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Colonial Land Alienation and the Contested Memory of Ownership in Nakuru, Laikipia, Kiambu and Nandi

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Abstract
This article examines how competing forms of land knowledge have shaped contested claims of ownership and historical dispossession in Nakuru, Laikipia, Kiambu, and Nandi. It focuses on the divergence between official land records based on deeds, survey maps, and titles, and family and communal oral histories transmitted through kinship, place names, and memories of eviction. The article asks how this unresolved divergence helps explain contemporary land disputes, evictions, and land-related political mobilisation in the four counties. The article employs a comparative historical analysis of secondary sources, including colonial land ordinances and policy documents, the four-volume Final Report of Kenya's Truth, Justice and Reconciliation Commission, and published oral history collections and journalistic accounts of family and community memory. Documentary and oral-historical records are compared within each county to identify areas of convergence and divergence and their historical consequences for land claims. The findings show that the divergence between documentary title and oral memory is structural rather than incidental. It reflects the legal design of colonial land alienation and has been reproduced rather than resolved by post-independence land policies. The article contributes a systematic four-county comparison that treats documentary records and oral memory as co-existing, unequally weighted archives of ownership. It argues that durable redress requires legal and institutional mechanisms that recognise oral and communal memory as legitimate evidence in disputes concerning historical land injustice.

Key words: Colonial land alienation, historical injustice, land tenure, oral history, White Highlands.

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INTRODUCTION

Land in Kenya carries more than market value: it carries competing accounts of who has a rightful claim to it. Colonial land alienation, the transfer, between 1895 and 1963, of land used by African communities for grazing, cultivation and settlement into land held by European settlers and administered as Crown Land, produced two forms of evidence about ownership that have never been fully reconciled. The first is the official land record: the written deed, the survey map and the register maintained by the state. The second is family and communal oral history: the recollection, transmitted across generations, of who occupied particular land, when it was lost, and under what circumstances. This article examines the relationship between these two archives in four Kenyan counties, Nakuru, Laikipia, Kiambu and Nandi, and asks whether the alienation of land under colonial rule continues to shape who is understood, officially and communally, to have a claim to land in each county, and how communities remember the process by which that claim was established or lost (Mackenzie, 1998; Truth, Justice and Reconciliation Commission of Kenya [TJRC], 2013).

The four counties were selected because each illustrates a distinct mechanism by which colonial land alienation operated, and together they cover the principal forms alienation took in Kenya. Kiambu, adjoining the colonial administrative centre, illustrates alienation driven by proximity to Nairobi and by the land-buying companies that reshaped ownership at independence. Nakuru illustrates the scale of settler farming and the subsequent transfer of Kikuyu families from Central Kenya onto former settler land after 1963. Laikipia illustrates the displacement of Maasai pastoralists under the 1904 and 1911 Maasai Agreements and the large private ranches that displacement produced. Nandi illustrates a less-documented case: armed resistance to colonial rule, met with military repression and land annexation, that has received comparatively little attention in either popular or transitional-justice narratives (Gravesen, 2021; Hughes, 2006; Kanogo, 1987; Waller, 1976).

The mechanisms of colonial land alienation, the Crown Lands Ordinances of 1902 and 1915, the Maasai Agreements of 1904 and 1911, and the suppression of Nandi resistance in 1905, are already well documented in the historiography (Berman & Lonsdale, 1992; Elkins, 2005; Leys, 1975; Mackenzie, 1998). What this article adds to that literature is a systematic comparison, across four counties representing different mechanisms of alienation, of how the official record and family oral history diverge from one another, and of what that divergence has meant for land disputes, evictions and political mobilisation since independence. The article does not report new primary fieldwork. It is a comparative historical analysis of secondary sources: colonial-era land ordinances and policy documents, the TJRC's (2013) four-volume Final Report and supporting evidence, and previously published oral history collections and journalistic accounts of family and communal memory in the four counties. These sources are treated throughout as secondary and contextual material, evidence gathered and published by others, rather than as new data collected for this study (Kenya Land Alliance, 2004; TJRC, 2013). The methodology underlying this comparison is set out in full in Section 2.

