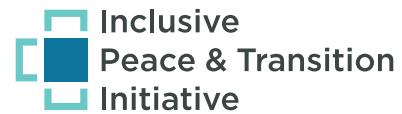


Case Study Series

Women in Peace and Transition Processes



May 2017



Name of process

Negotiations for a Firm and Lasting Peace¹

Type of process

Peace-making

Modality of women's inclusion

- Official consultations in parallel to the UN-mediated peace negotiations

Women's influence

High influence on the negotiations due to:

- Strong coalition building in the Women's Sector in the Assembly of Civil Society
- Effective advocacy strategies to ensure the insertion of numerous provisions in the final agreement

Outcome of the process

A final agreement was reached but only partially implemented due to the rejection of necessary constitutional amendments by referendum in 1999. While the agreement brought a formal end to the armed conflict, it has not prevented high levels of violence and crime.

Guatemala (1994-1999)

Of the several peace initiatives organized since the 1980s aimed at ending Guatemala's protracted civil war, the United Nations-mediated peace process of 1994-1996 proved the most inclusive. Organized women's groups were included in the Assembly of Civil Society: an official consultation body mandated to bring recommendations to the formal track one negotiations between the Guatemalan government and a unified coalition of the four largest guerrilla movements in Guatemala, the National Revolutionary Unity.

The women's organizations built a strong coalition in the Women's Sector of the Assembly, which enabled them to articulate joint positions and effectively bring their issues onto the negotiating agenda. The advocacy support of Luz Mendez, a female delegate representing the National Revolutionary Unity in the track one negotiations, was equally important in ensuring that provisions proposed by the women's groups were included in the final agreement.

I. Background

Guatemala gained independence from Spain in 1821. Approximately 60 percent of the population identifies with one of the 22 different Maya ethnic groups.² Poverty is particularly prevalent among the Maya with 73 percent of Guatemala's Maya population living below the poverty line.³

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Violence against women is a major problem in Guatemala, which has the third highest rate of murders of women in the world

Out of 187 countries, Guatemala ranks 128 on the Human Development Index and 119 on the Gender Inequality Index.⁴ Violence against women is a major problem in Guatemalan society. Women are victims of 92 percent of cases of domestic violence⁵ and the country has the third highest rate of murders of women in the world. Between 2007 and 2012 there were 9.1 murders per year for every 100,000 women.⁶ Insufficient resources in the police and judicial system combined with social stigmatization of domestic violence victims, leads to high levels of impunity of perpetrators.⁷

The conflict between the Guatemalan government and various guerrilla movements has its origins in the 1954 coup d'état, which was supported by the US Central Intelligence Agency. The overthrow of the democratically elected President Jacobo Arbenz, marked the end of a decade of democratic experimentation. President Arbenz had initiated new land reform programs, which were highly unpopular among wealthy landowners and powerful American investors, most notably the United Fruit Company. Motivated by Cold War policies towards Latin America, an anti-socialist military leadership friendly towards the US government and investors was installed. This resulted in the emergence of several, mainly leftist, guerrilla resistance movements.⁸

In 1960, violence erupted between the guerrillas and the government in Guatemala City and surrounding regions

In 1960, fights between the guerrillas and the government began in Guatemala City and surrounding regions to the east and south. Violence in the first stage of the civil war was directed towards people who were part of, or otherwise associated with, the guerrillas or the military government. The guerrillas economically sabotaged and violently attacked government installations in Guatemala City, as well as members of the government and individuals associated with it. At the same time, extreme right-wing, pro-government paramilitaries tortured and murdered those associated with the guerrilla movements.⁹

From the 1970s to the mid-1980s, the armed conflict escalated and spread to the highlands of Guatemala, an area mainly inhabited by Maya communities. At this point, military tactics shifted from selective targeting to a widespread counterinsurgency. The Maya people, perceived by the government as affiliates of the guerrilla movement, were considered enemies of the state. As a result, the military commonly abducted and tortured members of Maya groups, leading to extra-judicial killings or enforced disappearances, often without prior establishment of the individuals' relation to the guerrilla insurgency.¹⁰

During the same period, support grew for the four largest guerrilla groups, which included the Guerrilla Army of the Poor (Ejército Guerrillero de los Pobres); Revolutionary Organization of the Armed People (Organización Revolucionaria del Pueblo en Armas); Rebel Armed Forces (Fuerzas Armadas Rebeldes); and the Guatemalan Labor Party (Partido Guatemalteco del Trabajo). These comprised an estimated 6,000 guerrilla soldiers and were supported by between 200,000 and 500,000 citizens.¹¹ In 1982, the four guerrilla groups unified, forming a coalition known as the Guatemalan National Revolutionary Unity (herein, URNG).

