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Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## THE ROLE OF ARTIFICIAL INTELLIGENCE IN ALTERNATIVE DISPUTE RESOLUTION: ADVANCING EFFICIENCY, FAIRNESS, AND ACCESSIBILITY IN MODERN DISPUTE RESOLUTION MECHANISMS

**AUTHORS – SHAKCHI VERMA\* & DR. TARU MISHRA\*\***

\* LLM SCHOLAR AT AMITY UNIVERSITY LUCKNOW

\*\* FACULTY AT AMITY UNIVERSITY LUCKNOW

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### ABSTRACT

Artificial Intelligence (AI) is transforming Alternative Dispute Resolution (ADR) by improving efficiency, fairness, and accessibility in legal proceedings. This research explores the role of AI in ADR mechanisms, including mediation, arbitration, and online dispute resolution (ODR). AI-powered tools such as chatbots, predictive analytics, and automated decision-making systems are increasingly being integrated into dispute resolution processes to enhance neutrality, reduce costs, and expedite settlements. However, the implementation of AI in ADR also raises significant ethical and legal challenges, including algorithmic bias, transparency, accountability, and data security concerns. This paper provides a comparative analysis of AI-driven ADR models, examining their benefits and limitations while considering regulatory frameworks governing their use. By assessing the current landscape and potential future advancements, this study highlights how AI can contribute to a more efficient and accessible dispute resolution system while emphasizing the importance of human oversight. The findings suggest that while AI has the potential to enhance ADR significantly, a balanced approach integrating AI and human judgment is crucial for ensuring fairness and justice in dispute resolution.

**Keywords:** *Artificial Intelligence, Alternative Dispute Resolution, Mediation, Arbitration, Online Dispute Resolution, Legal Technology.*

### INTRODUCTION

Alternative Dispute Resolution (ADR) refers to a set of methods used to resolve disputes outside of the traditional courtroom setting. These methods, including mediation, arbitration, and negotiation, offer an alternative approach that is often faster, less expensive, and more flexible than conventional litigation. ADR has gained prominence in both domestic and international disputes, particularly in commercial, family, and consumer law sectors.<sup>404</sup> The growing complexity of legal disputes and the increasing burden on judicial systems have made ADR an

essential component of modern legal frameworks.

Artificial Intelligence (AI) has revolutionized various industries, including healthcare, finance, and education, and is now making significant inroads into the legal domain. AI encompasses technologies such as machine learning, natural language processing, and automated decision-making, all of which have the potential to enhance ADR processes. AI-powered systems can facilitate dispute resolution by automating administrative tasks, analyzing large volumes of legal data, predicting case outcomes, and even engaging in negotiations through AI-driven chatbots and virtual mediators. The integration

<sup>404</sup> Ethan Katsh & Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (Oxford Univ. Press 2017).

of AI in ADR aims to improve efficiency, reduce human bias, and increase accessibility for parties involved in disputes.<sup>405</sup>

### Importance of AI in modernizing ADR processes

One of the primary advantages of AI in ADR is its ability to process vast amounts of information quickly and provide data-driven insights. AI can assist mediators and arbitrators by identifying relevant legal precedents, summarizing key arguments, and suggesting fair settlement options based on past cases. AI-driven Online Dispute Resolution (ODR) platforms have already been implemented in various sectors, particularly in e-commerce and financial disputes, where they facilitate quick and cost-effective resolutions without requiring direct human intervention.<sup>406</sup>

Despite these advantages, the adoption of AI in ADR is not without challenges. Ethical and legal concerns regarding AI's transparency, accountability, and potential biases remain significant barriers to its widespread implementation. AI systems are only as good as the data they are trained on, and if these datasets contain biases, the outcomes may be skewed. Additionally, questions regarding the accountability of AI-driven decisions, data security, and regulatory oversight must be carefully addressed before AI can be fully integrated into dispute resolution systems.

### Objectives of the study

This paper aims to explore the role of AI in ADR by analyzing its applications, benefits, and limitations. It will examine how AI is transforming mediation, arbitration, and ODR, while also addressing the ethical and legal considerations associated with AI-driven dispute resolution. The study will provide a comparative analysis of existing AI-powered ADR models and assess their impact on efficiency, fairness, and

accessibility. Finally, this research will offer recommendations on how to integrate AI into ADR in a manner that upholds the principles of justice, neutrality, and due process.