The article is structured around the study's methodology and ethical considerations, followed by an examination of the legal and military foundations of colonial land alienation across the four counties, situated within the timeline presented in Figure 1. It then establishes the conceptual distinction between the official land record and family oral memory as two divergent archives of ownership, before examining how colonial patterns of land ownership persisted rather than being reversed after independence. The analysis subsequently compares the four counties and considers communal memory as a living and, at times, politically mobilised archive. The article further examines the factors underlying the persistence of the gap between the two archives and concludes by drawing together the implications of these findings for understanding historical land injustice and contemporary land claims.

METHODOLOGY

This article uses a comparative historical analysis of secondary sources to examine the relationship between official land records and family oral history in four Kenyan counties. Three categories of source were reviewed: (i) colonial and post-colonial policy documents and land ordinances, including the Crown Lands Ordinances of 1902 and 1915 and the Maasai Agreements of 1904 and 1911; (ii) the four-volume Final Report of Kenya's Truth, Justice and Reconciliation Commission (TJRC, 2013) and related commissions of inquiry into land allocation; and (iii) scholarly monographs, peer-reviewed journal articles, and previously published oral history and journalistic

accounts of family and communal memory collected in Nakuru, Laikipia, Kiambu and Nandi. The four counties were purposively selected to represent distinct mechanisms of colonial land alienation: proximity to the colonial administrative centre (Kiambu), the scale of settler farming and post-independence resettlement (Nakuru), pastoralist displacement under treaty (Laikipia), and land annexation following armed resistance (Nandi). For each county, the official documentary record was read against the published oral-historical record on the same episodes of dispossession, resettlement or dispute, to identify points of convergence, points of divergence, and the consequences of that divergence.

Sources were compared thematically across counties, rather than treated as isolated case studies, to distinguish patterns common to all four from features specific to one. As the study synthesises material already in the public domain and involved no new interviews, surveys or fieldwork with human participants, no new primary data were collected.

Because this article relies entirely on previously published sources, statutes, commission reports, and already-published oral history and journalistic material, it did not require new participant consent or institutional ethics review. Testimony originally collected from affected communities by the TJRC and by other researchers is used only as previously published and is attributed to its original source, in recognition of the sensitivity of this material to the communities concerned.

Legal and Military Foundations of Colonial Land Alienation

In 1895, Kenya became a British protectorate, and the Crown was granted political control of the land from the coast to the Rift Valley. In 1902, the Crown Lands Ordinance was enacted by the colonial government, stating that land deemed to be waste or unoccupied belonged to the Crown. This legal action transferred large tracts of land used by African communities seasonally, for grazing, hunting or shifting cultivation, into land available for European settlement. The British Commissioner at the time, Sir Charles Eliot, believed that the fertile highland regions should be reserved for European settlers, and colonial land policy was shaped by this view for the next several decades (Berman & Lonsdale, 1992; Elkins, 2005; Leys, 1975).

The colonial government reserved highland areas for Europeans only from 1902 to 1961. These regions included what are now Nakuru, Laikipia, Kiambu, Nandi, Uasin Gishu, Trans Nzoia, Kericho and parts of the Coast and Central regions. In 1904, the Maasai Agreement relocated Maasai communities out of the Rift Valley into reserves at Ngong and Laikipia; in 1911 they were displaced again, out of Laikipia and into what is now Kajiado and Narok. In 1913, Maasai leaders who had signed both agreements challenged their propriety in court, arguing that the signatories could not read the contracts and had not been consulted by the wider community. The case was unsuccessful, and the land was not returned (Hughes, 2006; Waller, 1976).

The British then encountered strong local opposition in the Rift Valley from the Nandi, sustained from 1895 onward. In 1905, this resistance was suppressed, and Nandi land was annexed for railway construction and settler farming. On the coast, a land titles ordinance of 1908 required any ‘claim’ to land to be submitted to a registration court, with unclaimed land declared Crown Land, a process that cost many coastal residents title to land their families had occupied for generations. Land in the southern part of Kikuyu territory, in Kiambu and neighbouring Murang’a, was alienated for settler use, driving Kikuyu families into reserves and into a growing population of squatters and labourers on settler farms (Anderson, 2005; Kanogo, 1987; Mackenzie, 1998).