By the end of the war in 1996, an estimated 200,000 people had been killed or ‘disappeared’, a great majority of these victims from Maya groups.¹² Of the human rights violations committed throughout the conflict, the Commission on Historical Clarification found that up to 93 percent were perpetrated by the military and paramilitary groups; three percent by URNG; and four percent by other unidentified armed groups, civilians and government officials.¹³ A quarter of the identified victims of these violations were women. Rape was commonly used as a tool of warfare, intended to degrade victims during torture or before assassinations.¹⁴

The Guatemalan peace process was initiated in the mid-1980s by the Contadora Group, comprised of Colombia, Venezuela, Mexico and Panama. Using diplomacy, their objective was to resolve the violent conflicts in El Salvador, Guatemala and Nicaragua as well as the instability caused by the Nicaraguan civil war in Costa Rica and Honduras.¹⁵ In 1986, the concerned authorities reached a multi-lateral peace accord in the Esquipula I Declaration. Esquipula II followed in 1987, detailing steps to be taken towards the promotion of national reconciliation and democratization in the post-conflict states.¹⁶

The 1994 UN-mediated peace talks between URNG and the government established a negotiating agenda and the Assembly of Civil Society

In 1990, a region-wide push towards a peaceful solution to the Guatemalan civil war led to negotiations in Oslo. This paved the way for talks in Mexico between URNG and the Guatemalan government¹⁷ where rules and procedures for future negotiations were drawn out in the 1991 Mexico Accord.¹⁸ In 1994, UN-mediated track one peace negotiations between the government of Guatemala and URNG began. This was initiated under the ‘Framework Accord for the Renewal of the Negotiations Process’, which presented an agenda for the peace talks and established the Assembly of Civil Society.

The Assembly of Civil Society was mandated to work in parallel with the UN-mediated peace negotiations by sending recommendations to the official peace talks.¹⁹ In January 1995, these recommendations were handed over to the official track one negotiations. The Assembly subsequently began to work beyond its initial mandate when it carried out advocacy activities through the publication of documents on the Guatemalan transition, including transparency in the 1995 election.²⁰ As a result, the government and URNG rejected to give the Assembly of Civil Society a formal role in the implementation phase of the peace agreement. The Assembly grew more politicized after the 1995 election, lost influence, and dissolved after the signing of the peace agreement.²¹

An agreement was signed in 1996, but the constitutional changes needed for its implementation were rejected by referendum

The UN-mediated peace talks ended on 28 December 1996, when the government of Guatemala and URNG signed the Agreement for a Firm and Lasting Peace, resulting in an end to the armed conflict. It included stipulations on demobilization and the reintegration of former guerrilla fighters into civilian society, as well as comprehensive socio-economic and democratic provisions such as fiscal, electoral and minority rights reforms. In order for the agreement to be implemented, it was required that four categories of 50 amendments be made to the constitution. A

national referendum on the proposed constitutional changes was held in 1999 however, it was rejected by 55 percent of voters. This result was due to very low and uneven voter turnout: Only 17 percent of the electorate voted and a high number of abstentions were recorded in indigenous areas.²⁵

Although levels of violence remain high in Guatemala, the agreement brought an end to the conflict and paved the way for more gender equality

The ensuing lack of implementation of crucial elements of the agreement containing electoral, fiscal, and rural development reforms, constrained its overall impact. While the peace agreement brought an end to the armed conflict, extremely high levels of violence and organized crime continue. The country has one of the highest homicide and more specifically femicide rates in the world.²⁶ Despite this, the formal inclusion of women's organizations in the Assembly of Civil Society, has paved the way for increased momentum for women's rights and gender equality in the post-conflict civil society. As such, this case study focuses on the influence of the 'Women's Sector' in the Assembly of Civil Society and the track one negotiations.

