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Legal and Policy Frameworks can Advance the Land Equality
Agenda in South Sudan?**



Gender, Women's Land Rights and Climate Resilience Nexus: What Legal and Policy Frameworks can Advance the Land Equality Agenda in South Sudan?



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Abstract

Purpose: This study examines the intricate nexus between gender, women's land rights, and climate resilience in South Sudan, aiming to identify legal and policy frameworks that can advance the Land Equality Agenda amidst ongoing conflicts and environmental challenges.

Methodology: The research employs a qualitative approach, analyzing legal documents, policy frameworks, and institutional reports, supplemented by a review of scholarly literature and policy analysis. It also incorporates insights from key stakeholders through interviews and workshop reports, providing a comprehensive understanding of the legal, social, and environmental dynamics at play.

Findings: Key findings indicate that although the Transitional Constitution and Land Act recognize women's land rights, customary laws and social norms heavily restrict women's access and inheritance, exacerbating vulnerabilities to climate-related disasters. Climate change acts as a threat multiplier, intensifying resource scarcity, displacement, and conflict, disproportionately affecting women and marginalized groups. Institutional weaknesses, political inertia, and limited resources hinder effective implementation of reforms, while persistent cultural norms impede progress toward gender equality in land governance.

Unique Contribution to Theory, Policy and Practice: Based on these findings, the study recommends comprehensive legal reforms to explicitly recognize women's land rights, enforcement of gender quotas in land governance institutions, and strengthening customary justice systems to align with national laws. It advocates for integrated climate and land policies that prioritize women's empowerment, capacity-building initiatives, and community-based awareness campaigns.

Keywords: *Gender, Women's Land Rights, Climate Resilience Nexus, Legal and Policy Frameworks, Land Equality Agenda, South Sudan*

JEL Codes: D63, Q51, Q54, K32, K38, N15

1. Introduction and Contextual Overview

Scientific consensus, as presented in the Intergovernmental Panel on Climate Change (IPCC), confirms that anthropogenic climate change is already driving significant and measurable impacts on key environmental systems globally (IPCC, 2022). These include rising sea levels, shrinking snow and ice cover, shifting precipitation patterns, and disruptions to hydrological and ecological systems. The cumulative effects of these changes are imposing increasing economic pressures on governments, which must manage the mounting costs of extreme weather events, disruptions to agricultural production, and climate-related humanitarian emergencies (World Bank, 2023).

South Sudan, with an estimated population of approximately 14 million, is undergoing rapid demographic expansion (World Bank, 2024). The population is predominantly youthful around 70 percent are under the age of thirty resulting in a high dependency ratio that intensifies pressure on the working-age population and strains limited public resources (UNICEF, 2024). Population distribution is also uneven, intensifying regional vulnerabilities. Alongside the Greater Pibor Administrative Area (GPAA) and Upper Nile, Jonglei State is frequently affected by climate-related hazards such as droughts, floods, food insecurity, and violent conflict, demonstrating how environmental and socio-political stressors are deeply interconnected (UN OCHA, 2023).

South Sudan continues to confront the lingering effects of protracted civil conflict and intercommunal violence, which have resulted in widespread displacement, destruction of property, gender-based violence, and significant psychological trauma (UN Security Council, 2023). Climate change acts as a threat multiplier, further exacerbating these conditions by intensifying environmental stressors such as prolonged droughts, recurrent flooding, and increasing scarcity of natural resources (WFP, 2024). This resource scarcity has contributed to rising tensions and conflict, particularly in Jonglei, GPAA, and Upper Nile, where climate shocks frequently coincide with spikes in violence and gender-based and sexual violence.

As climate variability increases, pastoralist communities are adapting their practices by modifying seasonal calendars, relocating livestock, or altering traditional transhumance routes (FAO, 2023). However, such adaptations often lead to competition over grazing land, water sources, and pastures, escalating tensions both within and between communities. Recurrent seasonal flooding in regions like Jonglei has led to mass displacement, destroyed homes, and damaged critical infrastructure, further compounding vulnerability. Crucially, the adverse impacts of climate change are not evenly distributed; women, girls, and youth face disproportionate risks due to structural inequalities and limited access to resources and decision-making processes (UN Women, 2022).