This process was reinforced by the Crown Lands Ordinance of 1915, which declared African land in the reserves to be Crown Land in which Africans held only a tenanted interest, subject to relocation at the administration’s discretion. Settler farm sizes increased over this period, from five thousand acres in the first phase to seven and a half thousand acres on some farms. By the 1920s, colonial land policy had produced a situation in which the most fertile and productive land was controlled by a small European settler population, while African communities were crowded into reserves that were, in many cases, both smaller and less fertile than the land they had lost (Berman & Lonsdale, 1992; Leys, 1975; TJRC, 2013).

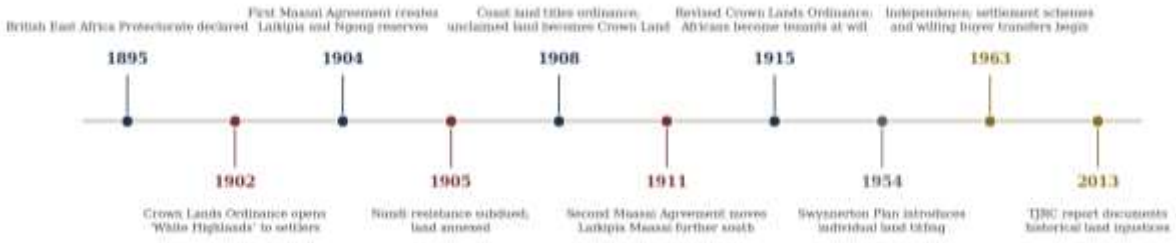


Figure 1: Timeline of Key Colonial and Post-Colonial Land Policy Milestones in Kenya

The milestones in Figure 1 mark more than a legislative sequence: each created part of the written archive that would later stand in tension with community memory. The 1902 Crown Lands Ordinance is the clearest instance. By declaring land not under permanent cultivation to be Crown Land, it produced a written record of ownership that began with the colonial grant itself and left no documentary trace of prior African occupation, even where that occupation was continuous and organised around seasonal grazing, hunting or shifting cultivation. This erasure was constitutive rather than incidental: the register was designed to recognise only the kind of tenure the colonial state chose to see (Mackenzie, 1998; Anderson, 2005). Family oral histories in the same areas remember a different sequence, named grazing grounds, water points and ancestral settlement that the register does not show at all, so that the two archives disagree not over a detail but over where the story of ownership begins.

The Maasai Agreements of 1904 and 1911 illustrate a related but distinct tension: over consent and legitimacy, rather than over occupation. The 1913 court case, in which Maasai leaders argued that the signatories to both agreements could neither read the documents nor claim to represent the wider community, was decided in the agreements' favour, closing the matter as a matter of law (Hughes, 2006; Waller, 1976). Maasai oral tradition, however, continues to treat both agreements as impositions rather than settlements, and dates the loss of Laikipia and the southern Rift Valley to 1904 and 1911 in terms of dispossession rather than contract. The written and oral records thus disagree not simply over facts but over what makes a transfer of land legitimate in the first place, a disagreement that resurfaces, as later sections show, whenever Laikipia's land politics are contested today.

