

Analyzing Culture as an Obstacle to Gender Equality in a Non-Western Context: Key Areas of Conflict between International Women's Rights and Cultural Rights in South Sudan

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Abstract—International human rights treaties ensure basic rights to all people, regardless of nationality. These treaties have developed in a predominantly Western environment, and their implementation into non-western contexts often raises questions of the transfer-ability of value systems and governance structures. International human rights treaties also postulate the right to the full enjoyment and expression of one's own culture, known as cultural rights. Many cultural practices and traditions in South Sudan serve as an obstacle to the adaptation of human rights and internationally agreed-upon standards, specifically those pertaining to women's rights and gender equality. This paper analyzes the specific social, political, and economic conflicts between women's rights and cultural rights within the context of South Sudan's evolution into a sovereign nation. It comprehensively evaluates the legal status of South Sudanese women and –based on the empirical evidence– assesses gender equality in four key areas: Marriage, Education, Violence against Women, and Inheritance. This work includes an exploration into how South Sudanese culture influences, and indeed is intertwined with, social, political, and economic spheres, and how it limits gender equality and impedes the full implementation of international human rights treaties. Furthermore, any negative effects which systemic gender inequality and cultural practices that are oppressive to women have on South Sudan as a developing nation are explored. Finally, those areas of conflict between South Sudanese cultural rights and international women's rights are outlined which can be mitigated or resolved in favor of elevating gender equality without imperializing or destroying South Sudanese culture.

Keywords—Cultural rights, gender equality, international human rights, South Sudan.

I. INTRODUCTION

THE main purpose of this research is to examine whether the culture, customs, and traditions of South Sudanese society serve as an obstacle to gender equality in the country, and if so, provide an assessment of these conflicts in order to reframe or mediate the key conflicts in a way that increases equality for women in South Sudan without imperializing the culture. This paper gives a brief history of human rights and the UN human rights model, highlights the key points of cultural relativism and human rights universalism, assesses these points in the sociopolitical and economic context of South Sudan as a developing and newly emerged nation,

identifies international norms for women's rights and discusses how these norms are culturally embedded, and summarizes the state of women's rights in South Sudan. This work identifies four key dimensions of women's rights and gender equality to assess in the context of the local customs and culture of this East African Nation. These four areas are: marriage, education, inheritance, and violence against women, and are meant to provide insight into a woman's role in the family, public sphere, in recognition under the law, and in general security and safety to indicate the amount of power women have over situations that immediately affect them. Finally, this paper explores negative impacts that gender inequality may have on South Sudan as a developing nation and how this struggle between gender equality and cultural rights creates tension both internally and externally which hinders South Sudan in succeeding and thriving as a young nation.

This research is structured upon a thorough research methodology, which seeks to include established research and literature from many viewpoints. This will include assessments of reports from the United Nations, World Bank, African Union, South Sudanese government, as well as key authors in the fields of culture and cultural rights, human rights, and women's empowerment. Textbooks, peer-reviewed journal entries, official reports, and pertinent articles have all been employed in research and analysis efforts for this paper. This work is an analysis of a large body of data for the purpose of analyzing and addressing the key points of conflict at the intersection of cultural rights and women's rights in South Sudan.

It is a well-known fact that women and children are among the most vulnerable members of most societies, and this is clearly displayed in developing nations which are experiencing upheaval or conflict, such as in South Sudan. Human rights legislation and action can work effectively to protect the vulnerable and ease imbalances of power; however there must be a framework in place that is appropriate, effective, and accepted by the populations and governments by which these rights and protections would be employed. South Sudan is uniquely positioned as a newly formed state still in the process of establishing its government to find this balance between seemingly conflicting rights and to set important precedent in the region.

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II. DEBATE ON HUMAN AND CULTURAL RIGHTS

'Human rights include many very important cultural rights, which should be given equal attention, such as the right to participate in cultural life, enjoy one's culture, etc. Even these, however, are not unlimited. In accordance with international law, the right to culture is limited at the point at which it infringes on another human right.' [62]

This quote, which encapsulates UNESCO's stance on the limits of cultural rights and the universality of human rights, also references the issue that cultural relativists have with a universal set of human rights. This is directly opposed to cultural relativist ideology that the right to culture is indeed unlimited as it is the ultimate moral authority, and no culture is morally superior to another [36], [37], [49, p.14] stated that initial ideas of cultural relativism meant that 'different cultures have different moral codes...the idea of universal truths in ethics is a myth. The customs of different societies are all that exist...and there is no independent standard (of right and wrong); every standard is culture-bound.' As such, cultural relativism began essentially as an argument for moral relativism to be applied to the concept of human rights, and thus in its strongest form ultimately argues that there can be no universal truths applied to every culture, and no judgments of any actions taken by a culture or society which have been internally deemed by that society to be correct.

Modern proponents of cultural relativism are slightly more moderate than their earlier counterparts [15], [29], [43], [32]. A key development in this shifting view can be found in the early commentary of [49] and later of [23] when they raise not only the important issue of which rights or morals are universally shared, but also *why* these rights or morals are valued from culture to culture. As both Rachels [49] and Griffin [23] note, differences which at first seemed intractable between value systems in cultures actually diminished when the reasons and values behind these differences were investigated, and inversely, rights which were common among cultures but for different purposes and contexts were found to have similar value systems beyond the surface of the issue, and simply different paths of arriving at these similar collective values. Thus, modern cultural relativism promotes the belief that although there are certain basic universal similarities in the expectations and structures of every society, the creation and implementation of the UN's universal human rights doctrine with such a specific Western history and context onto every society in the world is still deeply problematic and possibly imperialistic [43].

Human rights Universalists, or those that believe in a broad set of shared cultural values and rights by nature of universal humanity, believe the widespread confirmation of human rights, the diversity of legal, political, academic, philosophical, and sociological minds who contributed to the human rights framework drafts, and the commitment by the international community to observe a minimum standard of human rights are proof of a universal basic value system, and confirmation of the legitimacy of universal human rights [4], [5], [23]. In addition, Universalists argue that allowing for a

culturally based adherence to human rights laws could undermine and even conflict with the spirit of universal human rights doctrines [4]. This is because, as [33] points out in their poignant assessment of cultural values versus gender compliance in Afghanistan, it is difficult to understand how an injustice would be protested or perhaps even perceived when the injustice is ingrained in the society and even in the relationships which create a victim's social identity. There has long been concern among universalists of cultural relativism being used as a shield for oppressive or systematically abusive behavior towards more vulnerable members of a specific culture, as the cultural relativism defense is most often employed by those who exert power in a certain culture, and whose claims to representational authority of an entire culture can be dubious [11], [14], [23], [25], [30]. Given these concerns and complexities, human rights Universalists have championed the Universal Bill of Human Rights as a clear moral foundation grounded in international law that guides states in their responsibilities [53]. To Universalists, comprehensive human rights law is the best means by which to uphold the moral standard and decency that is guaranteed by nature of common humanity.