The impacts of climate change are uneven, with developing countries and low-income households bearing a disproportionate burden due to limited adaptive capacity, constrained resources, and weak financial resilience (UNDP, 2021). Addressing the root causes of gender inequality, land disputes, climate vulnerability, and instability requires a deep understanding of the complex links

between climate stress, land use, mobility, conflict, and cultural dynamics. An integrated approach is essential to guide policy and support sustainable peacebuilding in South Sudan, ensuring that equity is embedded in national climate policies to mitigate long-term human, social, and economic losses.

2. Policy, Legal, Governance and Institutional Environment

This was discussed under the following sub-sections:

Economic Context and Institutional Foundation

South Sudan's economic potential remains vast, with an estimated 96 percent of its land being arable, though currently only about four percent of this area is cultivated (FAO, 2024). Over 80 percent of the population resides in rural areas, and a staggering 78 percent of households rely on crop farming or animal husbandry as their primary source of livelihood, underscoring the central role of land access in national stability and food security (World Bank, 2024). The country has established a range of land administration institutions intended to form a foundation for improved land governance. These include the Ministry of Housing, Physical Planning, and Environment, which serves as the lead agency for land-related development and urban titling. Furthermore, the South Sudan Land Commission (SSLC) is mandated to function independently, arbitrating land claims, coordinating land policies, and researching land use practices (UN OCHA, 2023). Local land management is overseen by Payam Land Councils, while civil society advocates like the South Sudan Land Alliance promote equitable access for marginalized groups.

The Statutory Legal Framework and Constitutional Guarantees

A robust statutory legal foundation exists to support comprehensive land governance. The Transitional Constitution of South Sudan (TCSS), 2011, is the cornerstone, which guarantees property rights and explicitly recognizes women's rights to own and inherit land (Art. 16, 28). It outlines a tri-partite land tenure system comprising public, community, and private land, while formally acknowledging customary land rights. Complementary legislation, such as the Land Act (2009), operationalizes these constitutional provisions by allowing for land acquisition through Customary, Freehold, and Leasehold tenures, emphasizing equal access and the protection of land rights (SSLC, 2009). Additionally, the Local Government Act (2009) empowers local councils (Sections 88 to 92) to regulate and administer territorial land, conduct surveys, and enact bylaws, thereby providing a decentralized legal mechanism for guiding land use and protection (UN Women, 2023a).

The Implementation Gap and Customary Law Barrier

Despite these legal protections, the full enjoyment of land rights, particularly by women, is significantly undermined by the parallel application of statutory and customary law (UN Women, 2023b). The rules for access to and use of land under customary law are predominantly established, administered, and enforced by customary chiefs or male traditional leaders (NRC, 2024). Since

women traditionally leave their own lineages upon marriage, land and property inheritance are often exclusively confined to male family members. This systemic barrier often results in women being denied access to assets, including those acquired during marriage, especially if they opt out of the marital union (UN Women, 2023b). Moreover, awareness of statutory rights remains limited: only a small percentage of women understand their rights to use and manage land under the 2009 Land Act, complicating efforts to claim their legal entitlements (AfDB, 2022).

Legal Ambiguity and Drivers of Conflict

The persistence of conflict and resource disputes is partially attributed to ambiguities within the TCSS (2011) regarding ultimate land ownership and access (Justin, 2022). Misinterpretations of these laws such as cattle herders extending grazing beyond traditional boundaries have become key flashpoints for intercommunal violence (WFP, 2024). Furthermore, the widespread but vague constitutional declaration that "land belongs to the people of South Sudan" is sometimes exploited, leading to opportunistic encroachment on the ancestral territories of other communities and fueling instability. This situation is compounded by a lack of clear boundary demarcations and the absence of a national census since 2008, which hinders effective urban planning, land intervention prioritization, and the delivery of essential services across the country (NRC, 2024).

Challenges to Reform and Enforcement

Progress on critical land reforms, especially those guaranteeing women's land rights and tenure security, continues to be slowed by a persistent lack of political will and limited institutional resources (BTI, 2024; Bazugba, 2025). Patriarchal customs and deeply entrenched cultural norms continue to marginalize women and other vulnerable groups, effectively overriding the legal frameworks designed to protect them (UN Women, 2023b). Key land administration structures, including decentralized offices and vital complementary legislation like the Community Land Act and the Land Valuation Act, remain either underdeveloped or unenforced. Adding to these challenges, insecurity, displacement, migration, and the growing impacts of climate change severely constrain the institutional systems needed for effective land tax enforcement and equitable administration (NRC, 2024; UN OCHA, 2023).

