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Citation

LIU, Nengye. The rise of China and the Antarctic treaty system?. (2019). *Australian Journal of Maritime and Ocean Affairs*. 11, (2), 120-131.

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The rise of China and the Antarctic Treaty System?

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ABSTRACT

This paper examines three dimensions of China's rise in Antarctica: (1) history (2) activities; and (3) governance. Historically, China was missing in Antarctic affairs for long time. Over the past four decades, as a reflection of China's rapid economic growth after the adoption of 'Open Door' policy, Chinese activities in the Antarctic can be seen as rising, especially in science, fisheries and tourism. Nevertheless, this paper argues that rather than having a secret agenda to pursue, China is still shaping up its general Antarctic policy. China's capacity to advance its interests within the Antarctic Treaty System is not significant either. After defining what China's rise in Antarctica is, the paper provides some suggestions regarding Australia's China strategy in Antarctica in the future.

ARTICLE HISTORY

Received 31 January 2019
Accepted 28 February 2019

KEYWORDS

Australia; China; Antarctica

Introduction

In recent years, because of its significant economic success, Beijing is becoming confident in asserting its position in many regional and global affairs. China is Australia's largest two-way trading partner in goods and services, as well as the largest export market and the largest source of imports (DFAT, *China Country Brief*). Responding intelligently and effectively to the economic and geopolitical rise of China is, therefore, one of the most important tasks for Australia to maintain security and prosperity in the twenty-first century.

Antarctica is strategically important to Australia (Press 2014). It has had a continuing influence on Australia's climate, environment, economy, culture and security (Haward and Jackson 2011). Australia has long-held interests in Antarctic affairs as both a territorial claimant State and a major player in the Antarctic Treaty system (ATS) (Haward et al. 2006). It is worth noting that Australia asserts sovereignty over 42 per cent of the Antarctic continent (i.e. the Australian Antarctic Territory). Meanwhile, 36 per cent of Australia's maritime jurisdiction lies between Australia and Antarctica. The ATS has proved to be a success in contemporary international law and diplomacy (Triggs 2011) by governing peace and security of the region. As a very active promoter and defender of the ATS, Australia aims to 'strengthen the existing ATS and Australian influence in it, by building and maintaining strong and effective relationships with other Antarctic Treaty nations through international engagement' (Australian Antarctic Strategy 2016).

China ratified the Antarctic Treaty (UNTS, 71) in 1983, became one of the Antarctic Treaty Consultative Parties in 1985, acceded to the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol 1991) in 1998 and joined the Convention on the Conservation of Antarctic Marine Living Resources in 2007. As a major industrial power, China has growing interests in the resource-rich Antarctic (Liu and Brooks 2018). To date, China has undertaken 34 national Antarctic expeditions and runs four research stations in Antarctica with a fifth station to be completed in 2022 (Xinhua 2018b). Further, Chinese tourists are the second largest group in Antarctica, only second to the United States (IAATO 2018). Australia will need to effectively engage with China in order to successfully implement its Antarctic strategy.

China's interests in Antarctica had been extensively explored in the existing literature (Brady 2010, 2012, 2013; Harrington 2015, 2017). Some more alarming voices claim that China will likely overturn the ATS in the long run (Brady 2017b; Hamilton 2018). In any case, as long as Australia is to maintain existing Antarctic governance regime and meet the future with confidence (Jabour 2012), it would be wise to have a clear idea about China's influence in Antarctic governance. This paper aims to examine three dimensions of so-called China's rise in Antarctica: (1) history (2) activities; and (3) governance. After defining what is China's rise in Antarctica, the paper further provides some suggestions regarding Australia's China strategy in Antarctica in the future (30 years).