At the same time as the crucial role that cultural rights play in the international human rights scene is increasingly recognized, critics of the existing set of Universal human rights which protect culture and cultural rights have increasingly found the doctrine to be imperialistic and disruptive to the local implementation of culture in a society, and, more concerning, not truly universal [4]. As [43, p.41] reiterates, 'the human rights corpus requires the reconstruction of states to reflect the structures and values of governance that derive from Western liberalism, especially the contemporary variations of liberal democracy practiced in Western democracies'. Cultural relativists have serious misgivings for the implications of this requirement on a state's cultural diversity, and thus on its implicit claim to universality. Furthermore, they contend that universal human rights attack the fabric of non-Western states and inherently promote the ideals of democracy and capitalism. In short, imperialism is at the heart of the human rights corpus according to cultural relativists. Reference [38, p.6] suggests that universal human rights and political liberalism advance hand in hand, and that human rights could be then seen as a furtherance of the 'civilizing mission' references of colonizing efforts [34], [43]. In this way, cultural relativists claim that Western imperialism has been carried on through the Universal Human Rights Doctrine. Although the historical context of Western imperialism does indeed collide in a tricky manner with the Western origin of human rights doctrine, Universalists rely on the widespread ratification of the human rights corpus as well as the diversity of authors and participants as proof positive of the global, rather than imperialistic, nature of the International Bill of Human Rights. Furthermore, the values found in the human rights corpus are not only found in Western societies, but in societies globally. As even [43] states, 'It is important to note that while the intention of universal human rights doctrine is commonly thought to have Greco-Roman and later

French and American roots, there are many elements of the Human Rights doctrine that share similarities to pre-colonialized African societies, ancient Asian cultural practices, and other indigenous cultures.’

Many cultural relativists cite the disruption of local culture as a key argument against universal human rights implementation. These claims, however, are often met with criticism from the Universalists that cultures are constantly evolving, and these critiques imply that culture should or could be frozen in a way that would allow for the cessation of change or outside influence upon a given culture [66]. In modern globalized society, sharing, and ‘borrowing’ from one culture to another is increasingly commonplace. Although the right to full enjoyment and participation in one’s culture is guaranteed by the UN’s human rights corpus, there is no guarantee, nor expectation of, complete homeostasis within a culture, or the protection of that culture from outside influence or natural change or growth.

III. SOCIOPOLITICAL AND ECONOMIC FRAMEWORK OF SOUTH SUDAN

A. Sociopolitical Context

After a lengthy series of civil wars and internationally mediated negotiations between Sudan and Southern Sudan, on July 9th, 2011, South Sudan became the world’s newest nation [3], [6], [17]. South Sudan is now in the unique position as a young nation currently forming its permanent government to create a lasting societal structure based on cultural values, equality, and peace. Although the recent history between Sudan and South Sudan are extremely significant to the current sociopolitical and economic state of South Sudan, one must look even further back to understand the evolution and the current situation of the world’s youngest nation.

Before the mid-nineteenth century, South Sudan was situated on the far extremities of any trading routes or exchanges in the region, and was positioned outside any state powers [35]. Southern Sudan experienced almost zero outside interference in their affairs and remained isolated until 1821, when the Ottoman Sultan’s Viceroy in Egypt invaded Sudan in pursuit of slaves and ivory [6]. This was the beginning of a slave trade route from the area of Southern Sudan into Egypt, which devastated the region and created widespread mistrust of outsiders among the population [35]. Over the following years, thousands of people from the region were transported into Egypt as slaves until, at the turn of the 20th century, Sudanese troops under British leadership invaded and occupied Southern Sudan, bringing into the British empire [35], [12]. According to [35], it is this early participation of the Northern Sudanese both in the slave trade and in the colonization process of South Sudan that sparked the anger of Southern Sudanese at their systematic suppression by their northern Sudanese neighbors.

Due to international political pressure to grant colonies their independence, while dealing with major opposition in Northern Sudan, the British were forced to make significant concessions toward early self-governance for a united colony

of Sudan, rather than two separate nations [51]. In their hasty departure, Britain established no safeguards for the possibility of Southern self-governance or of limiting the dominance of Northern Sudan and furthermore allowed the replacements of British officials in the region to be overwhelmingly Northern Arab Sudanese with only a few representatives from the Southern Christian or Animist South included in the administration, setting the stage for continued suppression [3]. After years of marginalization, mutinies, violence, and unrest in Southern Sudan due to harsh and uneven relations with the North, a series of civil wars broke out, ultimately culminating in a nearly unanimous referendum for South Sudanese independence [13].

South Sudan was then faced with the issue of creating a stable government and a national identity in a region that had previously been only minimally governed and which had a diverse and divided population. As [50] points out, South Sudan is ethnically, culturally, and linguistically diverse with over 60 different ethnic groups within the borders. They argue that since these ethnic groups have historically been individualistic and fragmented, their only real sense of shared purpose existed in opposition to colonial powers and later against Khartoum. This sense of shared purpose also extended along religious and cultural lines to an extent, with the non-Muslim, non-Arab southern states forging a common front against the Islamist Arab regime of the North [24]. Reference [50, p.152] concludes that ‘it was largely the fight for limited self-rule that united the South.’ Or even more bluntly, [13, p.25] states ‘for decades, the Southern Sudanese were united in nothing so much as their hatred for the Sudanese.’ Thus, South Sudan’s biggest challenge over the coming years would be to carve out a national identity, foster feelings of unity and peace within its diverse population, and strive for a government which reflects the people’s wishes for self-determination and local governance while allowing for a functioning and effective national government as well.

Due to in-fighting and ideological differences in the young nation’s government and conflict along ethnic and tribal lines, by December 2013 South Sudan was once again embroiled in a civil war along ethnic lines between the two largest tribes in the country [51]. There have been multiple peace deals brokered by international actors between the two sides, however none of them have resulted in a lasting or stable agreement and none of them have been able to effectively call a halt to the violence. The current peace deal is tenuous at best, but unraveling as conflict continues around the capitol city of Juba [18]. As a result of this sustained internal discord practically since independence, South Sudan is currently a weak and vulnerable state with a government that lacks legitimacy and suffers from deep ethnic division, debilitating South Sudan’s ability to steer itself towards a unified identity and productive and effective economy, government, and society [51].

B. Economic Context

In order to fully explore the economic and socio-economic situation in South Sudan, key indicators, statistics, and data

points must be taken into consideration in order to assess the situation in South Sudan compared to global norms. The below information has been collected from [65], [1], [54].

- The population of South Sudan was 12.3 million people in 2015.
- Average life expectancy is 56 years in 2014.
- South Sudan is 644,329 sq. km, with an average population density of 13 people per sq. km.
- As of 2009, 50% of the population was living at or under the poverty line.
- 78% of households depend on crop farming or animal husbandry as their primary source of livelihood.
- GDP in 2015 was \$9 billion, down from \$17.8 billion in 2011 before the fighting broke out.
- GDP per capita in 2014 was \$1,111.
- Oil accounts for 60% of South Sudan's GDP, and almost the totality of its exports.
- GNI (Gross National Income) per capita is \$790 as of 2015.
- Severe food insecurity is expected to affect 4.6 million people in 2017.

There are of course other significant statistics and data; however, these numbers sufficiently portray the state of the economy and the socio-economic situation for South Sudanese people. As [65] states, South Sudan is the most oil-dependent nation in the world, and the fall in oil prices along with under-production affected the economy severely at a vulnerable time. This has led to necessary but drastic fiscal adjustments to the budget, which South Sudan cannot afford in the midst of violence, instability, food shortages, increasing numbers of displaced persons, and attempts at nation building.