3. Climate Change as a Threat Multiplier and Conflict Driver

Climate change represents a significant global phenomenon that fundamentally threatens sustainable development and human existence. South Sudan is highly vulnerable, with climatic shifts including recurrent floods, prolonged droughts, and erratic rainfall directly impacting socio-economic stability. These changes lead to reduced agricultural and livestock production due to a shift in rain seasons, which in turn causes malnutrition and affects overall human health. Crucially, climate change acts as a threat multiplier, severely exacerbating existing vulnerabilities and creating a cyclical relationship between resource scarcity, internal displacement, and communal conflict (Oxfam, 2023; UNICEF, 2024).

The primary mechanism of climate-driven conflict is resource scarcity. Increasing water shortages caused by drought and shrinking water supplies intensify competition over rivers, wells, and other communal resources, particularly among mobile pastoralist groups and sedentary farming communities (UN OCHA, 2024). Furthermore, desertification and unsustainable overgrazing have severely diminished the availability of fertile grazing land. This dwindling availability of resources fuels violent confrontations over territory and access, creating a volatile environment where tensions are easily ignited. Women and girls are disproportionately affected by these conflicts, as they are often responsible for fetching water over longer distances in increasingly insecure environments.

This ecological stress directly leads to climate-induced displacement. Extreme weather events like flooding and drought push communities away from their ancestral lands, driving massive internal migration and leading to heightened ethnic tensions and new disputes over land tenure (IOM, 2024). As displaced populations move into new areas, they are often viewed as competitors for scarce resources by host communities. This crisis also intensifies urbanization pressure. Rural-to-urban migration is accelerating, with cities like Juba seeing a significant influx of climate-displaced people. This creates immense pressure on urban infrastructure, intensifying competition for limited housing, jobs, and basic services, which in turn escalates social instability (IOM, 2024).

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Complex Causal Factors and Interlocking Feedback Loops

South Sudan faces a severe convergence of climate change, conflict, and weak governance. Scarce natural resources and poor infrastructure significantly heighten the nation's vulnerability. Crucially, environmental degradation and resource-based conflict do not exist independently; they reinforce each other in a deeply harmful cycle. Climate change is thus not merely an environmental issue it acts as a threat multiplier that exacerbates existing ethnic divisions, political instability, and environmental degradation, creating a dynamic feedback loop where each problem intensifies the others. Breaking these cycles requires coordinated, long-term strategies that address both immediate climate risks and the deep-seated root causes of instability.

The Climate-Conflict-Governance Nexus

The primary drivers of instability are locked into self-reinforcing dynamics:

Ethnic Rivalries and Resource Stress

Climate-related challenges, such as prolonged droughts and frequent floods, directly exacerbate long-standing ethnic tensions. As vital resources like land and water become increasingly scarce, competition intensifies among communities, often sparking violent clashes particularly in regions like Jonglei and Upper Nile. This resource strain is complicated by the increased involvement of traditional leaders, whose actions have, in some instances, contributed to the escalation of land conflicts (Atem 2025).

Governance and Political Fragility

The government's limited capacity to manage climate-induced disasters undermines public trust and weakens institutional authority. Inadequate responses to crises such as delays in aid distribution, poor infrastructure repair, or failure to enforce agreements heighten local grievances. This institutional weakness further destabilizes already fragile regions, as communities look to non-state actors for security and resource access (Musa & Yongo, 2022).

Environmental Degradation and the Conflict Loop

The exploitation of the environment feeds back directly into the conflict cycle:

Fuel-Driven Deforestation

A growing reliance on wood for household energy needs has accelerated deforestation, leading to increased soil erosion and declining agricultural yields. The resulting food insecurity deepens poverty and inflames disputes over increasingly unproductive land. As fertile ground shrinks, the incentive for communities to move, encroach, or fight for better land increases.