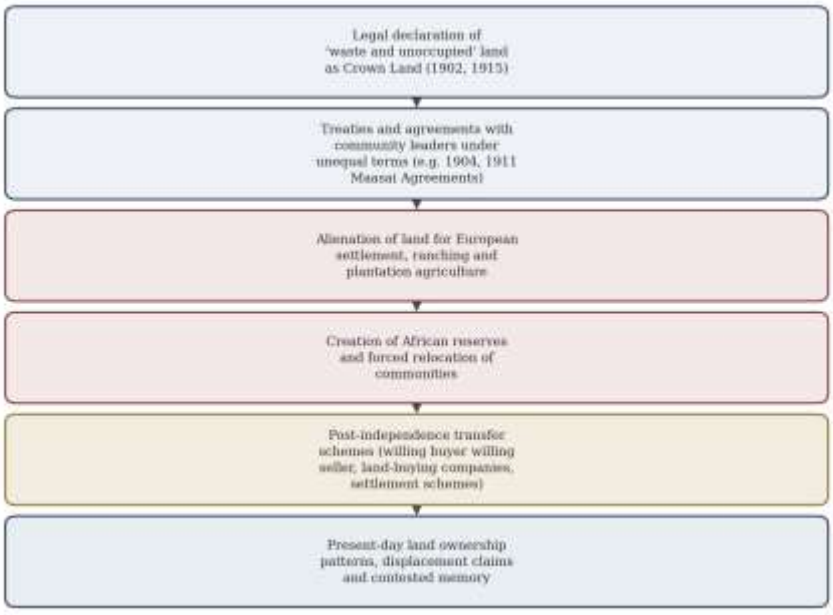


Figure 2: The Mechanism of Colonial Land Alienation and Its Post-Independence Continuation

Official Records and Oral Histories: Divergent Archives of Ownership

It is helpful, in order to understand the current pattern of land disputes in these counties, to recognise two parallel systems of land knowledge that evolved side by side and were never fully harmonised. The first is the official land record system, developed through written deeds, land registers and survey maps. It was the colonial state's intention to provide secure and transferable title to land for European settlers, and for a smaller group of African elites. It values the permanency of borders, the exclusive ownership of a registered person, and the capacity of courts and land offices to trace a land parcel's transfer history.

The second is family and communal oral memory. This system is transmitted through oral history shared between elders and younger generations, and structured by kinship, patterns of occupation and remembered instances of eviction. It recognises multiple, overlapping rights- grazing rights, cultivation rights and residency rights- that may be held by different individuals or groups at different times of the year. It exists in no register, but it is nonetheless organised: structured around named locations, the names of historical ancestors, and remembered dates, such as the year of a forced removal or the year a settler enclosed a waterhole (Mackenzie, 1998; Rutten, 1992).

These two systems often do not align. A title deed may show a farm boundary that a family's own history places well within land grazed by their grandparents before displacement under a contract they never agreed to. Neither account is necessarily false. Both are responses to a different question: what does the state currently recognise as ownership, and what does a community remember as ownership prior to the current owner, and as a claim that has not been extinguished. It is where the two accounts meet, in a land dispute, a court case or a political rally, that Kenya's unresolved land history becomes visible (Boone, 2014; Kenya Land Alliance, 2004).