### 2. AI in Mediation

Mediation is one of the most commonly used forms of Alternative Dispute Resolution (ADR), emphasizing cooperation between disputing parties to reach a mutually agreeable resolution. With the integration of Artificial Intelligence (AI), mediation is undergoing a transformation that enhances efficiency, neutrality, and accessibility. AI-driven tools are reshaping mediation by automating processes, facilitating negotiations, and providing analytical insights to help parties arrive at fair settlements.

One of the key applications of AI in mediation is the use of AI-powered chatbots and virtual mediators. These tools assist in communication between parties, provide structured dialogue formats, and even suggest possible resolutions based on historical data and case law analysis. AI-driven chatbots are particularly beneficial in online dispute resolution (ODR) settings, where they can facilitate asynchronous discussions between parties across different time zones. These systems improve efficiency by minimizing delays in negotiations and reducing the need for human intervention in simpler disputes.

Another significant advancement is AI-driven negotiation tools that analyze parties' interests, priorities, and past dispute resolution patterns to suggest optimized solutions. These systems rely on machine learning algorithms to predict likely outcomes and propose settlement terms that align with both parties' preferences. By eliminating emotional bias and focusing on data-driven fairness, AI negotiation tools can help disputants arrive at quicker and more equitable settlements.

AI in mediation also extends to document analysis and case management. AI systems can review case files, extract relevant legal precedents, and summarize key points, allowing

<sup>405</sup> Richard Susskind, *Online Courts and the Future of Justice* (Oxford Univ. Press 2019).

<sup>406</sup> Benjamin Alarie, Anthony Niblett & Albert Yoon, *How Artificial Intelligence Will Affect the Practice of Law*, 68 U. Toronto L.J. 106 (2018).



mediators to focus on substantive dispute resolution rather than administrative tasks. Natural language processing (NLP) technologies further enhance this process by analyzing legal documents for consistency, identifying contradictions, and ensuring compliance with applicable laws and regulations.

Despite these benefits, AI-powered mediation faces several challenges. One of the primary concerns is the lack of human empathy and understanding in AI-mediated interactions. While AI tools can process legal data efficiently, they lack the emotional intelligence necessary for handling sensitive disputes, such as family or workplace conflicts. Mediators often rely on non-verbal cues, empathy, and cultural context to guide discussions—an aspect that AI, as of now, cannot fully replicate.

Another challenge is algorithmic bias, where AI tools may produce unfair outcomes due to biased training data. If AI systems rely on past cases that contain discriminatory decisions, the recommendations generated may perpetuate such biases. Ensuring transparency in AI algorithms and maintaining human oversight in AI-mediated processes are crucial to addressing this issue.

The legal and ethical considerations surrounding AI in mediation also require attention. Questions regarding data privacy, confidentiality, and accountability remain unresolved in many jurisdictions. AI-mediated discussions involve the collection and processing of sensitive information, necessitating stringent regulations to protect parties' rights. Additionally, accountability in AI-driven mediation must be clearly defined—whether responsibility lies with the AI developers, mediators, or regulatory bodies.

In conclusion, AI in mediation offers substantial advantages in terms of efficiency, cost reduction, and analytical capabilities. AI-driven chatbots, negotiation tools, and document analysis systems are transforming how mediation is conducted, making dispute

resolution more accessible and data-driven. However, these benefits must be balanced with the need for human oversight, ethical considerations, and regulatory safeguards. As AI continues to evolve, integrating it thoughtfully into mediation will be essential for ensuring fair and effective dispute resolution.

### Case studies on AI-assisted mediation

In January 2021, 36-year-old Zakir Hussain was dismissed from the village defense force (VDF) after a criminal was said to have escaped while he was a member. Hussain has contested the Supreme Court of Manipur's dismissal; Guneshwar Sharma, the judge, directed the police to provide a detailed account of the dismissing process. Because the police were unclear and failed to explain VDF, declarations made a statement; the court has now turned to ChatGPT for additional study. Judge Sharma based his ruling on the information provided by ChatGPT, which showed that the VDF includes local volunteers who had received self-defense training. Hussain's termination was revoked; the Court referenced Manipur's 2022 Domicile Memorandum, which stipulates that licensed personnel must be given the chance to clarify any claimed charges, which Hussain was denied.