According to [65], South Sudan has 'vast and largely untapped natural resources, but beyond a few oil enclaves it remains relatively undeveloped, characterized by a subsistence economy'. This is due to 85% of the working population engaging in non-wage work, chiefly low productive, unpaid agricultural work [65]. As [10] argues, African governments are typically constrained in the policy choices and resources available to them, and their economic role is usually conditioned by their past colonial experience—in the case of South Sudan being mined for resources like ivory and slaves rather than establishing lasting economic initiatives [51]. As [10] states, a colony was a place where colonizing powers found it convenient to carry out their business; their objective was to create integrated economies which would support and service metropolitan and colonial needs. Furthermore, any infrastructure built was for the purpose of overseas trade rather than local or regional trade, in order to better support the colonizers endeavors, completely ignoring possibilities for economic growth in colonies' own territories or regions. Development was not used as a means of legitimizing colonization until after World War II, when colonial powers came under international pressure to facilitate and sponsor economic growth and development in their colonies before ultimately granting independence [10], [35].

As the case with many African countries, Sudan gained independence from Britain ill prepared to take on the

significant development issues it faced [35]. Colonization had integrated Sudan and Southern Sudan into the capitalist world system, but had not transformed the economy to coexist with the new capitalist framework. An imbalanced system of capitalist and pre-capitalist modes of production developed, exemplified by the withdrawal of large portions of the population into subsistence farming as there were few skilled workers and almost no industrial base, especially in the South [10]. This left Sudan, and especially Southern Sudan, a weak economic foundation to build on, and put the area at a disadvantage compared to other developing countries both in and outside of Africa.

In short, although the data and statistics paint a bleak picture for the state, South Sudan is not completely without hope. The country has natural resources that could usher in a much-needed period of sustained growth and development for the country, if these resources can be harnessed and effectively managed. The best possibility for continuous economic growth will arise from the development of agriculture in the country- a vast and nearly untapped resource so far- initially as an answer to urgent local needs and then to create prospects in regional and global markets [1]. However, these opportunities will only occur if the government of South Sudan becomes serious about creating favorable conditions for economic growth in the country. Establishing security, generating stability on a macroeconomic scale, improving the skills and capacity of the existing labor force, creating a hospitable operating environment for outside entities such as private institutions and NGOs, and concentrating every possible resource on creating a sustainable infrastructure within South Sudan are the most pressing requirements for growing the economy and ushering in a period of strong growth [1], [65]. South Sudan cannot afford to waste any more valuable time on violence and infighting, and must begin the work of economic growth and nation building at once in order to secure a future for the young nation that includes economic growth, key development opportunities, and equality for all citizens.

IV. IMPLEMENTATION OF WOMEN'S RIGHTS AND GENDER EQUALITY: LEGAL STATUS IN SOUTH SUDAN

A. Women's Rights in South Sudan

Article 16 of the Transitional Constitution of the Republic of South Sudan [56] ensures women equal dignity with men, equal pay for equal work, and the right to participate equally with men in public life. In its Development Plan [20, p.9], South Sudan acknowledges that the National Gender Policy created as part of the Development Plan operates on the belief that gender equality is an 'integral part of the country's national goal of building a peaceful, inclusive, and prosperous nation.' Notably, South Sudan has not yet ratified all of the UN human rights treaties, however the country is a confirmed member of the United Nations and as such is bound to the UN Charter [63], which 'reaffirms faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and

small'. This agreement, on top of South Sudan's Transitional Constitution's [56] protection of gender equality as a human right and the guarantees made by the Bill of Rights, [56] firmly and publicly cement the country's legal obligations to protect women's rights and promote gender equality, and furthermore create provisions for affirmative action to ensure representation of women in public spheres and government [21].

Although the political commitment to address and incorporate women's issues and gender equality into appropriate and effective policies and programs exists, as the Comprehensive Country Gender Assessment [39] performed by the Ministry of Gender, Child, & Social Welfare of South Sudan states, the data on the situation of women and gender equality in the country reflect a much different reality for women's everyday lives. This could be due to what the Sudan Human Security Baseline Assessment [28] describes as two parallel legal systems functioning side by side in South Sudan with the first comprised of international and national legal instruments and the second being customary law, comprised of numerous unwritten bodies of law that have regulated South Sudan's tribes for centuries. While the South Sudan Development Plan [20] clearly emphasizes the notion of gender equality anchored in the transitional constitution, a report by Gender Concerns International [19] has found that rule of law is largely ignored and that most disputes and cases in local courts are dealt with using customary law, which they identify as inevitably discriminating against women and reflecting an extremely patriarchal culture and values system. This finding corresponds with those of [22] and [9] which state that cultural norms and customary practices, especially in rural areas, largely restrict and many times completely overrule the rights of women guaranteed by the government. As a participant in one of [22, p.1146] interviews states, 'The constitution says that we are all equal now, that women and men have the same right to own resources, including land... but even the commissioner here does not practice what the government law says, he still follows the culture...'. Thus [22, p.1136] argues that although there is a 'modernity project' underway to create a democratic South Sudan based on rule of law and equality in theory, in daily practice, women in towns and villages who hope to exercise their legal rights remain largely powerless.

B. Gender Roles in Conflict

The legal situation for women in South Sudan cannot fully be assessed without examining the experiences of women during the past civil wars and conflict. References [57] and [46] both cited specific instances and widespread violence against women as a tool of war. Reference [52] cited the pervasive and overwhelming acceptance of violence against women as a cultural norm across South Sudan, and found that gender inequality was likely the root of this widespread violence. The UNDP Annual South Sudan Report [61] cited a specific focus on gender equality in order to mitigate some of the disadvantages women face due to their vulnerable position in society. Reference [8, p.3] states that 'there are few places

in the world more dangerous or disempowering to grow up female than in South Sudan'. The Care International report goes on to claim that the vast majority of South Sudanese women and girls will survive at least one form of gender-based violence in their lifetime.

Rape, assault, forced marriage, and similar war-related crimes perpetrated against female civilians by soldiers in South Sudan have been increasingly documented at an alarming rate [26]. The scale of sexual violence has become so shocking that the UN High Commissioner for Human Rights called South Sudan 'one of the most horrendous human rights situations in the world' due to the massive use of rape as a 'weapon of war and instrument of terror' [45]. This is the situation out of which the South Sudanese government has adopted women's rights legislation and promoted gender equality via governmental measures and official documents. Yet it remains to be seen if these ideals can really be woven into the fabric of South Sudanese society, and if the customary laws which promote a patriarchal culture and allow for violence against women will be compromised in favor of inclusion, increased equality, and comprehensively respected rights for the historically vulnerable in South Sudan.

C. A Vision for Gender Equality

The government of South Sudan has expressed a vision of a country free from all forms of discrimination and violence, underpinned by the commitment to uphold and protect the rights and dignity of all people [20]. This will not happen until, as [39] addresses, the gendered gaps in the enforcement of laws that deeply affect already vulnerable populations are addressed, and the equality of women enshrined in the South Sudanese constitution is recognized and implemented in all levels of government and society. Reference [22] states that the South Sudanese Constitution, Bill of Rights, the Development Plan, Gender Policy, and the Human Rights Treaties that have been ratified are a foundation and a beginning to the process of mitigating the disparities in the rights and access experienced between men and women in South Sudan. However, women's experiences in exile, transitional wartime societal roles, exposure to empowerment programs, other cultures, education, and training in refugee camps and displacement camps continue to push South Sudanese society and local and national government towards a more equal gender order in post-conflict South Sudan. If South Sudan can stop the violence and chronic in-fighting, and as a nation address the renegotiation of societal and gender norms as citizens return to their homes from displacement or return to normal lives after years and decades of conflict, then the existing gender equality and women's rights legislation and thus the formally expressed hopes and vision of the Republic of South Sudan might finally have an opportunity to be implemented in ways which encourage and realize the inclusion of women, men, and children in full societal and cultural participation in South Sudan.