History

China was missing in Antarctic affairs for a long time. Historically, Scott defined 'three Waves of Antarctic Imperialism', which shaped today's Antarctic governance structure: (1) the first wave took place from 1415 to 1517, led by Portugal and Spain. This also lays foundation for Argentina and Chile's Antarctic claims; (2) The second wave fitted within the era of 'high imperialism' or 'new imperialism', dated from 1830 to 1914, when Britain was a leading power; (3) The third wave was from the end of the World War Two and the United States played a key role (Scott 2017a). China was never part of any wave. For example, at the climax of so-called 'Heroic Age of Antarctic Exploration' (late 19th – early twentieth Century), when several expeditions were conducted by European colonial powers to explore Antarctica as *terra nullius*, China was an inward looking, weak Middle Kingdom, struggling to defend herself from colonial powers coming from the sea. Between 1911 and 1914, Sir Douglas Mawson led Australian Antarctic expedition (McGee and Smith 2016). Meanwhile, the Xinhai Revolution broke out in 1911, which overturned China's last imperial Qing dynasty. When the Australian Antarctic Territory (AAT) was established in 1933 (Australian Antarctic Territory Acceptance Act 1933), China was fighting against Japanese invasion and suffering from civil war between Communist Party and Kuomintang. After the Second World War, there were only five years of honey moon period between China and the western world, which ended in 1949 after Communist Party took power. The American took the initiative to adopt the Antarctic Treaty in 1958, which 'ensures its freedom of movement and behaviour in the global commons' (Scott 2011). The negotiations of the Antarctic Treaty never included Communist China. It was not until 1979, after establishing diplomatic relations with the United States and adopting open door policy, that China began its journey to reintegrate into US anchored post-second World War international system, including the ATS. From this starting point, it

would be amazing to see how quickly China catches up with incumbents in Antarctica since 1980s.

Activities

Chinese activities have been increasing in Antarctica over past four decades (Harrington 2015). This is a natural reflection of China's rapid economic development, rising from a least developed country to the world's second largest economy.

Science

The State Oceanic Administration published China's first ever White Paper on Antarctica – 'China's Antarctic Activities' in May 2017 (Antarctic White Paper), on the occasion of the 40th Antarctic Treaty Consultative Meeting in Beijing. It is stated by the White Paper that 'China has underscored significant progress in its Antarctic activities in terms of integrated logistic support ...'. For example, China already has four Antarctic stations – Great Wall (year-round station, 1985, on King George Island), Zhongshan (year-round station, 1989, on Larsemann Hill), Kunlun (Summer Camp with potential to be upgraded to a year-round station in the future, 2009, on Dome A, near the center of East Antarctica), and Taishan (Summer Camp, 2014, on Princess Elizabeth Land). Once the construction of a third year-round Station on Inexpressible Island in Terra Nova Bay of the Ross Sea is completed in 2022 (Liu 2018a), China will then match with leaders of Antarctic science, such as the United States (McMurdo, Amundsen-Scott South Pole and Palmer) and Australia (Casey, Davis and Mawson), to have the same number of permanent stations in different parts of Antarctica.

The construction of China's 5th Antarctic Station is part of a larger plan – so-called 'Xue Long Tan Ji' (Exploration of the Polar Regions by Snow Dragon) Project (Xinhua 2018a) in China's 13th Five-Year Plan for Economic and Social Development (Xinhua 2016). Through the 'Xue Long Tan Ji' Project, the Chinese government is making significant investment in Polar science and technology, including measures, such as

building new station, deployment of new and advanced icebreakers, improvement of Antarctic aviation capacity, initial establishment of land-sea-air observation platform, development of probing equipment suitable to the Antarctic environment, establishment of the platforms for Antarctic environment and resource potentiality information and operational application services. (Antarctic White Paper 2017)

The 'Xue Long Tan Ji' Project is progressing well. For example, 'MV Xue Long 2 / Snow Dragon 2', China's second icebreaker and first domestically built one, was launched in Shanghai on 10 September 2018 (Xinhua 2018c) and starts serving Chinese Polar expedition since 2019. During its 35th Antarctic expedition in November 2018, China signals of building a new airstrip near Zhongshan Station (Science & Technology Daily 2018), which will further strengthen China's capacity to access to Antarctica. The 'Xue Long Tan Ji' Project aims to help China better understand the Polar Regions, especially (1) the role of the Arctic and Antarctica in the global climate system; and (2) the impact of changing Arctic and Antarctica in global politics and economic development (State

Council 2016). With a better understanding of the Polar Regions, eventually, China wants to shape polar governance regimes for its own interests.