Actors involved in the process

The official track one negotiations were conducted between the Guatemalan government and URNG, and were moderated by the United Nations mediator Jean Arnault. In addition to negotiations between the government and the URNG, civil society organizations were included through the establishment of an Assembly of Civil Society. The Assembly was mandated to work in parallel with the UN-mediated peace negotiations, through the sending of recommendations to the official peace talks.²⁷

Initially, representatives were included in the Assembly of Civil Society as part of one of six broad social groups or sectors: Maya organizations; political parties; religious groups; trade unions; the Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations; and the Atlixco Group' made up of academics, cooperatives and independent businesses. After internal debate, five additional sectors were added: women's groups; non-governmental development organizations; research centers; human rights organizations; and media organizations. However, the inclusion of these additional five sectors led to the withdrawal of the Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations, who held that the latter groups were unrepresentative.²⁸ This would later prove significant as the Committee, Guatemala's then most important business association, would vocally oppose the implementation of the peace agreement.

Women Involved in the Process

For the first time in Guatemala's peace process, women's organizations were included as an official part of the negotiations through the coalition of the Women's Sector in the Assembly of Civil Society. Even though the original six sectors had included women, no specific sector advocated for the relevance of addressing women's issues. The Women's Sector was added to the Assembly following an advocacy campaign led by several women's groups.²⁹ The Women's Sector was ultimately comprised

of 32 women's organizations, representing trade unions, academia, human rights groups and other civil society groups.³⁰

Women were primarily included in the peace negotiations through the Women's Sector in the Assembly of Civil Society

Modalities of Inclusion of Women's Groups³¹

The primary modality of women's inclusion was through the Women's Sector in the Assembly of Civil Society. This coalition of organized women's groups contributed to recommendations sent on behalf of the Assembly to the official UN-mediated negotiations between URNG and the government.

1 | Consultations

In 1994, the Assembly of Civil Society was initiated as a formal, non-binding civil society advisory group. It was chaired and facilitated by Bishop Quezada Toruño, who had been heavily engaged in the peace process since the 1980s.³² Its objective was to address the main causes of the conflict and was mandated to discuss and form consensus on seven points:³³

- (i) Democratization and human rights
- (ii) Strengthening of civil society and the function of the army in a democratic society
- (iii) The identity and rights of indigenous people
- (iv) Constitutional reform and electoral regime
- (v) Socio-economic aspects
- (vi) The agrarian situation; and
- (vii) The resettlement of the population displaced by the internal conflict

Military matters and ceasefire arrangements were the only agenda items of the peace talks not discussed in parallel by the Assembly of Civil Society.³⁴

The Assembly consisted of 10 sectors and a plenary. During discussions in the plenary, each sector would select ten delegates to represent them. Bishop Quezada Toruño would then take the lead in preparing concrete policy documents and consensus-based position papers to feed into the official peace negotiations. Most recommendations made by the Assembly, with the exception of those concerning agrarian reforms and land redistribution, were added to the final peace agreement.³⁵ Following the signing of the peace agreement between the government and URNG, the agreement was sent to the Assembly for ratification. This was intended to ensure broad national commitment to the agreement.³⁶

**The Women's Sector
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peacebuilding**

The organizations in the Women's Sector had different objectives due to the differences in their backgrounds. While some of the organizations worked exclusively with women, others advocated for women's issues within the scope of other priorities. Hence, the Women's Sector was able to form political alliances across a broad spectrum of sectors and issue matters. In practice, its members often offered their assistance to other sectors in exchange for support of the Women's Sector. Due to the different interests of the members of the Women's Sector, these alliances were established on an ad hoc basis.³⁷ The main objective of the Women's Sector was to promote an agenda on general peacebuilding topics, such as land reforms, reconciliation, economic opportunity, justice, safe return of refugees, as well as more gender-specific topics including violence against women, women's rights and gender equality.³⁸ Their primary objective was also to influence the concrete recommendations sent from the Assembly of Civil Society to the bilateral track one negotiations.³⁹

Of the peace agreement's 13 thematic accords, 11 included language on gender equality or women's rights.⁴⁰ Moreover, five of the accords included specific provisions on the recognition and protection of women's rights, among them:⁴¹

