. Despite suggestions that the media has more or less failed its watchdog role, and performed poorly as far as protecting public interest is concerned, it still plays a critical role in Kenya's democracy (see Table 1). Granted, the common or "ordinary" citizens have the most serious indictment of the media for apparently failing to mainstream rural or grassroots issues and inability to investigate and report on rising cases of abuse of power, corruption and excesses in public expenditure.

What's more, ordinary people feel the media have been unable to provide a genuine platform through which they can make their grievances known. Contradictorily, however, many people still trust the media as Table 1 below shows. In fact, two thirds or 75 per cent of those who responded to the question on whether the media is trustworthy answered to the affirmative. Nonetheless, some respondents were adamant that media credibility, reliability and trust have been eroded due to what one respondent thinks is elite or political control of the media. 'The media are often controlled by politicians through ownership and manipulation, legislation, threats, intimidation and corruption and thus rarely do their stories reflect the real goings-on, the real story,' one respondent said. Even those who thought it trustworthy had some reservations, suggesting that oftentimes the media favour those in power and the elite in society. This is borne out by a respondent who said: 'Yes [I trust the media], to some extent as they report on social injustices like rape, defilement ... but reporting on corruption, high crimes is always done in a way that favours those in power and the powerful.'

The arguments above notwithstanding, there are differing opinions between the "ordinary" people and county leadership. In other words, while ordinary citizens indicate that the media is biased and incapable and/

or unwilling to investigate and critique county government leadership, the leaders believe it has been critical to the “success” of devolution in Kenya for being “partners” in the articulation and advancement of rural or grassroots development agenda.

Table 1: Trust in media

Group	Yes	No
Ordinary people	60	20
Civil society	41	21
County officials	23	2
Total	124	43

While the county leadership, however, focus on gaining popularity, and use the media to promote positive images of themselves and their counties, it is not lost to ordinary citizens that democratic principles are being surrendered to the leadership’s or governors’ self-promotion and aggrandisement. In fact, a large majority of ordinary Kenyans, 101 out of the 136 interviewed or more than 74 per cent, doubt country officials are interested in promoting democracy and associated tenets of transparency, accountability and responsibility at the country level. This is a serious concern on the efficacy of devolution particularly because the promise of participatory democracy is ebbing only a few years after the elections that actualised devolution.

It is worthy, however, to note that some of the responses here demonstrate people’s frustrations with what they see as the strangling of democracy at the grassroots as well as increasing mismanagement of public resources. ‘They [county officials] believe achieving democracy will undermine their leadership,’ says a respondent. Another one argues that ‘there is little evidence of democratic accountability ... Most officials are only interested in personal gain.’

Such pessimism seems to be permeating people’s opinions on devolution as they start to experience lack of or little accountability and transparency within the county governments. Once thought to be the remedy to centralised excesses and misrule, those interviewed point to the declining levels of democratic rule at the grassroots levels, and the reemergence of challenges such as grand corruption and abuse of power.

Surprisingly, however, despite rising cases of what people consider to be corruption at the grassroots (see Table 2 below), few have used the media to report poor fiscal and resource management. Neither is the media keen on reporting most of the malpractices. In effect, people see the media as part of elite hegemony and control of political and economic activity. This has

somewhat eroded people’s faith in the media. A respondent, for example, said: ‘The media is not objective and is not doing enough to report on corruption and abuse of power. They are in bed with the government.’ Another respondent opined that the ‘media is highly politicised’ thus unable to safeguard public interest. Yet another respondent pointed out that the media ‘gives a lot of time to politicians and not development’. The foregoing views are supported by a respondent who says that while poor leadership has become commonplace, the media is unable to investigate and report such issues. Instead, according to the respondent, the media often focuses on positive stories ‘meant to promote relationships with the county governments at the expense of “truthful”, “credible” and “reliable” information.’

Table 2: Perception of corruption at the country level

Group/Perception	Corrupt	Not corrupt
Ordinary people	111	10
Civil society	54	21
Journalists	30	7
Total	195	38

The observations that the media and county governments are partners resonate with viewpoints that the two actors have a ‘symbiotic relationship’ that does little to advance grassroots concerns. This is based on the fact that the media provides the channel for information dissemination while the county governments offer the media the information and monetary resources and support they need for their operations and survival. This is illustrated by the fact that counties have spent millions of shilling in newspaper supplements and advertisements in the recent past. There is evidence of media groups, for example, the Standard Group, and Nation Media Group, sponsoring governors’ and investors’ meeting as part of “supporting” county governments’ development activities and agendas. Such relationships may, however, mean that the media is incapable of safeguarding public interest and being an effective watchdog. This may be supported by evidence showing relentless rise in devolution communication budget which, whilst not immediately obvious, can be linked to the need to use information to win over citizens not necessary because the governors and their counties have delivered tangible goods and services but often because they seek to publish positive stories of their apparent “achievements” and “development” records. In other words, while the counties have enjoyed a spending spree financed largely by the taxpayer, the media has not offered opportunities

for scrutinising expenditure, and providing information through which the people can hold the leadership to account. This is compounded by evidence showing that county assemblies that are meant to scrutinise the decisions of the governors are increasingly becoming emasculated and ineffective. The situation is further compounded by the apparent increased demand for “positive” stories that can attract investments to boost grassroots economic development.