Resource Scarcity and Violence

The unsustainable exploitation of natural resources especially pasture and water creates a destructive cycle. As ecosystems deteriorate and resources dwindle, communities are pushed into conflict over what remains, reinforcing both environmental damage and social unrest. This dynamic illustrates the vicious cycle where conflict prevents effective resource management, which in turn fuels further competition and violence (Elasha, 2021).

4. Climate Mitigation Strategies in the South Sudanese Context

The development of effective strategies to cope with extreme weather events is paramount for protecting human lives and property in South Sudan. These strategies must be established through a participatory community process after local populations have been sensitized and made aware of the facts, implications, and significance of behavioral change. A comprehensive approach to mitigating climate change in South Sudan must consider several interlocking areas.

Infrastructure Enhancements

Robust infrastructure is essential for protecting communities from environmental threats. **Flood protection** is a priority, managed through constructing dykes, levees, and embankments in highly vulnerable regions such as Jonglei. These protective measures are necessary to safeguard communities, vital infrastructure, and agricultural land from flood-related damage. Furthermore, effective **Water Resource Management** must be a governmental focus, involving the development of irrigation systems and the adoption of rainwater harvesting methods. This ensures efficient water use, particularly during dry spells, and helps maintain agricultural productivity in the face of increasingly erratic rainfall patterns (UNEP 2021).

Diversifying Livelihoods

Reducing reliance on climate-sensitive rain-fed agriculture is critical for building economic resilience. This can be achieved by investing in Improved Agroforestry Practices, which involve incorporating trees into farming systems. Such practices not only enhance soil health and prevent erosion but also provide additional income through products like timber and fruits. Simultaneously, Alternative Income Opportunities must be promoted. This includes fostering skills in crafts, service-based work, and other climate-resilient livelihoods, such as small-scale fishing or livestock farming, thereby helping communities withstand shocks to conventional agricultural sectors.

Disaster Preparedness

Timely information and local capacity are vital for minimizing loss of life and assets. Early Warning Mechanisms must be leveraged, utilizing satellite imagery and weather data to predict extreme events like droughts and floods. This early notice allows communities to take timely protective measures, such as evacuation or asset safeguarding. This technological approach must be complemented by Community Awareness and Training programs focused on disaster response, including first aid and evacuation procedures, which ultimately strengthens the local capacity to cope with climate-related emergencies.

Emission Reduction Strategies

Addressing the sources of environmental degradation locally can contribute to both mitigation and adaptation. Reforestation Efforts involve promoting extensive tree-planting initiatives designed to rehabilitate degraded land and enhance carbon absorption, helping to offset local emissions. Similarly, Promoting Renewable Energy by expanding the use of solar power, biogas, and other green energy sources is essential. This reduces dependence on wood and charcoal, which are primary drivers of deforestation and emissions.

Sustainable Approaches

Finally, sustainable practices must be integrated into daily life. Climate-Smart Agriculture encourages farming methods like crop rotation and conservation tillage, which lowers agricultural emissions while preserving valuable soil health. This focus should be paired with Improved Waste Management, including the introduction of composting and efficient waste disposal practices, which helps cut methane emissions from decaying organic materials.

5. Policy and Programme Recommendations

To break the destructive feedback loops between climate vulnerability, conflict, and gender inequality, an integrated strategy focused on legal reform, institutional strengthening, and societal empowerment is essential. Securing women's land rights is a non-negotiable strategy for building sustainable household and national resilience against climate change, as women with legal tenure are more likely to invest in climate-smart agriculture, and ownership unlocks access to credit and insurance critical for adaptation.

5.1 Legal and Institutional Reforms

The ongoing Permanent Constitution-Making Process and the development of the South Sudan Land Policy represent critical junctures for institutionalizing women's land rights.

Constitutional and Legal Clarification

The permanent Constitution must clearly and unambiguously establish whether land ownership rests with the government or the people, providing a solid legal cornerstone for the Land Act and consistent policy implementation. Legal reforms must ensure the inclusion of gender-sensitive provisions to safeguard and advance women's rights to own, inherit, and use land, eliminating discriminatory customary practices. The government should also promote sustainable land use practices, curb deforestation, and encourage the transition to green energy through policy development.