### 3. AI IN ARBITRATION

Arbitration, as a widely used method of Alternative Dispute Resolution (ADR), provides a structured yet flexible approach to resolving disputes outside the traditional court system. It is particularly popular in commercial disputes, international trade, and investor-state disagreements due to its efficiency, confidentiality, and enforceability. The integration of Artificial Intelligence (AI) in arbitration has introduced new possibilities for improving efficiency, reducing costs, and ensuring impartial decision-making. AI-driven arbitration tools are being increasingly adopted to assist arbitrators in legal research, document analysis, procedural management, and even award drafting. However, the use of AI in

arbitration also raises important concerns regarding transparency, accountability, and ethical considerations.

### 3.1 AI-Powered Legal Research and Document Analysis

One of the most significant contributions of AI in arbitration is in legal research and document analysis. AI-powered platforms can process vast amounts of legal texts, including statutes, case laws, arbitral awards, and contracts, in a fraction of the time required by human arbitrators. Advanced Natural Language Processing (NLP) tools enable AI systems to extract relevant legal principles, summarize case precedents, and identify inconsistencies in legal arguments.

Legal research platforms like ROSS Intelligence and CaseMine employ machine learning algorithms to enhance legal research capabilities, allowing arbitrators to access relevant case laws and statutory provisions quickly. This reduces the time spent on case preparation and ensures that arbitrators base their decisions on comprehensive and up-to-date legal information. AI can also assist in predictive analysis by evaluating past arbitration awards to identify patterns and potential outcomes in similar disputes.

### 3.2 AI in Procedural and Case Management

The arbitration process often involves extensive documentation, from pleadings and witness statements to procedural orders and expert reports. AI-powered case management systems help streamline these processes by automating administrative tasks, organizing case files, and scheduling hearings efficiently. AI chatbots and virtual assistants can facilitate communication between arbitrators and disputing parties, ensuring procedural compliance and timely submission of documents.

Automated transcription services powered by AI have also improved the efficiency of arbitration hearings. Speech-to-text AI tools can generate real-time transcripts of hearings, enabling

arbitrators and legal teams to review testimonies accurately. These tools not only save time but also reduce the risk of errors in manual transcription.

### 3.3 AI-Assisted Decision Making and Predictive Analytics

One of the more controversial applications of AI in arbitration is its role in decision-making. AI-powered predictive analytics tools analyze vast datasets of past arbitration awards and judicial decisions to forecast likely outcomes in new disputes. This technology is particularly useful in assisting arbitrators by identifying precedents and proposing possible resolutions based on statistical probabilities.

Some experimental AI systems have even been designed to draft preliminary arbitration awards by analyzing case facts, legal arguments, and applicable laws. However, the use of AI in decision-making raises concerns about the extent to which human arbitrators should rely on AI-generated insights. While AI can offer objective, data-driven recommendations, it lacks the nuanced understanding of legal principles, ethical considerations, and contextual judgment that human arbitrators provide.

### 3.4 Challenges and Ethical Considerations

Despite its advantages, the use of AI in arbitration is not without challenges. One of the primary concerns is **algorithmic bias**, where AI tools trained on historical arbitration data may reproduce existing biases in decision-making. If past arbitration awards have inherent biases, AI models relying on those awards may perpetuate the same inconsistencies, leading to unfair outcomes.

Another key challenge is **transparency and explainability**. AI-driven arbitration tools often function as "black boxes," meaning their decision-making processes are not fully transparent or interpretable. This lack of transparency raises questions about accountability—if an arbitrator relies on AI-generated insights, who is responsible for errors

or biases in the decision? Establishing regulatory standards for AI transparency and accountability is crucial to ensure fair and reliable arbitration outcomes.

Data privacy and security concerns also arise in AI-assisted arbitration. Arbitration proceedings typically involve confidential business information, trade secrets, and sensitive legal arguments. The use of AI necessitates robust cybersecurity measures to protect arbitration data from unauthorized access, breaches, or manipulation.