V. ASSESSMENT OF GENDER EQUALITY IN KEY AREAS: EMPIRICAL EVIDENCE

In order to provide a clearer picture of women's roles in the family, in public life, in recognition under law, and general security and safety in South Sudan, this chapter will focus on four key areas of analysis: marriage, education, inheritance, and violence against women (VAW). These indicators are intertwined with cultural rights and customs, and have both legal protections under the South Sudanese constitution and international human rights treaties as well as customary laws and regulations relating to these areas. The rights afforded to women in South Sudan through legal instruments will be explored and assessed, with a significant focus on how and if these rights are applied on a local level through the lens of culture and customary law and practice.

Reference [28] states that South Sudan has a parallel court system and bodies of law: Customary law established through a long history of tribal customs and practices enforced by tribal courts headed by local chiefs, and a new, formal statutory system created by the South Sudanese Transitional Constitution, enforced by governmental courts and other governing legal instruments. As South Sudan has over 60 tribes, each of which has their own customary law, there are significant regional variations in customary laws and traditions as well as cultural practices. However, [28] found that there was a common foundation of laws and practices, mostly having to do with family values- marriage, divorce, inheritance, custody, etc.- which have a significant impact on women's lives and rights. Reference [28] found that all of the systems of customary law in South Sudan were inherently patriarchal, maintaining a higher status for men and lower status for women as a societal norm. Legally, customary law is binding and applicable in South Sudan, but only to the extent that it does not conflict with the rights ensured in the constitution. Therefore, customary laws which are found to violate constitutional rights are unconstitutional and are no longer to be applied, however in reality customary law is rarely limited in favor of constitutional laws and rights, which are not yet fully respected in all ethnic and tribal groups in South Sudan. As will be discussed below, this inequality between constitutional and customary law still has enormous effects on modern South Sudanese society and legal structure, especially for women in South Sudan.

A. Marriage

The Comprehensive Peace Agreement between Sudan and South Sudan outlined the division of governmental law and customary law in South Sudan, stating that 'personal and family matters including marriage, divorce, inheritance, succession, and affiliation may be governed by personal laws of those concerned' [31, Ch. 1, Para 6.4]. The division of power between governmental authority and local customary authority regarding basic societal structure and family functioning leaves women in South Sudan vulnerable to traditional and limiting gender roles. This dynamic of customary law preserving patriarchal conditions and structures in family interactions which contradict with the official laws

and legislation of the South Sudanese national government pertaining to women's rights and equality has created a frustrating cycle for women in South Sudan caught in between the two parallel governing structures [27]. President Kiir has repeatedly called for women's participation in all spheres of life, and for the elimination of harmful traditions that limit progress of women and children's human rights implementation [27]. Reference [56] includes provisions protecting the equality of men and women, guaranteeing women and girls the right to consent to marriage, criminalizing abducting or forcing a woman into marriage, and protecting children from early and/or forced marriages. However, [28] describes the challenges South Sudanese women face in attempting to access legal recourse for abuses of these rights and guarantees. The Baseline Assessment states that often times women who complain to civil courts are referred back to customary tribal chiefs, who will then enforce patriarchal societal norms, insisting that wives obey husbands and follow the culture of the community. Furthermore, the SHSBA assessment finds that as customary law is largely unwritten, wide variations between societal norms are present in different regions of South Sudan, and thus decisions between chiefs vary, precluding any possibility for consistent or reliable protection for women seeking redress through chiefs or customary law. In short, women in South Sudan find themselves with a constitution and government that espouses equality between the sexes, and protection from violence, forced marriage, and other abuses, but with a local governance system whose implementation of customary law can ignore, and even at times directly collide with, these guaranteed rights.

According to [27], nearly half of South Sudanese girls between 15 and 19 are married. It is acceptable in most areas for girls to be married as young as 12. As [8] states, bride price -or the dowry placed upon a young girl as she nears 'marriageable' age- is a cornerstone of the rural South Sudanese economy and thus a thoroughly engrained part of customary practice and law in the country. Although child and forced marriage is considered an act of gender-based violence by international humanitarian organizations not only because of the emotional trauma it causes but also because of the physical issues which occur with pregnancy at an early age [8], it remains that many South Sudanese communities view early marriage as a means of providing for otherwise poverty-stricken families, and also as a way of protecting girls from pre-marital sex, unwanted pregnancy, or the vulnerable position of being an unmarried woman in society with no family or male responsible for her well being or protection [27]. Child marriage is a perfect example of the legal loopholes the current transitional constitution leaves South Sudanese women and girls with. As [47] states, the constitution requires women and girls to be of 'marriageable' age, but fails to mandate what age that might be. This leaves it up to local government structures-run largely by men- to decide when a girl or woman can be married off by her family, usually in her early teenage years. Many times these girls want to continue their education and pursue careers, however they

are forced into an early marriage by their families for the dowry and related economic reasons. Families are incentivized to participate and continue with bride price traditions, as it is seen as the main way that girls can bring economic value to their families while simultaneously lessening the number of mouths to feed, and thus the economic burden, on a family already likely facing significant poverty.

Another area of concern which [41] discusses is the absolute lack of family laws in which to establish the rights of a woman, not just as an individual, but also within the context of a marriage and with regards to the rights and limitations of her husband's power in the marriage and over the family. The Ministry of Gender, Child, and Social Welfare of South Sudan recognizes in this study that sexual and gender-based violence is widespread in South Sudan (including forced marriage and abuse within marriages), that the government has been reluctant to address gender issues as they are seen as international impositions placed upon local traditional customs, and that while some legislation exists there is a need for more thorough legislative protections and for those that exist to be more consistently and fully implemented in order to provide full protection of women and children in South Sudanese society. This assessment by the Government of South Sudan is an important acknowledgement of the present situation of women within the family structure in South Sudanese society, and indicates a desire on a national level to improve the level of equality for women within the legal framework of marriage.

Currently, there are no domestic violence laws in South Sudan, and divorce is extremely difficult for women to obtain, as it includes the requirement of the bride's family repaying the dowry or 'bride price' which can result in an incredible financial burden for the family [9]. A longitudinal study of gender based violence by [52] found that it is common for courts in South Sudan to find wife beating acceptable as long as there is a reason given for the beating, and that these customary courts also prioritize keeping marriages and families intact, even to the detriment of the woman. This study found that there is an expectation held by both women and men in South Sudanese society that women should tolerate a certain level of violence by husbands in order to keep the family together. Even more significant is the fact that the Penal Code Act excludes coerced marital sex from the definition of rape, effectively allowing men complete power over and access to the bodies of their wives [48]. The acceptance of violence as part of marriage for women, and the lack of options or protections for women to escape abusive or forced marriages signifies the greater system of patriarchy inherent in South Sudanese culture and customs, and the lack of consistent protections or legal recourses for women to pursue access to their legally guaranteed rights.

An additional impediment to the enjoyment of equality within marriage by South Sudanese women is the legality of polygamy in South Sudan, especially as it is only legal for men and not for women [28]. Reference [9] states that 41% of unions in South Sudan involve more than one wife. Reference [28] states that adultery is also illegal, and so combined with

the legality of polygamy and the difficulty of obtaining a divorce, sometimes South Sudanese couples will choose to simply separate. However, the Baseline Assessment points out that this means the man is free to marry again while the woman is not—any children she conceives in the future will legally belong to her husband and not to any future partners she may have as she is only separated and not divorced. Polygamy frees men from the issue of adultery, while women who are separated from their husbands are not free to carry on with their lives without an official divorce. Furthermore, polygamy as a one-sided and unequal institution undermines the dignity and status of women at a basic human level, as stated in [39]. The allowance of polygamy in South Sudanese society allows for a significant power advantage to men while limiting the power and options of women in the context of marriage, and all the while putting women at greater health risks, as the chances of contracting sexually transmitted diseases from a polygamous partner is increased [44]. International human rights organizations consistently call for the abolition of polygamy in societies pursuing gender equality due to its inherent inequality and systemic suppression of women's rights and well being [9], [27], [59].