Enforcing Gender Quotas and Political Alignment

Strengthen advocacy and lobbying to ensure the constitutional provision of 35% quotas for women's representation is strictly enforced in all land governance bodies and committees. This effort should be aligned with broader national and regional frameworks, including the African Union's Pan-African Women's Charter on Land Rights, to reinforce women's land rights and cross-border cooperation on land governance. Furthermore, national action plans must align with international frameworks like the Beijing Declaration and CEDAW, ensuring adequate resources for effective implementation.

Strengthening Local and Customary Justice Systems

Local land governance institutions (States, Counties, and Payams) must be strengthened to formally recognize and enforce women's land rights under both statutory and customary systems. The customary justice system should be formally recognized and strengthened through capacity-building programs, training, and legal support. Measures must be introduced to align customary justice practices with national legal standards to ensure transparency, fairness, equality, and accessibility in resolving land disputes.

5.2 Climate Change Adaptation and Resilience Building

Alongside legal reform, focused action is required to build physical and economic resilience against climate shocks.

Infrastructure Enhancements and Water Management

Robust infrastructure is essential for protecting communities from environmental threats. Flood protection is a priority, managed through constructing dykes, levees, and embankments in highly vulnerable regions such as Jonglei. Furthermore, effective Water Resource Management must be a governmental focus, involving the development of irrigation systems and the adoption of rainwater harvesting methods for efficient water use during dry spells (UNEP 2021).

Diversifying Livelihoods

Reducing reliance on climate-sensitive rain-fed agriculture is critical for building economic resilience. This can be achieved by investing in Improved Agroforestry Practices and promoting Alternative Income Opportunities. Fostering skills in crafts, service-based work, small-scale fishing, or livestock farming helps reduce reliance on conventional agriculture, which is increasingly vulnerable to climate shocks.

Disaster Preparedness

Timely information and local capacity are vital for minimizing loss of life and assets. Early Warning Mechanisms must be leveraged, utilizing satellite imagery and weather data to predict extreme events. This technological approach must be complemented by Community Awareness and Training programs focused on disaster response, including first aid and evacuation procedures.

5.3 Environmental Mitigation and Sustainable Practices

Addressing the sources of environmental degradation locally can contribute to both mitigation and adaptation efforts.

Emission Reduction Strategies

Reforestation Efforts promoting extensive tree-planting initiatives are crucial for rehabilitating degraded land and enhancing carbon absorption, helping to offset local CO_2 emissions. Equally, Promoting Renewable Energy by expanding the use of solar power, biogas, and other

green energy sources reduces dependence on wood and charcoal, thereby curbing deforestation and emissions.

Sustainable Approaches

Climate-Smart Agriculture encourages farming methods like crop rotation and conservation tillage, which lowers agricultural emissions while preserving valuable soil health. This focus should be paired with Improved Waste Management, including the introduction of composting and efficient waste disposal practices, which helps cut methane emissions from decaying organic materials.

Capacity Building and Training

Continuous capacity building and training should be provided utilizing the expertise of national institutions, such as the University of Juba and the National Transformative Leadership Institute (NTLI), to deliver gender-transformative training to parliamentarians, land authorities, and traditional leaders, promoting economic empowerment and leadership capacity among women in land governance.

6. Conclusion

The nexus of gender, women's land rights, and climate resilience in South Sudan presents a complex policy challenge rooted in the conflict between progressive statutory law and entrenched patriarchal customary norms. While the Transitional Constitution and Land Act provide a strong legal foundation for land equality, the lack of political will, limited resources, and low public awareness have prevented these protections from translating into tenure security for the majority of women. By institutionalizing gender-sensitive land reforms in the Permanent Constitution, strictly enforcing gender quotas, and professionally strengthening customary justice systems, South Sudan can leverage women's role as primary resource managers. Securing women's land rights is not just a matter of justice but a critical, non-negotiable strategy for building sustainable household and national resilience against climate change. The National Women Land Rights Workshop organized by the Specialized Committee for Land and Physical Infrastructure, the ministry of Gender Child and Social Welfare and other stakeholders. It brought over 300 women to voice their concerns to be included in the final draft of the South Sudan land Policy, held in Juba in June 2019.

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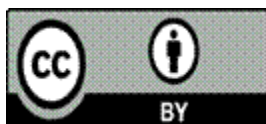
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