### 3.5 The Future of AI in Arbitration

As AI technology continues to advance, its role in arbitration is expected to expand. Future developments may include the use of AI in drafting legally binding arbitration awards, automating witness credibility assessments using facial recognition and voice analysis, and enhancing cross-border arbitration through multilingual AI-powered translation tools.<sup>407</sup>

However, the future of AI in arbitration depends on establishing clear ethical guidelines, regulatory frameworks, and safeguards to balance efficiency with fairness. While AI can enhance the arbitration process, human arbitrators must remain actively involved to ensure that AI-driven decisions uphold principles of justice and due process.

AI is revolutionizing arbitration by improving legal research, case management, and procedural efficiency while offering predictive insights to arbitrators. However, challenges related to bias, transparency, and accountability must be addressed to ensure the fair application of AI in arbitration. As technology evolves, AI will continue to play a complementary role in arbitration, supporting rather than replacing human arbitrators in delivering fair and just dispute resolution outcomes.

## 4. AI IN ONLINE DISPUTE RESOLUTION (ODR)

### 4.1 Introduction to Online Dispute Resolution (ODR)

Online Dispute Resolution (ODR) is a branch of Alternative Dispute Resolution (ADR) that leverages digital technology to resolve disputes outside traditional courtrooms. It is particularly effective for e-commerce disputes, consumer complaints, and cross-border conflicts, where parties are in different jurisdictions. ODR integrates mediation, arbitration, and negotiation into an online framework, allowing disputes to be settled through digital platforms.

With the growing reliance on technology in legal processes, Artificial Intelligence (AI) is playing an increasingly vital role in enhancing ODR systems. AI-powered ODR tools streamline case management, automate legal research, assist in negotiations, and even predict potential case outcomes. AI-driven chatbots, virtual mediators, and machine learning algorithms are making ODR more efficient, accessible, and cost-effective.<sup>408</sup>

### 4.2 AI-Driven ODR Platforms

Several AI-enhanced ODR platforms are being utilized globally. Examples include:

- **Smart-settle** – Uses AI-driven algorithms to suggest optimal settlements based on parties' preferences.
- **Justice Bot** – An AI legal assistant providing automated legal information and settlement suggestions.

These platforms use AI to categorize disputes, suggest resolutions based on historical cases, and even facilitate direct communication between disputing parties. AI-driven ODR systems help eliminate procedural delays and reduce the burden on human mediators and arbitrators.

### 4.3 Benefits of AI in ODR

<sup>407</sup> Artificial Intelligence in Law and ADR: Applications & Challenges, (Feb. 15, 2023), <https://jtl.harvard.edu/ai-in-law-adr/>

<sup>408</sup> International Chamber of Commerce (ICC), AI and Online Dispute Resolution, ICC Reports (2023), <https://iccwbo.org/publication/ai-in-adr/>



1. **Efficiency** – AI automates case processing, reducing resolution time.
2. **Cost-Effectiveness** – Eliminates expensive legal fees associated with traditional dispute resolution.
3. **Accessibility** – Allows parties from different locations to resolve disputes remotely.
4. **Data-Driven Decision-Making** – AI can analyze past dispute resolutions to suggest fair settlements.

#### 4.4 Challenges of AI in ODR

Despite its advantages, AI-powered ODR systems face several challenges:

- **Lack of Human Judgment** – AI lacks emotional intelligence and cannot fully understand human sentiments.
- **Bias and Fairness Concerns** – AI systems trained on biased data may lead to unjust outcomes.
- **Legal and Regulatory Uncertainty** – Many jurisdictions lack clear legal frameworks for AI-based ODR.

AI is transforming ODR by improving speed, accessibility, and efficiency. However, regulatory frameworks, ethical considerations, and human oversight are necessary to ensure fairness and justice in AI-driven dispute resolution systems.

### 5. ETHICAL AND LEGAL CHALLENGES OF AI IN ADR

#### 5.1 Introduction

While AI offers numerous benefits in ADR, it also raises significant ethical and legal challenges. Concerns regarding transparency, bias, data security, and accountability remain unresolved. If AI is to be integrated effectively into ADR, these challenges must be addressed to maintain fairness and uphold legal principles.