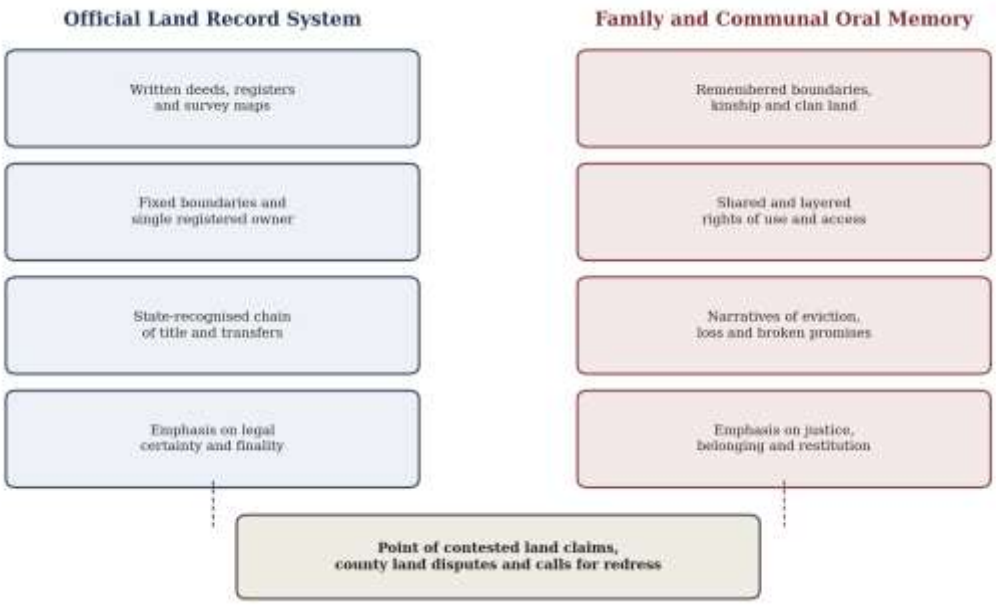


Figure 3: Two Parallel Systems of Land Knowledge and Their Point of Convergence

Figure 3 sets these two systems side by side to make a single point: they differ not merely in content but in what each treats as evidence, and that difference has a definite institutional history. The official system was built to answer the questions courts and land offices ask: who is the registered owner, and what chain of transfers established that registration, while the communal system answers a different question: who used this land, under what claim, and what happened when that use was interrupted. The two systems converge, and become politically visible, at three recurring points illustrated by the county comparisons in Section 6: in land disputes before Environment and Land Courts, where oral testimony about historical occupation is weighed against title deeds that begin with a colonial-era grant; in court cases contesting the legitimacy of colonial-era transfers,

from the 1913 Maasai case onward, where the law has generally deferred to the documentary record even where oral testimony contests the process by which that record was created; and in political rallies and campaigns, particularly in Laikipia and the wider Rift Valley, where the unresolved contest between the two archives is mobilised as a grievance rather than resolved as a claim. This convergence is the mechanism through which colonial-era alienation continues, more than a century later, to shape a live political and legal question rather than a settled historical one, the argument this article develops through the county comparisons that follow.

Post-Independence Land Transfers and the Entrenchment of Colonial Patterns

With Kenya's independence in 1963, the land-holding pattern established during the colonial period was not changed. Britain and the incoming Kenyan government agreed on a market-based land transfer programme, often called the 'willing buyer, willing seller' model, in which departing settlers sold their farms and the new government, with British financial assistance, bought land for Africans to settle. This avoided the outright seizure of settler farms, but it also made post-independence access to land highly dependent on access to capital, information about which farms were for sale, and political connections (Government of Kenya, 1954; Harbeson, 1971; Hornsby, 2012).

A major part of this process involved land-buying companies and cooperative societies, usually organised on ethnic or regional lines, which pooled members' savings to buy farms that were then subdivided among shareholders. Through this mechanism, land in the Rift Valley (including Nakuru and Uasin Gishu) that other communities in the area, including the Kalenjin, considered their ancestral land was acquired by better-resourced groups who had benefited from the settler economy under the outgoing government. This dynamic has been argued to be one factor behind periodic ethnic tensions in the Rift Valley, including the violent unrest that followed the disputed 2007 elections (Harbeson, 1971; Hornsby, 2012; Klopp, 2000).

In the decades following independence, land allocation also became a politics of patronage: under the Moi regime, large parcels of public land, including forest reserves and land held by parastatal organisations, were ceded to political associates and loyalists in the Rift Valley. The TJRC, established in 2008 to investigate human rights abuses and land injustices in Kenya between 1963 and 2008, later found that grievances over land remain the most prominent source of conflict and ethnic tension in the country, and that successive governments, those of Jomo Kenyatta, Daniel arap Moi and Mwai Kibaki, perpetuated rather than resolved the land injustices of the colonial era (Klopp, 2000; Republic of Kenya, 2004; Southall, 2005; TJRC, 2013).