As has been outlined above, gender equality does not yet exist in the area of marriage practices and laws regarding marriage. Many authors point to the role limiting customs and customary laws still widely practiced in South Sudan play in perpetuating the inequality in marriage [8], [22], [47], [52]. The marriage customs and traditions of South Sudan play a key role in the experiences and lives of women in the country, and inform their place within the larger society. On a national level via the president and constitution, South Sudan has expressed a desire for and expectation of gender equality within its society, but in order to achieve true change and transformation of gender norms on a local level, it will require a South Sudanese solution to deeply ingrained and closely held gender roles within the most fundamental area of society, the family.

B. Education

According to [19] more than 90% of women in South Sudan are illiterate, and the percentage of girls in school compared to boys lingers around 37% in primary school, and then significantly declines past that. The Southern Sudan Centre for Census, Statistics, and Evaluation [55] found similar, but not quite identical, results, with the literacy rate of males at 40% compared to 16% for females aged 15 and older. Reference [40] found in their National Gender Policy study that in 2010, 82% of university student enrollments were male and only 18% were female. Similarly disproportionate numbers were found for teacher training institutes and technical or vocational education as well. Notably, the National Gender Policy also found that the completion rate for primary school in general is very low- in 2010 male primary completion rate was 13.7% compared to 6.2% for women. Although both numbers are critically low, the study found the gender-based disparities found in primary and post-primary education to be acute in every area of South Sudan.

The education statistics in general for South Sudan are deeply troubling as they represent the opportunities, resources, and options the citizens of South Sudan will have in their future. As [39, p.21] states, 'Education has been shown to be the cornerstone for sustainable socio-economic development... it has also shown that educating women brings about improved quality of life for whole communities.' As can be seen by the data above, South Sudan's education sector suffers from significant patterns of gender inequality, which then have quantifiable effects on development indicators and economic growth and improvement in the country. Women and girls are struggling with access to education due to socio-economic challenges, but also due to cultural barriers and societal influences [39].

Reference [39] states that the literacy rates for males at all ages is twice that of females, which signifies that women are not able to effectively participate in or benefit completely from socio-economic development. The inequality of literacy rates, enrollment rates, and school dropout rates signify a severely limited ability for women to participate in economic opportunities, benefit from any type of development initiative, or take full advantage of any business or income-generating opportunities which may be available to them. Women in South Sudan are more likely to die in childbirth than to complete secondary education, and the gender disparity in school attendance in South Sudan is the worst in the world [41]. Reference [19] identifies the reason for such significant gender disparity in education indicators as both financial and cultural. Families consider bride price to be the only way a woman or girl can contribute financially to the family, and [39] identified distance to school, dearth of female teachers, sexual harassment, and especially early marriages as the major reasons for girls to drop out of schools. Simply put, there is not a cultural significance attached to female education, as the role of a woman in traditional South Sudanese society is that of a mother, wife, and household laborer. There is not a strong precedent to educate women to prepare them for careers or jobs that would provide much-needed financial resources for a family and would also be justification for the cost of education for girls.

South Sudanese families do not prioritize education for girls, because resources in families are already stretched incredibly thin, examples of educated, financially independent women are rare, and cultural norms which emphasize bride price as the most secure means of financial contribution from girls and women are deeply embedded, not to mention the existing role for women as household laborers require girls to be at home to learn the associated skills, rather than in school [39]. In short, the value of a girl's education does not translate into financial resources for the family or skillsets that are considered to be applicable and useful for girls in South Sudan, and thus girls' education is not a priority in South Sudanese society. Adding to this is the complication of customary laws that reinforce child and forced marriages, continuing the cycle of bride price and thus the value of a girl being established by marriage instead of by investment in education and future jobs or other economic endeavors.

However, many gender equality-focused civil society organizations and NGOs [59] as well as the Ministry of Gender, Child, and Social Welfare have begun to put increasing pressure on all areas of the South Sudanese government and society to increase the awareness of the value of women's education in the country, along with the traditions and cultural values that act as barriers to women's education, in order to take full advantage of vital national development opportunities with an inclusive and comprehensive approach [39]. Notably, the affirmative action policy in [56] requires female participation in all areas of the government, and 25% female representation in the National Legislative Assembly. Although on a state and local level women are significantly less represented than this, the 29% female representation in the National Assembly is of symbolic importance for gender equality, education, increasing the public participation of women and girls in society, and changing gender norms in South Sudan [41]. This increased representation of women will allow for both policy change and social change as educational barriers are removed via legislation and as increasing numbers of women in leadership roles provide an example by which the value of a woman's education is shown.

C. Violence against Women (VAW)

Reference [52] found in their study of gender norms and gender-based violence in South Sudan that gender inequitable norms not only existed in South Sudan, but also were accepted by both men and women. Furthermore, this study found that there is an overwhelming acceptance of violence against women in South Sudanese society, and that both women and men supported violence against women as an acceptable and normal part of society. South Sudan's Household Health Survey's [44] findings mirrored the above, with 79% of women who responded to a survey regarding domestic violence found it to be appropriate for a husband to beat his wife for any variety of reasons, from burning food to arguing with him to leaving the home without the husband's permission. Reference [28] acknowledges that customary law and traditional societal roles allow for a certain level of violence in the home, and also authorize a man to discipline his wife. Importantly, all of these sources note that domestic violence and general violence against women is rarely reported and that pursuing a court case against a violent husband or man can often create difficult situations or backlash for the woman involved, as divorces are rarely granted and reporting violence could result in making the offender even more violent after establishing that the woman has few or no community-sponsored protections. In cases of rape, it is not uncommon for the remedy to be a forced marriage between the girl and her rapist, in order to preserve and protect the typical familial structure and avoid issues of paternity for the child and future marriageability for the girl [8].

Reference [52] asserts that violence against women in peace time will denote increased violence against women in wartime, and that significant gender inequality is the main driver of violence within relationships, households, and

communities in South Sudan. Reference [58] reported an increase in horrific acts of violence, especially sexual violence, as the fighting has persisted within South Sudan. Reference [64] states that sexual violence is rampant in South Sudan, worsened by the impunity with which offenders are treated, and the increasingly militarized society that deepens the existing gender inequality. Reference [8] acknowledges that the South Sudanese government has ratified significant international legal documents and has incorporated domestic legislation which protects women from gender based violence (GBV), however enforcement of these legal instruments and obtaining legal protection and justice for victims of GBV continues to be a rare occurrence. As was predicted in [52], the acceptance of violence against women in peacetime in South Sudan has led to what [26] is calling a 'war on women'. Survivors of violence in South Sudan have increasingly cited rape as a common tactic, and sexual violence is used to target women for their ethnicity or supposed political allegiance as a means of wounding and violating the opposing side in the conflict [26]. Rape, gang rape, abduction, and other forms of sexual violence have increased at a dramatic rate since the violence has begun again in South Sudan in December 2013, growing to crisis level and sparking international outcry [8], [26], [58].