#### 5.2 Ethical Concerns in AI-Driven ADR

##### Algorithmic Bias

AI systems are trained on historical data, and if that data contains biases, the AI may perpetuate discrimination in decision-making.

For example, if past arbitration awards show gender or racial bias, AI models trained on such data may produce unfair outcomes.

##### Transparency and Explainability

AI-driven decisions often lack transparency, making it difficult for disputing parties to understand how conclusions are reached. The "black box" nature of AI algorithms raises concerns about accountability and due process.

##### Lack of Human Empathy

ADR often involves emotionally charged disputes where human mediators and arbitrators play a crucial role in fostering dialogue. AI lacks the ability to interpret emotions, cultural nuances, and ethical considerations, which can impact the quality of dispute resolution.

### 5.3 Legal Challenges in AI-Driven ADR

#### Data Privacy and Security

ADR cases involve sensitive information, and AI-driven dispute resolution platforms must comply with data protection laws such as the **General Data Protection Regulation (GDPR)** and **India's Personal Data Protection Act** to ensure confidentiality and prevent data breaches.<sup>409</sup>

#### Liability and accountability

In AI-assisted arbitration, who is responsible for an incorrect or biased decision? If a party suffers losses due to an AI-generated arbitration award, should the AI developers, the arbitrator, or the institution be held accountable? These legal questions remain unresolved.

#### Regulatory Gaps

There are no universal laws governing AI in ADR. Different countries have different regulations, and the lack of a standardized global framework creates uncertainty in AI-driven dispute resolution.

<sup>409</sup> General Data Protection Regulation (GDPR), Regulation (EU) 2016/679



AI in ADR must be implemented carefully to address ethical and legal concerns. Transparency, human oversight, and regulatory guidelines will be critical in ensuring AI is used responsibly and fairly.

## 6. FUTURE OF AI IN ADR

### 6.1. Introduction

The integration of AI into ADR is still in its early stages, but advancements in machine learning, natural language processing, and automation indicate a promising future. AI will continue to evolve, enhancing dispute resolution efficiency while also raising new ethical and regulatory challenges.

### 6.2. Emerging AI Technologies in ADR

#### AI-Powered Virtual Arbitrators and Mediators

Future AI systems may serve as fully automated arbitrators or mediators, capable of analyzing disputes and issuing legally binding decisions. Some experimental models are already being tested in contract-based disputes.

#### Blockchain and Smart Contracts in ADR

Blockchain technology and smart contracts can work alongside AI to automate dispute resolution. In smart contracts, disputes can be resolved instantly based on pre-set conditions encoded in the contract. AI can assist by interpreting contract terms and suggesting settlements.

#### AI-Powered Sentiment Analysis in Negotiations

AI can analyze the tone, facial expressions, and speech patterns of parties in ADR to assess emotional states and suggest optimal negotiation strategies. This could improve the quality of AI-assisted mediation.

### 6.3. Potential Benefits of Future AI-Driven ADR Systems

1. **More Accurate Case Predictions** – AI can analyze vast legal databases to provide highly accurate case outcome predictions.

2. **Cross-Border Dispute Resolution** – AI-driven ODR platforms can facilitate cross-border disputes, making global ADR more accessible.

3. **Automated Legal Drafting** – AI can assist arbitrators and mediators in drafting legally sound arbitration awards and mediation agreements.

### 6.4. Challenges for the Future

- **Regulatory Standardization** – Countries need to establish uniform global regulations for AI-driven ADR.

- **Balancing AI and Human Judgment** – While AI improves efficiency, human decision-makers must retain oversight to ensure fairness.

- **Public Acceptance and Trust** – Disputing parties must be willing to accept AI-assisted resolutions for AI to be widely adopted in ADR.

The future of AI in ADR holds immense potential, with advancements expected to improve efficiency, accessibility, and accuracy. However, ethical concerns, regulatory challenges, and the role of human arbitrators and mediators must be carefully managed. A balanced approach that integrates AI while maintaining human oversight is the key to a fair and effective dispute resolution system.