Fisheries

Apart from scientific activities, China became the newest member of the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) in 2007 and officially starts Krill fishing in Antarctic waters in 2009. This is a fairly late move for fishing in the Polar Regions. The commercial fishery for Antarctic krill (*Euphausia superba*) was initiated in 1961/62 by Soviet Union, when 47 tonnes were taken by two research vessels (CCAMLR Krill Fishery Report 2017). Between 2009 and 2014, Chinese krill fishing rose from 1,956 tonnes to 54,303 tonnes (CCAMLR 2015). Nevertheless, over the seasons 2005–2014, 41% of the total krill catch has been taken by Norway, 21% by Korea and 11% by Japan (CCAMLR Krill Fishery Report 2017). If further considers the fact that CCAMLR has set the catch limit as 620,000 t ('trigger' level) across four regions in the southwest Atlantic (CCAMLR 2018a), Chinese krill fishing so far only consists of a minor part of krill fisheries in Antarctica. Chinese krill fishing has been declining since 2015, with only two authorised vessels 'Fu Rong Hai' and 'Long Teng' operating between 1 December 2017 and 30 November 2018 (CCAMLR 2018b). Furthermore, in July 2018, the Association of Responsible Krill Harvesting Companies (ARK), with its members that are responsible for 85% of krill fishing in Antarctic waters announced 'voluntary restrictive zones' covering about 74000 km² to their operations in the Antarctic Peninsula (ARK 2018). ARK companies, including two key Chinese fisheries company – China National Fisheries Cooperation (CNFC) and LIAOYU, pledged to keep fishing effort up to 40 kilometres away from the coast of the Antarctic Peninsula from October to March and will gradually implement into a permanent closure from 2020 (ARK 2018).

It must be noted that from policy level, China intends to develop Antarctic krill fishing, as part of its expansion of distant water fishing around the world's oceans (13th Five-Year Plan for Distant Water Fisheries, 2017). Further, China is investing significantly on polar fisheries technology. For example, the Ministry of Agriculture established a National Key Laboratory for Polar Fisheries Development at Chinese Academy of Fisheries Sciences' Yellow Sea Fisheries Research Institute in 2017 (Chinese Academy of Fisheries Sciences 2017). The National Key Laboratory's work focuses on krill sciences. However, until now, due to technical constraints, especially limited catch and processing capacity on board (Chen, Xu, and Huang 2009), Chinese krill fishing is not profitable, which becomes a hurdle for Chinese fisheries companies to conduct the business. As long as there is no major technical breakthrough for Chinese krill fishing industry, Chinese krill fisheries would be expected to maintain at a low level in the foreseeable future.

Tourism

In 2008, there were less than 100 Chinese tourists reached Antarctica (The Paper 2017). In 2017–2018, according to the International Association of Antarctic Tour Operators (IAATO), Chinese tourists account for 15.8% of all passengers (51,707) visiting Antarctica (IAATO 2018). China now ranks the second largest group of Antarctic tourists in the world, after

the United States (33.0% in 2017-2018) and ahead of Australia (11.2%). Considering numbers, China's rise in Antarctic tourism is exponential. It, however, must be pointed out that none of Antarctic tour operator/charter is Chinese-owned yet.

Advancing interests within ATS

The most important dimension for this paper, is that China, as a new great power, is naturally asking for more space under international law (Cai 2013). International law is closely related to the political context in which it operates (Scott 2017b). Burke-White points out that 'the rapid and profound redistribution of power in the international system would mean that rising powers could use their power to advance their interests within the international legal system' (Burke-White 2015). As further elaborated by Kahler, three parameters are essential to investigate this phenomenon: (1) the preferences of rising powers, which apply to both policy outcomes and institutional design; (2) the capabilities of rising powers for influencing global governance; (3) the effectiveness of strategies used by rising powers (Kahler 2013). Moreover, rising powers will perhaps need to bargain with incumbents to make possible changes in global governance (Kahler 2013). In Antarctic governance, underpinned by the ATS, China's rising status is examined below.