Nonetheless, asked whether the media is capable of promoting political responsibility at the country level, more than 93 per cent of 28 out of the 30 respondents said it does. A member of a county assembly, for instance, offered that the media is the best channel of communication between the leaders and the people and has played a significant role in educating people on country political and democratic processes. ‘It informs leaders on what is going on at the county level,’ he said. However, there are opposing views suggesting that the media is partisan and is incapable of offering meaningful information on the mismanagement of county affairs. Even so, it seems county officials are convinced the media has also played a significant role in unearthing and contributing to the fight against corruption. In this regard, 23 out of 26 or almost 88.5 per cent think the media is doing well in unearthing and reporting corruption. ‘It’s a whistle blower on behalf of the common citizen,’ said an official. ‘Because of the information provided mostly by the media, citizens know their rights and are able to demand accountability from their leaders.’ Another respondent said: ‘Through the media, the common man can report corruption, follow up corrupt leaders and report them and this reduces corruption ... the media can be used as a channel of curbing graft by promoting transparency and accountability in the counties.’

Surprising, however, are views of civil society workers who think the media, whether at the county or national level, are doing relatively well in terms of articulating grassroots issues. They also believe the media often offers citizens the opportunity access “credible” and “reliable” information that is critical to decision-making and growth of democracy (see tables 3 and 4 below). ‘They [the media] are willing to work with citizens to get detailed information on air,’ says a respondent. Another reckons that although the media are ‘biased to some extent’, they are ‘doing a great job’.

Based on the idea that democracy rests on accountability, transparency and responsibility, there is a popular view the media has done well in promoting democratic values. As seen in tables 3 and 4 below, many of those surveyed consider the media critical to the consolidation of accountable and transparent leadership and democracy in Kenya.

Table 3: Is the media capable of promoting accountability?

Group/Perception	Yes	No
Ordinary people	118	16
Civil society	33	44
County officials	28	2
Total	179	63

Ordinary people consider the media’s capacity to promote accountability to be based on its ability and willingness to expose through, for example, investigative journalism corruption, misappropriation or theft and misuse public resources at the county level. ‘By naming and shaming corrupt leaders, the media can help promote constitutionalism and accountability,’ says a respondent. This is supported by another view that ‘by gathering information and publishing information, the media can enhance transparency and accountability’. Such positive viewpoints do not agree with investigations from organisations like the EACC that has indicted governors and other officials from various counties. For example, officials and governors from Machakos, Isiolo, Migori, Wajir and others have been cited by the EACC for corruption and other malpractices that point to rot at local polities. In many instances, other actors unearthed the malpractices before being picked up by the media. Even though this is what happens in many cases, it shows that oftentimes the media do not have the capacity or resources to investigate and report cases of corruption and malpractices.

The arguments above resonate with some pessimistic voices indicating that the media is just but one “minor” actor in the political system and, accordingly, whatever scrutiny, coverage and exposure it undertakes is not enough to engender genuine change. ‘The media has no capacity on its own to promote accountability due to lack of political will and support from political leaders. Political willingness and support is important in the promotion of accountability and democracy,’ says a respondent. Some of these views do not, however, dampen the fact that more 78 per cent of those interviewed indicate that the media is capable of promoting democracy (see Table 4 below). These viewpoints are based on what respondents see as the mediation of county issues at this nascent stage in Kenya’s devolution process. Moreover, respondents point out that such challenges are often expected and the media usually focuses on negative issues that are not necessarily reflective of change and developments at the grassroots.

Table 4: Is the media capable of promoting democracy?

Group/Perception	Yes	No
Ordinary people	112	20
Civil society	46	31
County officials	26	1
Total	184	51

Conclusion

There is no gainsaying that the media plays a critical role in political and democratic processes. Given the new political dispensation birthed by the Constitution of Kenya 2010, the media was expected to play an important role particularly with regards to the scrutiny of county affairs and provision of information critical to the consolidation of democracy and attendant values such as transparency, responsibility and accountability, and the rule of law. However, a serious examination of the place and role of the media at the grassroots indicate that it has largely failed its watchdog role. This is based on the idea that the media seems emasculated, and that journalists and media organisations tend to serve elite political interest at the expense of truth and public interest. This is borne out by increasing cases poor political and fiscal management of county affairs, and inability of the media to help bring those guilty of bribery, theft of revenue, procurement irregularities, nepotism, shoddy road and bridge construction, forgery of documents and conflict of interest in awarding of tenders and recruitment of staff to account.

Granted, as the arguments above indicate, the challenges facing county governments were somewhat expected given years of grassroots marginalisation by the national government. That notwithstanding, people at the county level seem disappointed with their leadership. This is exacerbated by the fact that they have been unable to potentiate their participation in county affairs as Kenya’s constitution demands. Furthermore, the people’s inability to provide the necessary checks and balances means they have not been effective in holding those in leadership to account. This is compounded by accusations that the media seems incapable of speaking truth to power or investigating and publishing damaging information. In essence, people at the county levels believe the media has become largely compromised even though it remains a ‘trusted’ actor and partner in the grassroots development agenda as well as in the growth of democracy, responsibility, accountability and constitutionalism.

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