- (i) "The fulfillment of the United Nations Convention on the Elimination of all Forms of Discrimination against Women;
- (ii) A review of the national legislation to remove or alter laws that discriminate against women;
- (iii) The participation of women in decision-making at local, regional and national levels;
- (iv) Provisions for women's equal access to education and training, including programs to eradicate discrimination against women; and
- (v) Women's access to housing, credit, land and other productive resources".⁴²

However, at the time, members of the Women's Sector expressed the opinion that these provisions lacked strength and depth otherwise suggested by their progressive phrasing.⁴³

II. Analysis of Women's Influence: Enabling and Constraining Factors

The main factors that enabled the organized women's groups to exert influence on the peace process included: successful coalition building within the Women's Sector of the Assembly of Civil Society; official and effective advocacy strategies from the Assembly to the track one negotiations; the role of the facilitator of the Assembly of Civil Society and the mediator of the official track one negotiations; as well as, more broadly, the Beijing Declaration's aim of securing gender equality.

Women managed to include gender perspectives in 11 of the 13 final accords and shaped provisions addressing broader societal issues

Women influenced not only the inclusion of gender specific provisions in five of 13 accords, with language on gender equality present in 11 of 13, but also provisions with a broader societal reach.⁴⁴ Despite this success, context factors such as elite resistance and lack of public buy-in for the 1999 constitutional amendments referendum, curtailed implementation of the agreement. The peace agreement heralded the end of armed conflict between the government and guerrilla groups. However, its limited implementation reduced its final impact on the causes of the conflict.

The following section distinguishes between a number of procedural and contextual factors that either enabled or constrained the influence of women's organizations in the Assembly of Civil Society, as well as on their overall influence on the negotiations.

Process Factors

1 | Coalitions and Joint positions

The organizations that were part of the Women's Sector adopted a consensus-based approach in the preparation of their agendas, managing internal challenges and disagreement through dialogue. In combination with targeted advocacy and access to the track one negotiations, the coalition-building that underpinned the work of the Women's Sector was essential in enabling their influence on the negotiations and the inclusion of gender specific items and provisions in the final peace accord.

2 | Transfer, Communication, and Advocacy Strategies

URNG member Luz Mendez used her access to the URNG negotiators to advocate for the proposals of the Women's Sector

The Women's Sector relied on transfer strategies to ensure that their input would reach the formal negotiation table and influence the final peace provisions. Correspondingly, there were two key modes of transfer between the Sector and the government-URNG negotiations. Officially, the sector advocated for the inclusion of gender provisions in the recommendations drafted in the Assembly, which were then presented at meetings between the Assembly facilitator, Bishop Quezada Toruño, and the negotiating delegations. Meanwhile, informal transfer was made through Luz Mendez – a member of URNG's Political-Diplomatic Team with direct contact with URNG's four negotiators as well as the track one negotiations.⁴⁵ While Mendez did not directly strategize with members of the sector, she used her access to the URNG negotiators to advocate for the Sector's proposals. In practice this meant Mendez would present recommendations made by the Women's Sector to URNG, who would then pass them on to the UN mediator and possibly the government delegation in plenary sessions of the track one negotiations.⁴⁶ Mendez's commitment to the recommendations made by the Women's Sector is explained by her membership in the National Union of Guatemalan Women (UNAMG), who for political reasons had been excluded from the Assembly of Civil Society. These transfer strategies greatly account for the success of the Women's Sector in managing to include gender perspectives in 11 of the 13 accords of the peace agreement.⁴⁷

3 | Attitudes of conflict parties and mediators/facilitators

The facilitator of the Assembly of Civil Society played an important role in enhancing the influence of civil society organizations

The facilitator of the Assembly of Civil Society, Bishop Quezada Toruño, played an important role in enhancing the influence of those civil society organizations formally included in the peace process. Prior to the establishment of the Assembly there was doubt among political elites, in particular the military, that a civil society body could influence the agreements. They anticipated that civil society organizations would be unable to agree on substantive issues and that an inherent lack of unity would constrain their influence over the process.⁴⁸ Conversely, Bishop Quezada's facilitation skills greatly encouraged the civil society organizations, including organized women's groups, to cooperate, rendering the Assembly both efficient and influential. In addition, the UN mediator Jean Arnault, supported the discussions on specific gender provisions presented by Luz Mendez and paid particular attention to how the Beijing Declaration on women's empowerment and gender equality, could impact the Guatemalan negotiations.⁴⁹