A follower

It is fair to say China has so far been acting in accordance with the ATS. Between 1985 and 2018, China has in total submitted 103 documents to the Antarctic Treaty Consultative Meetings (ATCMs) / Committee on Environmental Protection under the 1991 Protocol (CEP) Meetings. For two decades (1985–2005), China merely followed the ATCMs and almost all documents submitted are reports about Chinese activities in Antarctica. It is not until ATCM XXVIII / CEP VIII (2005) in Stockholm that for the first time, China, together with Australia and Russia, proposed to establish an Antarctic Specially Managed Area (ASMA) for the Larsemann Hills in East Antarctica. This can be seen as China's first try to influence Antarctic governance regime. Since 2005, China has become relatively more active during the annual ATCM/CEP meetings. Nevertheless, comparing to Australia, who submitted in total 277 documents on various issues to the ATCM/CEP meetings between 2005 and 2018, China's influence (66 submissions) within the ATS is minimum.

A Challenger?

When talking about the rise of China in Antarctica from a governance perspective, there are two most salient issues in recent years. The first one is the establishment of marine protected areas (MPAs) in the Southern Ocean. This was raised in 2012 when the United States and New Zealand proposed a joint proposal to establish an MPA in the Ross Sea Region, while Australia, France and the EU made another proposal to establish an MPA network in East Antarctica within CCAMLR. China has been very sceptical about MPA proposals in the Southern Ocean (Liu and Brooks 2018). Albeit becoming supportive of the Ross Sea Region MPA in 2015, China keeps its concerns against other MPA proposals (Liu 2018c). Further, even if the 35-years Ross Sea Region MPA was established in 2017, China believes that a separate Research and Monitoring Plan (RMP) is required and must be approved by CCAMLR and had serious debates with the United States, in

particular, during the 2017 annual meeting of CCAMLR. So far, three MPA proposals – in East Antarctica, in the Weddell Sea, and in the Western Antarctic Peninsula are still under negotiations.

The second issue is China's proposal for a new Antarctic Specially Managed Area (ASMA) at Chinese Antarctic Kunlun Station, Dome A, based on the Article 4 of Annex V to the Madrid Protocol. The proposal was first submitted by Chinese delegation in 2013, during ATCM XXXVI / CEP XVI in Brussels. It is provided by the China Arctic and Antarctic Administration (CHINARE) that

It's essential to have an advanced planning and management for Dome A area for a better protection of its scientific and environmental values, in order to make Kunlun Station play a key role in supporting scientific activities as an important international cooperation platform. (China 2013)

Discussions between China and other Antarctic Treaty Consultative Parties, especially the United States, Australia, United Kingdom, France, Argentina, Norway, New Zealand, and Germany, continued for years. Four rounds of informal discussions were held during the intersessional period of 2013/2014 and 2015/2016 (China 2014, 2016). The Kunlun Station ASMA proposal, however, could not be adopted due to lack of consensus. Since 2017, China holds back the ASMA proposal and expressed the intention to develop a Code of Conduct as the first possible management option for Dome A (COC). China's COC proposal for Dome A was under much debate in the 40th ATCM in Beijing. Officially, the United States and Australia are against China's efforts to establish a COC or ASMA around Kunlun Station through technical concerns, e.g. 'posing any potential restrictions for scientific activities in Dome A' (China 2018). Brady bluntly revealed mistrust behind oppositions that 'China's view is that ASMAs and other environmental management efforts are a form of soft presence for States that want to seize control over territory in Antarctica and the Southern Ocean' (Brady 2017a).

Above two issues are under one general theme – 'the balance between protection and utilisation of Antarctica'. During his visit to Hobart, Australia in 2014, Chinese President Xi Jinping outlined that 'understand, protect, and use' should be guiding principles for Chinese Polar activities (China Ministry of Foreign Affairs 2014). The 'Xue Long Tan Ji' Project is implemented to support the first principle. With a better understanding of Antarctica, China is then able to develop its own ideas to interpret the balance between protection and use of Antarctica. That will drive China's preference to influence on Antarctic governance regimes in coming years.

China's Antarctic policy

The question then arises as: 'does China have its own Antarctic policy?'. This paper argues that rather than having a secret agenda to pursue (Brady 2017a), China is still shaping up its general Antarctic policy.