Reference [39, p.117] describes sexual and gender based violence as 'any amount of harm perpetrated against a person resulting from unequal power relationships determined by the social roles ascribed to males and females'. The Assessment further found that sexual and gender based violence is widely considered to be normal and deeply anchored in South Sudanese cultural traditions and beliefs. Reference [39] found that the most common forms of violence against women, including battering, forced and child marriage, and denial of education, property, and other rights stem from a cultural tradition of seeing women as belonging to men, and the linked gender roles and identities in society. In wartime, the rampant use of rape and other sexual violence as a tool of war also became commonplace and, if not accepted, at least expected in areas experiencing high levels of conflict [41]. Reference [41] acknowledges that decades of war and conflict have played a role in militarizing and brutalizing South Sudanese society which can be seen in the alarmingly numerous instances of sexual and gender based violence in all areas of the country. The Baseline Study acknowledges that the main perpetrators of the rampant sexual and gender based violence are South Sudan's own security forces and soldiers, which means that South Sudan's government's armed forces are carrying out rapes, abductions, and many other forms of sexual and gender violence against their own citizens whom they are tasked to protect.

Evidence suggests that sexual and gender based violence inhibits women's participation in critical development efforts for South Sudan, and that this violence creates serious health, physical, and societal problems among the women and girls who are exposed to it [27], [52], [40]. South Sudanese society in peacetime and the inherent inequality of gender roles in South Sudanese culture has created an epidemic of violence

against women in South Sudan after decades of war and conflict. The role that culture norms play in the acceptance of violence within society in South Sudan allows the persistence of severe gender inequality and the magnification of issues relating to women's health, social participation, and potential economic participation at a time when South Sudan can ill afford to be excluding large sectors of its population from developmental, social, and economic efforts in the country.

D. Inheritance

According to customary law, women in South Sudanese society are not able to own or inherit land from family or deceased husbands [40]. Reference [22] studies on the Nuer population's gender roles found that among the second largest tribe in South Sudan that land is owned and inherited only by men. Women can only acquire land-use rights based only on affiliations to male relatives, usually fathers or husbands. Reference [22] notes that the Nuer had limited customary law provisions for widows to acquire land in their own names, but this was usually at the mercy of the deceased husband's extended family and the chief to allow or disallow, and thus was unevenly and rarely enforced. Reference [22] reports that the Government of South Sudan has stipulated in the constitution that everyone has a right to own land, as this is the main and most important way of supporting oneself in the South Sudanese economy. However, it still remains a common practice among the Nuer community, and among most South Sudanese tribes, for women to only obtain access to land through male relatives, and for widows to face a much trickier and difficult situation in gaining access to land previously owned by her husband or even by her own family [22], [40]. [39, p.51] found that 'cases where women lose everything after their husbands pass on are numerous, and in some instances women even lose property that they owned in their own right.'

The South Sudanese Transitional Constitution [56] clearly states that women are accorded the right to property and to share the estates of deceased husbands. However, the transitional constitution also recognizes customary law, and in matters relating to widows, customary law does not enforce gender equality with regards to inheritance. South Sudanese communities practice 'wife inheritance' by a brother-in-law or someone else in the deceased husbands family to keep land in the family and to also allow widows continued access to land and livelihood, but this practice can increase the discrimination a widow faces from in-laws or family who have significant power over her livelihood and home [22]. As [28] points out, women's ability to own property is a major factor affecting security, especially in a severely underdeveloped country like South Sudan. Inheritance is another example area of how national and international norms, which South Sudan accepts and gives legal authority, are not implemented on a local level due to customary law to the detriment of gender equality and in favor of preserving a patriarchal social order.

Reference [28, p.42] states that the legal situation of women with regards to inheritance in South Sudan remains vulnerable and restrictive because 'in practice, tradition and poverty often

take precedence over statutory law.’ The ways in which communities have found to deal with issues over land and resource inheritance and control have been heavily influenced by the constant conflict, instability, extreme poverty, and an existing patriarchal structure and unequal gender roles which are a reality for every South Sudanese citizen. Years of traditional ways of dealing with inheritance are now clashing with legal instruments the South Sudanese government has ratified and promoted as the legal authority in the land, resulting in a national legal framework of recognized rights which does not reflect the reality of rights implementation in most areas of South Sudan, especially for women. Inheritance traditions, although historically created and practiced by communities as a way of survival and resource preservation, are now directly at odds with the transitional constitution, and South Sudan must establish a way forward which reflects a single set of rights and practices preserved in national legislation which can also be accepted and implemented by all South Sudanese communities to ensure equality under the law and equitable inheritance practices which give women a chance to own land and economic resources in order to provide for themselves and participate in development and growth of South Sudan as a nation.

VI. OBSTACLES TO PROMOTION OF WOMEN’S RIGHTS AND GENDER EQUALITY IN SOUTH SUDAN

A. Gender Norms

It is imperative to recognize the importance and the impact of gender equality and why it is an essential facet of South Sudan’s reconciliation and development as a nation when assessing obstacles to the promotion of women’s rights. The exclusion of women from peace talks, the reconciliation process, and nation building in South Sudan means that the concerns, experiences, and voices of half of the population are not heard and cannot be addressed. This exclusion hinders the national healing process that must occur in order for South Sudan to end the conflict and make progress towards building a unified and successful South Sudanese government and country. Reference [7, p.2] summarizes the issue by stating that ‘reconciliation is impossible while half of the population remains excluded from decision-making processes and deliberately sidelined in the process of shaping a vision that caters to the needs of all citizens.’ Furthermore, they posit that a country that does not deal with past conflict by righting historical injustices and focusing on full reconciliation runs the risk of returning to conflict.

Reference [16] suggests that the gender roles currently in place in South Sudan have been strongly influenced by the patriarchal organization of society in pre-colonial and colonial times. During this time, rigid gender ideologies were formed that emphasized inequitable power relations and separate social spheres between women and men. Reference [16] emphasizes the roles that Christian values and Western ideas of domesticity played in establishing the distinct gender ideologies for women and men. Women were tasked with household and family responsibilities, as the colonial

government viewed these roles as the greatest contribution women could offer to the commonwealth and the functioning of the colony. Men were tasked with all decision-making and economic initiatives, and were given control of all public spaces as the colonial government treated men as the responsible employees of and contributors to the colonial administration. These gender roles are still present in the country today, relegating women to the private sphere of domestic duty and caring for the household, while men are expected to operate in the public spheres of business, leadership, and decision-making on a local and/or national level [9]. Women who attempt to participate in public life in South Sudan through avenues such as owning businesses or land, participating in government, or heading up the household in the absence of a male family member often face significant challenges, limitations, and even backlash from the community for transgressing the boundaries of the gendered social spheres found in South Sudanese society, despite the expressed equality of women and men in public and private sectors in the South Sudanese Constitution [9], [22].

Reference [40], created by the Ministry of Gender, Child, and Social Welfare, states that gender inequality and gender-based discrimination are significant barriers to economic development. Reference [40] incorporates key international women’s rights instruments while highlighting the challenges of operating in an entrenched patriarchal social system which reinforces significant gender gaps in political, social, and economic participation and development. Reference [16] aptly raises the issue of the contradiction of these national, regional, and international women’s rights instruments being integrated into South Sudanese governmental policy, while South Sudanese society is still dealing with gender arrangements marked by the backdrop of colonial influence and separate and unequal spheres of social, political, and economic existence for men and women. Although the South Sudanese government has made equality between the sexes the law of the land through the Constitution, Bill of Rights, and national policy, the entrenched patriarchal structure of gender ideologies in South Sudan dating from pre-colonial and colonial times in the country continue to act as a significant obstacle in women’s access to the full realization of their rights and protections declared in national legal instruments, laws, and policies. This serves as an impediment to the full participation of women in nearly all areas of life in South Sudan [2].