Context Factors

1 | Elite Support and Resistance

In enabling the inclusion of women's organizations and other civil society groups in the peace negotiations through the Assembly of Civil Society, the formal negotiators agreed to consider their recommendations. As a result, several of the recommendations sent from the Assembly to the track one negotiations were included in the final peace agreement. However, the Guatemalan government and URNG were not required to implement them in the final accords. As a result, the government disregarded many of the recommendations made by the Assembly. These notably included recommendations on socio-economic and agricultural reforms each deemed crucial by the Assembly in order to adequately address the causes of the conflict and promote sustainable peace through social justice. The rejection of these recommendations was largely due to elite resistance stemming from Guatemala's most powerful landowners. In particular, the aforementioned Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations – a mouthpiece for Guatemala's powerful business interests – conducted successful lobbying against these reforms, persuading the government to discount the Assembly's recommendations and maintain the status quo.⁵⁰

In addition, the Guatemalan political environment was then driven by patterns of clientelism and personal politics, which left little regard for the electorate. As a result, all of Guatemala's political parties, excluding the Democratic Reconciliation Action party, lobbied and advocated for a 'No' vote in the constitutional referendum in 1999. Public information campaigns were minimal, while public debates were drawn-out and divisive, intentionally diverging from properly informing the general population on the details of the accords and constitutional amendments. In addition, right-wing political and economic elites feared that the new constitutional reform would bring preferential treatment to the indigenous population and thus launched an active 'No' campaign. The campaign targeted Ladinos⁵¹ with the message that a 'Yes' vote could shift the domestic balance of power in favor of indigenous groups.⁵²

This greatly contributed to the rejection of the constitutional amendments, with voter turnout at a low 17 percent, of whom 55 percent voted 'No'. In turn, this meant that crucial commitments of the peace agreement were not implemented.⁵³

2 | Public Buy-in

Resistance from elites combined with lack of public awareness on the peace process led to the criticism that the Assembly was not truly representative

Lack of public buy-in was greatly influenced by the aforementioned resistance and lobbying of Guatemala's elite and political parties. This was worsened by the Assembly's failure to adequately promote public awareness during the process. As a result, the wider public was not aware of political developments and debates taking place in the Assembly of Civil Society, which led to criticism that the Assembly was not truly representative. Hence, the Assembly struggled to gain wider support for the peace process.

Low levels of public awareness on the peace process were also observed by the Commission of Historical Clarification, who claims that inhabitants in some of the remote areas of Guatemala did not know the armed conflict had finished when field staff travelled around the country to collect testimonies of human rights violations between 1997 and 1999.⁵⁴ This became impossible to ignore during the national referendum campaign in 1999 when only 17 percent of the electorate turned out to vote on the 50 provisions that were necessary for full implementation of the peace agreement.

The combination of elite resistance, a successful 'No' campaign around the 1999 constitutional amendments and a lack of public buy-in constrained the implementation of crucial provisions needed to make the peace agreement sustainable. As such, significant causes of the conflict, including the definition of Guatemala as a multi-ethnic and multi-cultural society, were not addressed.

3 | Attitudes and Expectations Surrounding Societal Gender Roles

To avoid being isolated in the Assembly, the Women's Sector allied with civil society groups by strategically defending their issues as part of a broader societal agenda

Within the Assembly, the organized women's groups faced challenges presented by the attitudes of their male counterparts. This came to the fore in interviews with female participants who held that women's issues were initially met with contempt in the Assembly, consequently isolating the Women's Sector. On the basis of this hostile reception, the Sector developed a strategy to gain support whereby they sought advocacy alliances with other civil society groups without specifically labelling issues as 'women's issues'. For example, support given to the Human Rights Sector was under the broader label of 'human rights', nevertheless the Women's Sector advocated for women's rights in these sessions.⁵⁵ The organized women's groups thus managed to develop advocacy strategies that enabled them to exert influence despite conflicting attitudes within the Assembly.