Firstly, there is no urgency for China to develop and publish an official Antarctic policy document. It is believed by some scholars that the ATS now is 'under substantial pressure' (Chown 2012). There are growing concerns that 'the existing system might be unable to respond to the new pressures, such as what happens when countries violate the treaty rules' (*The Guardian* 2018). Nevertheless, unlike the Arctic, where countries are building up new legally-binding instruments, e.g. Central Arctic Ocean Fisheries Agreement, to

regulate increased human activities due to climate change (Liu 2018b; Schatz, Proelss, and Liu 2019), the ATS has so far been successful and resilient in addressing challenges (Haward 2017). China is part of the ATS and has so far been acting in accordance with this unique treaty system. Moreover, China is planning to adopt an Antarctic Law to implement China's obligation under the ATS and regulate Chinese Antarctic activities (National People's Congress 2018). By using its rising power, China might want to have more voices within the ATS. It is provided by the Antarctic White Paper that:

With active participation in the global governance of Antarctica, China deems Antarctica to be the best practice region of the community of human destiny, making great efforts to contribute China concepts and wisdom to the peaceful use of Antarctica. (Antarctic White Paper 2017)

But there is no concrete evidence to support a view that China will overturn the ATS eventually.

Secondly, as a rising power, China now can also be called a 'hybrid State' in global ocean governance. In many aspects, China is still a developing country, which China insists at international arena, e.g. climate change negotiations. China was completely in line with developing countries during the negotiation of the United Nations Convention on the Law of the Sea (UNCLOS). However, China has emerged as a major industrial power. This situation sometimes puts China in an awkward position, regarding where to stand on issues such as whether it should continue to support 'common heritage of mankind' and how to best develop benefit sharing regime of deep seabed mining (Liu and Kim 2016). China now is not a developing country merely ask for sharing the benefit from industrialised States. China has made significant investments on Polar science, deep-sea technology and survey activities. The Antarctic Treaty freezes sovereign claims, and there were strong voices in the past that the Antarctic should be a 'Common Heritage of Mankind' (Forster 1985; Haward and Mason 2011). It would take time for China to decide what would be the best strategy to peacefully use Antarctic resources in coming years.

Being said that China is still shaping up its general Antarctic policy, China's policy objectives on Antarctic fisheries were already announced. In the 13th Five-Year Plan on Distant Water Fishing (2016-2020), published by the Ministry of Agriculture and Rural Affairs' Fisheries Bureau in December 2017, it is stated that:

China aims to deeply involve into CCAMLR affairs, actively exploit Antarctic marine living resources, and enhance capacity to implement relevant treaties. China will invest more in surveying fisheries resources, expand fishing areas and build new Polar fisheries scientific research vessels. China wants to accelerate research and development on krill fishing and processing equipment and comprehensively improve overall benefits of Antarctic fishing industry. (Ministry of Agriculture and Rural Affairs 2017)

China's distant water fishing (DWT) policy in Antarctica perhaps partly explains why China is concerned with MPA proposals in CCAMLR. From the Chinese Government's perspective, CCAMLR, as a regional fisheries management organization (RFMO), is already doing very well in sustainable fisheries management (CCAMLR 2014). It seems that for China, any new initiative to ban commercial fishing in CCAMLR waters is to change status quo and against China's policy objectives to expand DWT in Antarctica.

Australia's China strategy in Antarctica

China is certainly interested in Antarctica. China is enhancing its scientific capacity in Antarctica, but so far has limited, though increasing, influence on shaping the Antarctic governance regime. While China is expanding its presence in Antarctica and developing its Antarctic policy, Australia should and could play a role in working with China to maintain the stability of the ATS in the next 30 years. Although Australia is a middle power in the global context (Rothwell 2014; Wilkins 2014), Australia has had a high level of influence over Antarctic governance. Australia's responses to the rise of China will, therefore, be crucial to Antarctic governance outcomes.

In order to protect Australia's Antarctic interests, the 20 Year Australian Antarctic Strategic Plan (Press 2014) provided a number of recommendations. Further, in May 2018, the Joint Standing Committee on the National Capital and External Territories of the Parliament of the Commonwealth of Australia published the Report 'Maintaining Australia's National Interests in Antarctica, Inquiry into Australia's Antarctic Territory' (AAT Inquiry). Building upon recommendations in the Press Report and AAT Inquiry, this paper suggests that:

Firstly, Australia should continue to work closely with China on Antarctic science. This is a common interest for both countries, which could also be a useful track-two diplomacy for them to build trust and confidence. A good example is the establishment of the Centre for Southern Hemisphere Oceans Research by CSIRO, UTAS, UNSW and Qingdao National Laboratory for Marine Science and Technology in Hobart in 2017 (AAT Inquiry 2018). Chinese financial investment, with the support of leading Australian scientists, could generate great knowledge from Southern Oceans-focussed research (Xinhua 2017b). Perhaps joint research projects between Australian and Chinese fisheries scientists in East Antarctica could be particularly considered in the future. This kind of collaborative research on finding the importance of East Antarctic marine ecosystem may ease China's mind against Australia's joint proposal with the European Union on the establishment of East Antarctic Marine Protected Areas (Liu 2018c).

Secondly, so far the ATS has been serving Australia's interests well by allowing Australia to maintain its legal claim to territory while cooperating with other States to promote science and conservation within the ATS ('bifocalism') (Bray 2016; McGee and Smith 2016). To maintain the ATS, what perhaps Australia can do in the near future, together with like-minded States, is to keep pushing China to further clarify its Antarctic policy. This is not necessarily against China's interest. China has no territorial claims in Antarctica. In China's Antarctic Activities White Paper, it is stated that:

The Chinese government, in persistent support of the purposes and gist of the Antarctic Treaty, and in adherence to the fundamental notion of peace, science, green, generalized preference, and shared governance, has been committed to safeguarding the stability of the Antarctic Treaty System, persevering in peaceful use of Antarctica and protection of the Antarctic environment and ecosystem, with great willingness to provide more effective public products and services for the international governance of Antarctica to move towards a more equitable and reasonable orientation, in an effort to structure the Antarctic 'Community of Human Destiny'. (Antarctic White Paper 2017)

China is supportive of the ATS but wants to shape the ATS for its national interests. When China's is talking about moving the ATS towards 'more equitable and reasonable orientation', this needs to be carefully considered anyway by the Chinese Government in its

future Antarctic policy. For example, a key question can be raised as whether China has any preference to start mining mineral resources in Antarctica. China ratified the Madrid Protocol, which bans mining activities by Article 7. However, as provided by Article 25 of the Madrid Protocol:

If, after the expiration of 50 years from the date of entry into force of this Protocol, any of the Antarctic Treaty Consultative Parties so requests by a communication addressed to the Depositary, a conference shall be held as soon as practicable to review the operation of this Protocol.

Will China be interested in initiating a review conference of Madrid Protocol after 2048? This is not a new question in the history of Antarctic governance (Fogarty 2011) but is still unclear in China's Antarctic policy. Moreover, China may learn a positive lesson that the publication of its official Arctic Policy White Paper in 2018 (State Council of China 2018). By making transparent and firm commitments to existing applicable international law in the Arctic, China's Arctic Policy significantly paves the way for future collaborations between China and Arctic States. China's Arctic experience can be duplicated in the Antarctic. Meanwhile, through close political dialogues, such as Australia-China Antarctic Talk, Australia-China Foreign and Strategic Dialogue, and Annual Leaders' Meeting, Australia could help shape China's Antarctic policy in years to come.

Conclusions

China is different from western countries in so many ways: ethics, culture, history and regime. It has also made significant progress over the past four decades, rising from a poor developing country to the world's second largest economy. These are perhaps the roots of deep anxiety of China's move in any 'strategic new frontier' (Xinhua 2017a), be it outer space, deep-sea, Arctic or Antarctica. This paper takes a close look at 'the rise of China in Antarctica' and concludes that Australia still can, and inevitably need to work with China to maintain the ATS, govern the Antarctic in a peaceful way, while protecting Antarctica's unique environment. Whether and to what extent Australia could lead the development of the ATS to accommodate a rising China, will be a testing ground for Australia's Antarctic leadership in coming years.

Notes on contributor

Dr Nengye Liu is a Senior Lecturer at Adelaide Law School, University of Adelaide. This paper is a resulting publication of AIIA Workshop 'Exploring Australia's China Strategy in Antarctic Governance' (7 November 2018, Adelaide), funded by Australian Institute of International Affairs 2018 Workshop Support Grant.

Disclosure statement

No potential conflict of interest was reported by the author.

Funding

This work was supported by Australian Institute of International Affairs [grant number Workshop Support Grant 2018].

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