B. Parallel Legal Structure

Perhaps nowhere in South Sudanese society is the gender gap between the rights guaranteed by the national government and the actual rights accessed by women in most areas of South Sudan exemplified more clearly than in the parallel legal structure between South Sudanese tribal courts and criminal courts [41]. The former is based upon customary law and the latter is based upon the national legal instruments of South Sudan, and both systems together create the foundation upon which women’s legal and customary place in society is based. Political will and commitment to gender equality is

present in the Constitution and Bill of Rights, however the effectiveness of these policies is dissolved at the level of local implementation, due to the concurrent functioning of customary law, and the precedence traditional practices take in South Sudanese society at a local level [41]. Furthermore, the policies and legislation that do exist have large gaps in coverage and scope in the protection of women and in achieving true gender equality, leaving many women vulnerable to violence, exploitation, and inequality even when the existing laws are fully implemented [7],[16].

Studies show that the vast majority of women in South Sudan face significant challenges in even simply accessing the legal system in order to pursue court cases [16]. As [28] notes, customary law is binding up to the point that it conflicts with rights preserved in the constitution and if there is a conflict, customary law can no longer apply. In theory, this provides for a way to respect and preserve many aspects of customary law and tradition, while protecting a basic set of inalienable rights for women, however in practice customary law is actually consistently bolstered and incorporated into rulings, even when conflicting with constitutional rights [28]. Furthermore, customary courts tend to try cases that are supposed to be carried out in criminal court, such as rape, violent attacks, and the like, due to some aspect of the case pertaining to customs and traditional law. Customary courts are considered to be the traditional and familiar means of settling disputes, and are also seen as upholders of the local customs and traditions, so local leaders are particularly unwilling to hand sensitive cases over to the newer, less trustworthy, and more complicated criminal courts [7], [28]. Even if women are able to access courts and the legal system in order to pursue the protection of their rights, many times the outcomes are subject to the local customary law and are not consistently implemented across the country. Moreover, the result of such cases is that women often times do not receive access to the rights to which they are entitled in the constitution [40]. This failure of the South Sudanese legal system to enforce rights enshrined in the constitution and bill of rights undercuts the government's ability to implement all areas of the law, and serves as a prime example of not only an obstacle to implementing women's rights, but also as an example of how the culture, law, tradition, history, and societal structure of South Sudan play their parts in limiting the situation of women in the country.

C. Sustained Conflict and Systemic Violence

The pre-colonial and colonial societal structure established in South Sudan and the parallel legal structure and implementation in the country have both played a significant part in setting the groundwork for gender norms and women's rights in the country today. However, another important part of the foundation upon which gender roles and norms are established in the country is the backdrop of violence that has existed for decades now in South Sudan. Conflict situations, such as the series of civil wars and inter-ethnic conflict that have emerged in South Sudan, serve to exacerbate an existing patriarchal system into increased instances of gender-based

violence- a situation that has been compounded by the prevalence and relatively easy access of small arms since the end of the civil war [16]. The Comprehensive Country Assessment performed by [40] states that the prolonged conflict has left a legacy in South Sudan of violence and lawlessness, which threatens the sustainability of peace and stability in the nation. This violence and lawlessness has had a particularly egregious impact on the lives of women in South Sudan. While domestic violence, child and forced marriages, and other forms of violence against women were already considered commonly acceptable according to customary law, the conflict produced widespread acceptability among soldiers and fighters of using sexually-based violence as a tool of war, physical assault of women and children to instill fear, and abductions, enslavement, and forced marriages as a way to compensate or reward soldiers or participants in the conflict [2]

Reference [7] stated that because violence was a common feature of life before and during the civil wars in South Sudan, sexual violence became pervasive. Reference [40] further states that since many communities have guns or easy access to guns, former combatants and perpetrators of violence against women remain armed; creating conflict and instability that affects women and children most extremely. Although a certain level of violence against women and an unequal power structure between men and women already existed in South Sudan, the ongoing conflict, war, and upheaval in the country served to significantly increase the instances of gender based violence and worsen the degree of violence against women occurring in South Sudan [52]. The increased gender based violence clearly places women in South Sudan in an incredibly vulnerable position, and serves to increase the inequality of gendered power relations in the country. This hinders women's ability to enjoy the full scope of rights afforded them in the constitution, or reach legal, social, political, or economic equality with men, and also has a severe and lasting impact on current and future generations of women in the country who will be dealing with the repercussions of increased and sustained general violence and specific violence against women.

D. Economic and Developmental Exclusion

Women in South Sudan are mostly excluded from development within the nation. The level of poverty in South Sudan is extreme, and the lack of resources contributes to the ongoing inequality between men and women in the country. Reference [14, p.1177], in the discussion of Dilemmas for Feminist Praxis, recognizes the significance of confronting the 'politics of redistribution' in a post-conflict society as a way to end the 'patriarchal privileges enshrined within' customary laws. They argue that disrupting the typical economic distribution, especially in poverty-stricken and patriarchal countries such as South Sudan, is a key way to empower women by providing opportunities for increased economic self-sufficiency and participation in public spheres of life and society. A glimpse of how this could affect women in South Sudan was seen during the conflict, when a temporary shift in

gender roles occurred, with women taking on expanded roles in families and communities in order to keep society functioning [7], [22]. This disruption of gender roles resulted in an increase in female-headed households, female land-ownership, and women's economic participation, but gradually reversed again as men returned home post-conflict [7], [22].

Reference [22] noted that women in South Sudan valued these newfound roles in the family and society, and that many women had an increased expectation to participate in public life and work in a post-conflict society, although these expectations were rarely fulfilled. Furthermore, Grabska [22] finds that there was a major shift in attitude towards earning money, as South Sudanese women increasingly recognized that earning money and financially contributing to households were important ways to increase the opportunities available to them and also to increase the level of autonomy. The swing back to pre-conflict gender relations and colonial gender roles in society re-established the foundations and entrenchment of patriarchal social relations in South Sudanese society and restricted women's access to public life, but did not erase the experiences and exposure South Sudanese women had as the backbone of society during the war.

Reference [54] estimates that more than 50% of the population is below the poverty line, with a majority of those being women. Reference [44] identifies the main gender equality issues as: inequalities in access to economic assets, disparities in skills, and traditional and customary practices which hinder women's full participation in development. The level of poverty in the country already indicates there is a significant scarcity of economic assets and dire lack of development and infrastructure in South Sudan. When these issues are combined with the gendered division of labor, it is clear that women are being excluded from the vast majority of economic or development possibilities in the country. As [16] states, the division of labor in South Sudan is deeply gendered. Household duties are strictly for mothers, daughters, sisters, and wives to perform, while politics, fighting, operating businesses, and similar public activities are considered to be the duty and work of men. The division of labor along these strictly gendered lines, [16] argues, restricts women's ability to effectively partake in any activities beyond the home, and thus severely limits any public engagement that might be possible. It also contributes to a severe inequality in income distribution and makes it difficult for women to have access to funds of any kind, as the work they are responsible for is not paid [2]. Furthermore, the emphasis placed upon women to carry out household chores and domestic duties oftentimes means that girl's education suffers because of the responsibilities they face at home, while boys are free from such expectations and responsibilities, and can thus focus on attending school and completing their school work [2], [16]. Therefore, this gendered division of labor not only limits and precludes women from participating in many facets of public life where the majority of economic opportunity currently exists, but also hinders the education of younger women, which in turn limits their economic opportunities later in life.