4 | Existence of Prior Agreements or Gender Provisions

International agreements were an enabling factor in the inclusion of gender provisions in the peace agreement. Luz Mendez highlighted her attendance at the Fourth World Conference on Women in Beijing in 1995 and the ensuing Beijing Declaration as particularly significant. According to Mendez, the Conference and Declaration reaffirmed that women belong at the negotiation table and empowered her to advocate for women's rights.⁵⁷ The Beijing Declaration also made the UN mediation team more conscious and committed to the importance of women in peace negotiations and inclusion of gender provisions in peace agreements.⁵⁸

III. Conclusion

The women's organizations in the Assembly of Civil Society's 'Women's Sector' played an important role in the peace negotiations. Their influence was shaped by the strong coalition formed in the Women's Sector and the effective advocacy role of Luz Mendez in the track one negotiations. This was in turn facilitated by the supportive conduct of the facilitator of the Assembly, Bishop Quezada Toruño and UN mediator, Jean Arnault. These factors contributed to the inclusion of gender specific provisions in five accords and gender sensitive language in 11 of the 13 accords of the peace agreement. Moreover, the Women's Sector also influenced the inclusion of provisions with a broader societal reach, such as those pertaining to indigenous rights and the recognition of Guatemala's diversity.⁵⁹ Despite this, elite resistance coupled with lack of public buy-in prevented the implementation of the peace accord. While the peace agreement officially ended the armed conflict, the country continues to have extremely elevated levels of violence and organized crime, particularly drug trafficking. In 2010, violence levels in the country were estimated to exceed those seen during the civil war⁶⁰ and by 2015 the murder rate was among the highest in the world.⁶¹

High levels of corruption worsen instability in Guatemala. A corruption scandal including the highest levels of government came to public attention during the spring and summer of 2015, leading to public protests.⁶² Subsequently, President Otto Perez Molina resigned on 3 September 2015 after a warrant for his arrest was issued following investigations into his involvement.⁶³

Despite the high level of influence women had during the peace negotiations, they continue to be politically marginalized

Guatemala has seen prosecutions for the human rights violations committed during the 36-year civil war, yet the situation in the country remains precarious for women.⁶⁴ Females continue to be politically marginalized and experience one of the highest rates of violence in the world. Solutions to address this situation are hindered by a combination of lack of political will, infrastructure and resources to implement measures to protect women. Although the Guatemalan government has passed various laws to improve the situation of women, most notably the 2008 Law Against Femicide and Other Forms of Violence Against Women, in practice the application of these protective laws, and broader equality for Guatemalan women, faces many obstacles.⁶⁵

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Another prominent women's organization, the National Union of Guatemalan Women (UNAMG) was not able to participate in the Assembly of Civil Society due to political repression against its members in previous years (including the forced disappearance of its Secretary General). However, its leaders in exile remained active in UNAMG branches in several countries.

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Women in Peace and Transition Processes

Case studies in this series are based on findings of the “Broadening Participation in Political Negotiations and Implementation” research project (2011-ongoing), a multi-year comparative research project led by Dr. Thania Paffenholz at the Graduate Institute of International and Development Studies, Geneva. The Broadening Participation project examines how and under which conditions various actors participate in and influence peace and political transition processes. The project’s dataset so far comprises 40 mainly qualitative case studies of negotiation and implementation processes, covering 34 countries, and ranging from 1989 to 2014. These cases are categorized according to a range of groups of included actors and a framework of seven inclusion modalities developed by Thania Paffenholz. Among the case studies under review for this project, 28 included measurable involvement of women. In this context, women were defined as relatively organized groups, including delegations of women, women’s civil society organizations, coalitions or networks, which sought inclusion in peace negotiations and the implementation of agreements. The project did not investigate the role of women as mediators. For more information, see: www.inclusivepeace.org.

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The Inclusive Peace & Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the initiative is to support sustainable peace by providing expertise and information on the inclusion of diverse actors in peace and transition processes. This expertise is drawn from a collection of research projects that have been conducted for nearly a decade at the Graduate Institute of International and Development Studies in Geneva under the lead of Dr. Thania Paffenholz.

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