> *Historical grievances over land constitute the single most important driver of conflicts and ethnic tension in Kenya, a summary finding of Kenya's Truth, Justice and Reconciliation Commission, 2013 report (TJRC, 2013, Vol. IV).*

This history remains unresolved in Laikipia to this day, where occasional and sometimes violent clashes between pastoralist herders and private ranch owners have recurred since at least 2000, particularly in 2004, 2011, 2016, 2017 and 2021. Such episodes are often reported in the press as 'land invasions', but scholars who have studied the county over the years argue that they are better understood as an expression of resistance to a system of land and resource distribution that pastoralist communities trace back to the 1904 and 1911 Maasai Agreements. Politicians have at times been accused of fuelling these movements before elections, illustrating how grievances over land from the colonial era remain politically active more than a century after those agreements were signed (Gravesen, 2021; Letai, 2021; Scheetz, 2020).

Four Counties, Four Variations on a Shared History

Kiambu: Alienation Close to the Colonial Centre

Kiambu County, adjacent to Nairobi, was among the first counties affected by colonial land alienation, owing to its proximity to the colonial administrative centre and the availability of fertile, well-watered land. In the southern sections of Kiambu and neighbouring Murang'a, Kikuyu families were evicted from their land, and the majority became squatters or farm workers on land allocated to settlers. Official land records in much of Kiambu therefore begin with a colonial-era land grant and contain no record of prior African occupation. Family oral histories in the county, by contrast, frequently recount land belonging to specific families, sacred groves and homesteads that pre-date these grants by generations; many Kiambu families also recall the redistribution of

land in the post-independence era through land-buying companies and cooperative societies in the 1960s, a process remembered both as partial restitution and as one that left many original families without their land (Kanogo, 1987; Mackenzie, 1998; TJRC, 2013).

Nakuru: The Heartland of Settler Agriculture

Nakuru was among the most intensively settled counties in the White Highlands, home to large European estates belonging to prominent settler families. On independence, the government moved many landless Kikuyu families from Central Kenya onto former settler land in Nakuru, land that had also historically been occupied by Kalenjin and Maasai communities across the broader Rift Valley. This multi-layered settlement history is evident in Nakuru's official land records, which combine colonial-era survey maps and grants with post-independence subdivision and titling in settlement schemes. Oral histories gathered in the county recount the initial displacement of Maasai and other pastoralist groups in the early twentieth century and the subsequent settlement of Kikuyu families, a history that has produced recurring narratives about who belongs in the Rift Valley and who is an incomer, and which surfaced with particular intensity during the ethnic clashes of the 1990s and the post-election violence of 2007 and 2008 (Boone, 2014; Hornsby, 2012; TJRC, 2013).

Laikipia: Ranches, Reserves and Renewed Conflict

The modern land pattern of Laikipia is a direct descendant of the 1904 and 1911 Maasai Agreements, which expelled the pastoralist population of the plateau to make way for European settlement. The large private ranches established during this period, some still owned by descendants of the original settler families, coexist today with group ranches established after independence to manage land collectively for pastoralist communities. Official records in Laikipia thus reflect a pattern of large private titles alongside group ranch registration. Pastoralist communities' oral histories paint a different picture: of ancestral routes, seasonal water access, and displacement that was never adequately compensated. This structural inequity has contributed to recurrent land invasions and violent clashes in the county, most pronounced in 2017 and 2021, when herders have driven livestock onto private ranches and land to assert historical rights of access to grazing and conservation areas (Gravesen, 2021; Hughes, 2006; Letai, 2021; Rutten, 1992; Syagga, 2011).

Nandi: A Less Documented but No Less Real History

While the Maasai and Kikuyu experiences have received more popular attention, the Nandi experience of land alienation was similarly disruptive. Nandi resistance to British encroachment, which began in 1895, was sustained until 1905, when it was subdued by a sustained military campaign; Nandi land was then annexed for the Uganda Railway corridor, for settler farming, and for tea estates. This history is reflected in official land records in Nandi County, which record the survey and titling of former Nandi land for settler agriculture and, later, large-scale tea production. Oral histories among Nandi families emphasise the memory of armed resistance and the losses that followed, together with continuing contestation over the boundaries of forest reserves and tea estate properties that communities believe extend beyond what was legitimately alienated. Largely overlooked both by national attention, compared with the Maasai or Kikuyu, and by Kenya's own transitional justice process (Anderson, 2005; Berman & Lonsdale, 1992; TJRC, 2013), Nandi's land injustices carry an added sense of historical neglect within community memory.