## 7. CONCLUSION

### 7.1 Summary of AI's Role in Alternative Dispute Resolution (ADR)

The integration of Artificial Intelligence (AI) into Alternative Dispute Resolution (ADR) marks a transformative shift in how disputes are resolved. AI has demonstrated its potential in enhancing mediation, arbitration, and Online Dispute Resolution (ODR) by improving efficiency, reducing costs, and providing data-driven insights. AI-powered tools, such as chatbots, predictive analytics, and automated document review systems, are revolutionizing ADR by streamlining legal research, assisting in

negotiations, and even predicting case outcomes.<sup>410</sup>

AI in **mediation** has led to the development of virtual mediators and AI-driven negotiation tools, allowing parties to engage in structured dialogue and receive settlement recommendations. In **arbitration**, AI supports legal research, case management, and procedural automation, reducing administrative burdens on arbitrators. Additionally, AI-powered **ODR platforms** have gained popularity in resolving consumer and e-commerce disputes, making dispute resolution faster and more accessible.

Despite these advancements, AI's role in ADR is not without challenges. Ethical concerns, including algorithmic bias, transparency, and accountability, pose significant hurdles to AI adoption. Legal and regulatory frameworks governing AI-driven ADR are still underdeveloped, leading to uncertainty regarding AI's legitimacy in dispute resolution processes. Furthermore, AI lacks human emotional intelligence and the ability to interpret complex socio-legal contexts, making human oversight essential.

## 7.2 Key Findings from the Research

This research highlights the following key findings:

1. **AI Enhances ADR Efficiency** – AI significantly reduces the time required for legal research, case processing, and administrative tasks, making ADR more efficient.
2. **AI Improves Accessibility** – ODR platforms powered by AI enable disputing parties to resolve conflicts remotely, breaking geographical barriers.
3. **AI Introduces Ethical and Legal Challenges** – Bias, lack of transparency, and accountability issues must be addressed before AI can be fully integrated into ADR.

4. **AI Should Complement, Not Replace, Human Judgment** – While AI improves dispute resolution processes, human arbitrators and mediators remain essential for ensuring fairness and justice.

## 7.3 The Need for Ethical and Regulatory Frameworks

To fully harness AI's potential in ADR, it is crucial to establish **clear ethical and legal guidelines** that ensure fairness, transparency, and accountability. Governments, legal institutions, and ADR organizations must collaborate to create standardized regulations for AI-driven dispute resolution. Some possible regulatory measures include:

- **AI Transparency Standards** – AI decision-making processes should be explainable and interpretable to disputing parties.
- **Bias Detection Mechanisms** – AI systems should be trained on diverse datasets to minimize algorithmic bias.
- **Accountability Measures** – Legal frameworks should clarify liability in cases where AI-generated decisions lead to unfair or unlawful outcomes.
- **Data Protection Policies** – AI-powered ADR platforms must comply with data privacy laws to protect sensitive case information.

## 7.4 Future Directions for AI in ADR

The future of AI in ADR will likely see further advancements in:

- **AI-Driven Hybrid ADR Models** – Combining AI-powered automation with human decision-making for improved dispute resolution.
- **AI-Assisted Sentiment Analysis** – Using AI to assess emotional and behavioral cues in mediation and arbitration.
- **Blockchain and Smart Contracts** – Enhancing the security and efficiency of AI-driven ADR through automated dispute resolution in digital transactions.

<sup>410</sup> World Economic Forum, How AI is Shaping the Future of Dispute Resolution, WEF.ORG (Oct. 21, 2022), <https://www.weforum.org/agenda/2022/10/ai-dispute-resolution/>

- **Global AI ADR Regulations** – The development of unified international frameworks for AI-driven dispute resolution.

### 7.5 Final Thoughts

AI has the potential to revolutionize ADR by making it more accessible, efficient, and cost-effective. However, AI should not be viewed as a complete replacement for human decision-makers. Instead, it should be seen as a **complementary tool** that enhances the effectiveness of ADR while ensuring fairness and ethical integrity. A **balanced approach**, integrating AI-driven automation with human oversight, will be key to the successful adoption of AI in dispute resolution.

By addressing ethical concerns, refining AI algorithms, and establishing comprehensive regulatory frameworks, AI can contribute to a more just and efficient ADR system. As technology evolves, it is essential to ensure that AI serves as an enabler of justice rather than a barrier to it.

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