E. Gendered Education

An extremely disrupted and unequal education system in South Sudan also serves as an obstacle to gender equality and women's rights in the country. 90% of women in South Sudan are illiterate, and the school attendance rate for girls is the worst in the world [19], [41]. Reference [16] states that education, specifically for women, is the key to changing social norms and to addressing the difficulty of translating policies and constitutional rights into realities on the ground. Reference [40] directly links literacy rates to the ability to engage in income generating activities which require basic economic literacy. Investing in the education of a child is investing in the future of that child, and when girls and women in South Sudan are systematically excluded from school or educational opportunities, it is a marker of who and what is valued in that community [40]. In addition to excluding women from future economic and developmental participation, the lack of effort to educate women and girls sends a message about the expectations for women and girls' future in South Sudan in general, establishing limiting gender roles early in life.

If a woman or girl does manage to access education in South Sudan, the challenges do not stop there. Reference [40] states that forced marriage, child marriage, sexual harassment by teachers, and lack of sanitation facilities are the main contributors to female dropout rates. Marriage practices in the country, as discussed in the previous chapter, also intersect with education to limit a girl's prospects. Girls in South Sudan bring the highest bride price between 12 and 17 years of age, so girls are often pulled out of school and forced into a marriage before finishing a basic level of schooling for the economic gain of the family [40]-[42]. Education is not seen as a path to economic gain for girls in South Sudan, their highest contribution to the wealth of the family is only seen as coming through the dowry. Sexual harassment is also a common reality for school age girls attempting to get an education in South Sudan. Oftentimes, this sexual harassment is from teachers, fellow students, or other members of the community, and so to protect girls from teenage pregnancies or to prevent situations of harassment, girls are often pulled out of school around the time they hit puberty and kept at home to perform household duties [40]. As [41] states, in an education system that already offers extremely limited prospects for all students, girls are the last in, the first out, and the least likely to advance in further schooling. This incredibly uneven access to and investment in education or even basic literacy for girls establishes from an early age the limitations on their economic opportunities later in life, and precludes them from participating in most forms of development in South Sudan.

F. Limited Healthcare

Health indicators in South Sudan are some of the worst in the world. Although this affects the entire population and hinders the development of the nation as a whole, the extremely poor state of overall health in the nation especially and specifically affects women. Reference [41] reports that

South Sudan has the world's worst maternal mortality rate. [39] states that the child mortality rate in South Sudan is among the worst globally, with children under 5 commonly dying from preventable diseases or treatable issues due to lack of education, resources, and good nutrition. Women's lack of access to education, health, and resources has a significant effect on their ability to access services, obtain support from family or community, and adhere to treatments [2]. Furthermore, traditional practices of early and child marriage means that women are having babies at a very early age, which contributes to serious immediate complications, long-term health implications, and death during child birth, while polygamy and other gendered cultural practices increase women's vulnerability to contracting serious diseases without access to health resources and treatment [40].

Women in South Sudan face an especially tricky health situation, as limited knowledge and information about sexual and reproductive health specifically often results in complications, social stigma, and a reluctance or inability to pursue treatment, yet the reproductive and sexual health issues women face in the country require treatment and oftentimes support of family or community [42]. To add to these complications, there is also a severe lack of doctors, treatment facilities, and overall access to healthcare. Only 30% of the entire population is currently able to access healthcare due to poor infrastructure, lack of medical supplies, lack of qualified personnel, and limited to no ambulance service in the country [40]. These limitations impact women's lives most severely, and create what [8, p.9] has deemed 'one of the most physically hostile environments in which to come of age as a woman'. Combined with the extensive limitations discussed above, cultured gender roles in society also task women with the strenuous manual labor required of housekeeping in South Sudan.

Reference [8] cites the physical burdens and arduous work of collecting and carrying water, firewood, and other necessary household items long distances over rough terrain, as well as the long hours and many physical tasks which must be completed in the home as work that falls to women to complete due to the traditional expectations. The lack of healthcare for women due to cultural, financial, and infrastructure reasons means that oftentimes women who are dealing with sensitive health issues are shunned even further from society and public spheres, women face the highest maternal mortality rate in the world, and education and even simple treatments are mostly unavailable to a large majority of women [8], [40].

G. The Underlying Issue

The existing system of gender norms in South Sudan is built upon a foundation of lingering colonial era gender roles, a parallel legal structure which allows customary law to preserve patriarchal traditions in opposition to the Constitution, and backdrop of decades of violence and war in the country which has had a profound impact on women and which has increasingly been targeted at women [7], [16], [40]. On top of this foundation informing gender relations in the

country, South Sudanese women also face significant obstacles to equality due to the extreme poverty in the country, exclusion from education, inability of the government to enforce laws, infrastructure lack, and lack of access to crucial health resources. All of these areas of South Sudanese society are controlled by, or heavily influenced by, customary law, cultural norms, and patriarchal gender relations.

It is clear that cultural norms are a significant obstacle to women's rights and gender equality in nearly all areas of life and society in South Sudan. As [60, p.1] states, 'Gender inequality is not perpetuated exclusively through differential access to and control over material resources. Gender norms and stereotypes reinforce gendered identities and constrain the behavior of women and men in ways that lead to inequality.' This perfectly illustrates the pervasiveness and multiplicity of gender inequality in South Sudanese society, and aptly describes the obstacles women face in attempting to obtain women's rights. It is clear that women in South Sudan face a variety of social, political, and economic obstacles while fighting for equality and rights, but what is even more clear when assessing the obstacles to gender equality in South Sudan is that many of these obstacles are influenced, exacerbated, or created by cultural norms, traditions, and practices.

VII. CONCLUSIONS

South Sudan has a significantly challenging road ahead, as it attempts to establish stability and development within its borders. [51, p.162] underscored the importance of South Sudan's success as a young nation when they referenced Eritrea's and East Timor's recently gained sovereignty as examples of growing fragmentation in the world, meaning that 'instead of being the last child of a dying race, the independent state of South Sudan might be at the forefront of a global trend of fragmentation. In this respect, the history of South Sudan may yet have much to teach us.' The success or failure of South Sudan as the newest nation in the world is yet to be seen, although the current conflict, worsening poverty, ineffective government, and lack of infrastructure or development are significant barriers to progress for the country. For South Sudan to succeed as a nation and become a country capable of caring for its populace, it will take the involvement and effort of all citizens. In this light, gender equality and the effective implementation of women's rights in South Sudan is a crucial step towards progress, reconciliation, and nation building. Although the historical socio-political and economic context of the country and the culture that is bound to these areas currently create barriers to the full implementation of women's rights in society, there are areas of potential progress which could be made towards gender equality that would enrich the nation and aid in development without imperializing South Sudanese culture or reducing the rights guaranteed to South Sudanese women according to international standards and the South Sudanese Constitution and Bill of Rights. In the pursuit of women's rights, those cultural rights and elements which define and include the entire population of South Sudan will not only be

preserved but elevated, and thus, in the pursuit of women's rights, one can also find the preservation and celebration of a culture which represents and includes all members of the population. Universal human rights can thus serve as a conduit for the preservation and enrichment of culture by allowing all members of society to access, contribute to, and participate in said culture, which then elevates those cultural traditions and norms that are representative of all members of a society, increasing the authority of and respect for those cultural values which are shared and preserved by the population as a whole. In South Sudan, recognizing and removing those cultural obstacles related to full gender equality in both law and in practice would not only allow for women to participate more fully in public life and developmental endeavors, but would also allow for increased cultural participation by all of the population and the elevation of a united South Sudanese identity and culture.

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