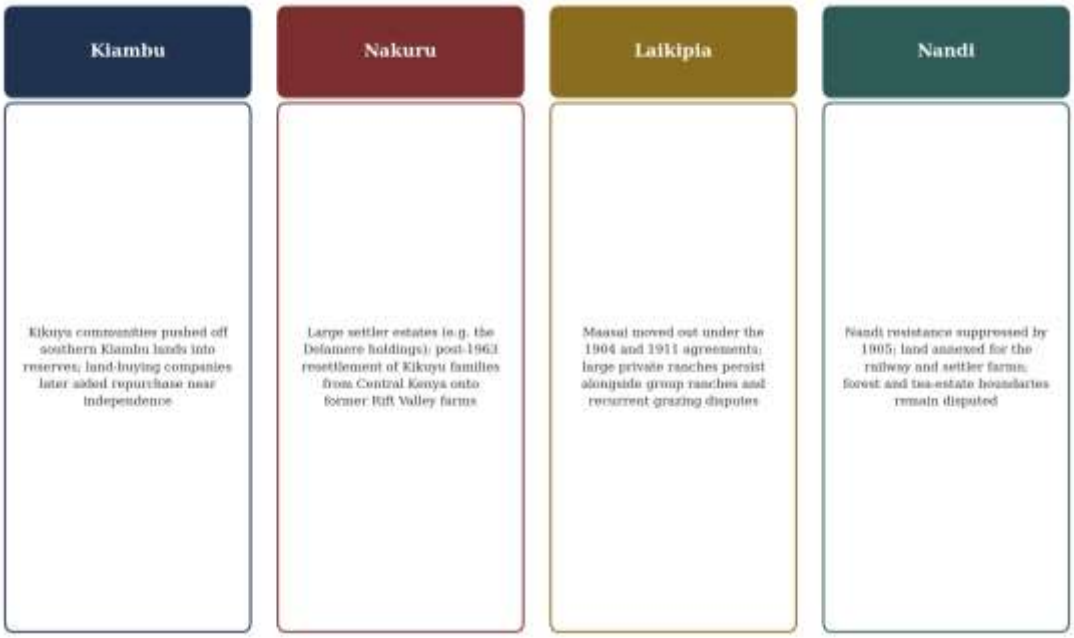


Figure 4: Comparative Snapshot of Colonial Land Alienation Across Four Counties

Memory, Transitional Justice and the Politics of Land Grievance

This is precisely the challenge the TJRC faced during its fact-finding and victim and community hearings (2009–2011). In 2013, the Commission's four-volume report sought to bridge the gap between oral and recorded history, documenting patterns of land injustice across the colonial and post-colonial eras and making recommendations for further investigation, restitution and institutional reform. More than a decade later, most of these recommendations remain unfulfilled, and human rights organisations have pointed to this as a continuing source of frustration for affected communities (Human Rights Watch, 2019; Lynch, 2019; Slye, 2018; TJRC, 2013).

The political consequences of oral memory are a further factor. Colonial land history, and its incomplete redress, has periodically been used by politicians to mobilise support, particularly during elections. This is visible in Laikipia, where calls for the restoration of ranches to those who owned them before independence have become a recurring rhetorical theme, and more broadly in the Rift Valley, where competing narratives about who owned which ranches after independence continue to shape voting behaviour and inter-community relations. In this context, communal memory functions as more than a private, familial matter: it can be invoked, and at times manipulated, within contemporary political contestation (Gravesen, 2021; Hornsby, 2012; Kibii, 2021).

Discussion

The persistence of the discrepancy between official land records and communal memory can be attributed to three factors. The first is legal. Kenyan land law, which largely derives from the colonial era and has been only partially reformed since independence, prioritises registered title over customary and oral claims, making it difficult for communities without registered title to have their claims formally recognised, regardless of how widely and consistently those claims are remembered within the community (Boone, 2014; Republic of Kenya, 2009, 2010). The second is political. Land reform in Kenya has consistently been shaped by the interests of those already positioned to benefit from the prevailing land allocation system, whether the land-buying companies of the 1960s and 1970s or the patronage-oriented allocations of later decades, which has made land reform politically difficult, since any genuine attempt to redress historical injustice risks unsettling land holdings that have themselves accumulated legitimacy over sixty years of independence (Klopp, 2000; Republic of Kenya, 2004; Southall, 2005).

The third is generational and evidentiary. Oral testimony is increasingly second- or third-hand, as the generation that lived through displacement itself passes away, and it is less often corroborated by archival records of the time,

where such records survive and are accessible. Colonial-era land records, on which the TJRC's final report itself relied, are similarly incomplete, and in some instances were deliberately obscured, particularly where senior political figures or their families were involved, a point raised publicly during the dissemination of the TJRC's report in 2013 (Lynch, 2019; Slye, 2018; TJRC, 2013). Together, these factors indicate that the discrepancy between official documentation and oral history in Nakuru, Laikipia, Kiambu and Nandi is not a transitory condition that time alone will bridge; it is a structural feature of how Kenya's land system was designed, and closing it will require deliberate policy and legal effort, not simply the passage of time (Boone, 2014; Kenya Land Alliance, 2004).

Read together, these three factors answer the question posed at the outset: colonial land alienation continues to shape competing understandings of ownership in Nakuru, Laikipia, Kiambu and Nandi because the legal, political and evidentiary conditions that produced the divergence between the official record and oral memory have been reproduced, not undone, since 1963. This finding relates to the existing literature in a specific way. Where previous scholarship has documented the mechanisms of alienation county by county, or theme by theme (Anderson, 2005; Boone, 2014; Klopp, 2000; Southall, 2005), he comparison developed here shows that the resulting divergence between documentary and oral archives follows a common structural logic across otherwise distinct local histories, a contribution made possible by treating the four counties comparatively rather than singly.

The practical implication is that closing the gap between the two archives cannot be left to time or to the gradual fading of grievance; it requires legal recognition of oral and communal testimony as evidence in land disputes, and sustained institutional follow-through on the redress mechanisms already recommended by the TJRC (2013) and the Kenya Land Alliance (2004).

CONCLUSION AND RECOMMENDATIONS

Conclusion: The alienation of land in Kenya was not a historical episode closed at independence in 1963. In counties such as Nakuru, Laikipia, Kiambu and Nandi, it set in motion patterns of dispossession, resettlement and remembrance that continue to shape daily life, local politics and, at times, violent confrontation. The official record kept in land registers and the unregistered record kept in family memory are two different, and equally legitimate, histories of the same land. Any adequate account of Kenya's present-day land disputes must hold both histories in view, rather than treating the written register as the only account that counts. Kenya's Truth, Justice and Reconciliation Commission attempted to bring the two histories together, but more than a decade after its report, most of its land-related recommendations remain unimplemented. Until land governance institutions find a way to give oral and communal evidence standing without undermining the legal security that registered title provides, the gap between what a family remembers and what a deed records will remain a source of grievance, and a continuing link between Kenya's colonial past and its present-day land politics.

Recommendations: The study recommends that Kenyan land governance institutions strengthen legal and institutional mechanisms for recognising oral and communal testimony as complementary evidence in disputes involving historical land injustice, while maintaining the legal security provided by registered title. The government should also strengthen the implementation of land-related recommendations of the Truth, Justice and Reconciliation Commission and other relevant land reform frameworks to address unresolved claims arising from colonial land alienation.

In addition, systematic efforts should be undertaken to document, preserve, and archive oral histories of land dispossession before first-hand accounts are lost across generations. Relevant institutions should facilitate the integration of archival records, oral testimony, and community land histories when investigating historical land claims, particularly in areas affected by colonial alienation and subsequent resettlement. Finally, further comparative research should examine how legal, political, and evidentiary systems continue to shape historical land grievances across different regions of Kenya, with the aim of informing more inclusive and durable approaches to land justice and reconciliation.

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